humming and the middle class from advancing, is a 4.6-point hike in marginal tax rates for the rich.

This, in a country $15 trillion in debt with out-of-control entitlements systematically starving every other national need. This obsession with a sock-it-to-the-rich tax hike that, at most, would have reduced this year's deficit from $1.30 trillion to $1.22 trillion is the classic reflex of reactionary liberalism—anything to avoid addressing the underlying structural problems, which would require modernizing the totemic programs of the New Deal and Great Society.

As for those structural problems, Obama has spent three years on signature policies that either ignore or aggravate them:

—A massive stimulus, a gigantic payoff to Democratic interest groups (such as teachers, public-sector unions) that will add nearly $1 trillion to the national debt.

—A sweeping federally run reorganization of health care that (a) cost Congress a year, (b) created an entirely new entitlement in a nation hemorrhaging from unsustainable entitlements, (c) introduced new levels of uncertainty into an already stagnant economy.

—High-handed regulation, best exemplified by Obama's failed cap-and-trade legislation, promptly followed by the Environmental Protection Agency trying to impose the same conventional-energy-killing agenda by administrative means.

Moreover, on the one issue that already enjoys a bipartisan consensus—the need for fundamental reform of a corrosive, corrupted tax code that misdirects capital and promotes unfairness—Obama did nothing, ignoring the recommendations of several bipartisan commissions, including his own.

In Kansas, Obama lamented that millions ''are now forced to take their children to food banks.'' You have to admire the audacity. That's the kind of damning observation the opposition brings up when you've been in office three years. Yet Obama summoned it to make the case for his reelection!

Why? Because, you see, he bears no responsibility for the current economic distress. It's the rich. And, like Horatius at the bridge, Obama stands with the American masses against the soulless plutocrats.

This is populism so crude that it channels not Teddy Roosevelt so much as Hugo Chavez. But with high unemployment, economic stagnation and unprecedented deficits, what else can Obama say?

He can't run on stewardship. He can't run on policy. His signature initiatives—the stimulus, Obamacare and the failed cap-and-trade—will go unmentioned in his campaign ads. Indeed, they will be the stuff of Republican ads.

What's left? Class resentment. Got a better idea?

Mr. KYL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

ORDER OF PROCEDURE

Mr. KERRY. Mr. President, I apologize for interrupting my colleague, and I will not for long. I think my colleague wants to speak on the subject of the nominations that are going to be contained within an hour of debate, equally divided. I want to make certain the comments of the Senator are going to be part of that time period. So if I could ask, for my colleague—I believe we are almost at the hour where we have to go to executive session and report the two nominations. I would be happy, then, to yield to my colleague to speak first, if he wishes.

Would my colleague agree with that?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I am willing to do that, but I thought I maintained the right to the floor by—

Mr. KERRY. Mr. President, I ask unanimous consent that after we have moved to executive session, the Senator from Iowa be the first to speak in the time period allotted to the opponents.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF NORMAN L. EISEN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC

NOMINATION OF MARI CARMEN APONTE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, en bloc, which the clerk will report.

The bill clerk read the nominations of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic, and Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to speak about one of the votes we are going to have this afternoon, and it has nothing to do with Mr. Eisen's job as Ambassador. It is about why he has not been confirmed to this point.

The President announced Mr. Eisen's nomination to be Ambassador to the Czech Republic on June 28, 2010. On September 20, 2010, I provided public notice of my intention to object to the nomination. In other words, as I always do when I put a hold on something—a bill or a nomination—I put a reason in the CONGRESSIONAL RECORD so that everybody knows it is me. I am not a secret-holds guy.

The reason for my objection is not related to the substance of his duty as Ambassador; I object to his nomination because of the way Mr. Eisen handled the controversial firing of Gerald Walpin and the congressional inquiry into that firing. Mr. Walpin was the inspector general at the Corporation for National Community Service, AmeriCorps. Mr. Eisen was at the White House Counsel's office at the time.

Any attempt to undermine the independence and integrity of inspectors general raises serious concerns with me, and anybody ought to know that about this Senator. An inspector general who does his or her job runs the risk of losing friends at any agency as well as maybe the White House. The Congress must not sit idly by when an inspector general is removed improperly.

