

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 170, 203, 206, 207, 214, 215, 251, 252, 255, 256, and 257; that the nominations be confirmed, en bloc; the motions to reconsider be laid upon the table, en bloc; that no further motions be in order, and any statements relating thereto appear at the appropriate place in the RECORD as if read, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Lawrence E. Strickling, of Illinois, to be Assistant Secretary of Commerce for Communications and Information.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

CENTRAL INTELLIGENCE AGENCY

Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

DEPARTMENT OF STATE

Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security.

Kurt M. Campbell, of the District of Columbia, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

FEDERAL COMMUNICATIONS COMMISSION

Julius Genachowski, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2008.

Robert Malcolm McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

DEPARTMENT OF LABOR

Kathleen Martinez, of California, to be an Assistant Secretary of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kathy J. Greenlee, of Kansas, to be Assistant Secretary for Aging, Department of Health and Human Services.

[NEW REPORTS]

DEPARTMENT OF DEFENSE

Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense.

NOMINATION OF JULIUS GENACHOWSKI

Mr. DEMINT. Mr. President, I would like to speak for a moment about a pending nomination that is not necessarily the topic of dinner table conversations around the country, but is nonetheless very important in all our daily lives. I am speaking of the Chairman of the Federal Communications Commission, the FCC.

Wireless phones, cable, and satellite television, Internet services, and local television and radio are a part of everyone's daily lives in one way or another. And while we may all have a customer service issue from time to time, for the most part these industries and the products they offer are a showcase of the freedom and innovation that has made America the most dynamic economy and society in the world's history.

We have seen these innovations in dramatic ways in recent days with Twitter reporting, YouTube videos, and mobile updates from the streets of Iran. Of course, the most important element of this new technology is that it gives an unprecedented power to individuals to speak about and share their personal experiences—everyone is empowered and the individual controls the message.

This is very important as it changes the media paradigm we have known for a generation. We often hear the terms “old” and “new” media. It is more accurate to say “centralized” and “personalized” media. Not long ago, the average American had access to only a handful of radio and television programming, a local newspaper, no Internet, no mobile telephone service, no texting, and certainly no mobile broadband. In other words, the average person had far less access to information than today, and from far more centralized sources.

The changing communications landscape calls for a knowledgeable and forward-looking FCC; not one looking to regulatory structures of the past that will hamstring future growth and innovation. The President has nominated Julius Genachowski to be Chairman of the FCC. While I believe he is very knowledgeable about today's communications landscape, I am afraid he may have tendencies to direct the development of our private communications industries, particularly broadcast media, with an eye towards the past.

Many of my colleagues have chosen to give Mr. Genachowski the benefit of the doubt, and are supporting his nomination. I believe he has enough votes to be confirmed as FCC Chairman. While I remain concerned that Mr. Genachowski will take us backward, towards more government control of media, more government interference in commerce, and, unfortunately, more government control of media content—I will not prevent his nomination from proceeding.

I will, however, be vigilant in the weeks and months ahead and will fight any effort that even appears to have the effect of limiting or mandating political speech on the airwaves. Mr. Genachowski has said that, under his guidance, any rules that the Commission considers would be through “processes that are open, transparent, fair, and driven by facts about the industry and the marketplace.” I hope this is true and promise to hold him to his commitments.

NOMINATION OF ROBERT S. LITT AND STEPHEN W. PRESTON

Mrs. FEINSTEIN. Mr. President, I rise today to support the confirmation of Robert S. Litt to be the second general counsel of the Office of the Director of National Intelligence. I also rise in support of the confirmation of Stephen W. Preston as general counsel of the Central Intelligence Agency, to fill the vacancy in that office that has existed since 2004. President Obama's decision to place these distinguished lawyers at the helms of these vitally important legal offices is an essential step in ensuring that the intelligence community operates within the rule of law.

On June 11, the Select Committee on Intelligence, which I am privileged to chair, favorably reported the nominations by a bipartisan 14-1 vote. The committee's support of the nominees is based on an extensive public record. We questioned them at an open hearing on May 21. That day we also placed on our website their responses to our questionnaire for presidential nominees and to additional prehearing questions about the offices for which they have been nominated.

On June 5, we placed on our website their responses to a further, extensive round of posthearing questions. We also examined financial information that is available to the public through the Office of Government Ethics and confidential communications to the committee from the nominees that supplement their public answers about how they will approach potential conflicts relating to their private law practices.

Mr. Litt is a graduate of Harvard University and Yale Law School. He clerked for Judge Edward Weinfeld of the Southern District of New York and Justice Potter Stewart of the Supreme Court. He served as an assistant U.S. attorney in the Southern District of New York for 6 years. He later became a partner at the law firm of Williams & Connolly. Then from 1993 to 1999, after a year at the State Department, he held two important posts at the Department of Justice. There, after service as a deputy assistant attorney general in the criminal division, he rose to be Principal Associate Deputy Attorney General. At the DOJ, his responsibilities included FISA applications, covert action reviews, computer security, and other national security matters.

He has been a partner with the law firm of Arnold and Porter since 1999 and has been active in intelligence and national security policy matters through bar association and other public activities.

Stephen Preston is a graduate of Yale University and Harvard Law School. He clerked for Judge Phyllis A. Kravitch of the U.S. Court of Appeals for the 11th Circuit, and joined Wilmer, Cutler, and Pickering, where he became a partner. From 1993 to 2000, Mr. Preston served in the Department of