After the President abruptly removed Inspector General Walpin from office, there were allegations that he was fired for political reasons. So I started the investigation. There was evidence that the removal may have been motivated by a desire to protect a friend and political ally of the President, mayor of Sacramento Kevin Johnson.

The inspector general and CNCS management were clashing over an inquiry into misuse of Federal grant money at a charity run by Johnson. There were allegations that the grant money was used to pay for personal services for Johnson such as maybe washing his car. There seemed to be evidence of that. There were allegations that the grant money has been used to pay for political campaign work. So what would you expect an inspector general to do?

The IG was pushing aggressively to require Johnson to repay the Federal grant money that his charity could not account for. The inspector general was also pushing to have Johnson prohibited from receiving future Federal grant funds. This caused, as you might expect, a political uproar because some people feared that might prevent the city of Sacramento from receiving Federal stimulus dollars during the financial crisis.

All of this background cried out for further investigation. I also learned that Mr. Eisen personally delivered an ultimatum to Inspector General Walpin. He demanded the inspector general resign or be terminated within 1 hour. At the time he delivered the ultimatum, no notice had been given or provided to Congress as is legally required under the Inspector General Reform Act.

The IG Act requires the President to tell Congress the reasons for removal of an inspector general 30 days before taking action. That is what the law requires. Now, ironically, I cosponsored this provision with Senator Obama before he became President Obama. The

goal of that provision is to make sure Congress is aware of why an inspector general is being removed.

We need independent inspectors general. They should not be removed for political reasons. So we need to make sure Congress is informed of the reasons for getting rid of an inspector general. Mr. Eisen's 1-hour ultimatum was an attempt to avoid that provision of law. If the inspector general had resigned under that pressure, Congress would not have received any notice and the reasons for his removal would have remained a secret, but Inspector General Walpin did not resign, and the President began the process of removing him with a 30-day notice. At first the notice merely said he had lost confidence in the inspector general. Senators from both political parties agreed that was too vague. So Mr. Eisen provided a second more detailed explanation. The second explanation said the inspector general had been ''confused and disoriented'' at a board meeting on May 20, 2009. It essentially implied that he might be senile.

So my staff met with Mr. Eisen to try to learn more. So here I give you another reason for my hold on Mr. Eisen. During that interview with the congressional staff on June 17, 2009, Mr. Eisen refused to answer at least 12 very direct questions. I wrote to the White House Counsel's office immediately after the interview. I listed the 12 questions he refused to answer and asked for written answers.

I never got a satisfactory reply. So I had to gather the facts independently. So Mr. Eisen did provide some information during this interview that very day in 2009. The problem is, the information turned out to be not true. Eisen tried to assure the staff that the firing was not politically motivated. He claimed the agency's bipartisan board of directors unanimously supported the removal of Inspector General Walpin before the President decided to remove him. He also claimed the White House conducted ''an extensive review'' in response to concerns raised by the board about Walpin's fitness for that office. He said this review was prompted by that incident at the May 20, 2009, board meeting where it appeared that the inspector general was disoriented.

When congressional investigators interviewed eyewitnesses, however, their accounts differed slightly. At a minimum, all agreed the inspector general lost his train of thought during the presentation. Others described it as being a more serious episode.

The chairman of the board of directors suggested telling the White House about what happened. No one on the board objected. So he went and met with Mr. Eisen in the White House Counsel's office.

Now, think about that, would you, please. If you think the inspector general might be suffering from some mental incapacity or illness, why would you run straight to the White House Counsel's office? It seems to me you would talk to his family or the people who worked with him every day about your concerns. That would be the only way to find out if there had been similar incidents or if it was only a one-time occurrence.

Instead, the chairman of the board asked Mr. Eisen at the White House Counsel's office to look into it. According to Mr. Eisen, he conducted ''an extensive review'' which then formed the basis for the President's decision to remove Walpin from office. However, our investigation finds no evidence that Mr. Eisen's review consisted of anything more than simply asking the CNCS management to describe their complaints about Mr. Walpin. Unlike the congressional review, Mr. Eisen did not interview each of the board members present at the May 20 meeting. He also did not interview the other Office of Inspector General employee who was present with Mr. Walpin during that board meeting where they said he was disoriented. Instead, Eisen merely collected from the agency details about various routine disagreements with the inspector general.

Now, get this. None of the evidence the agency provided to the White House related to Mr. Walpin's mental capacity to serve, even though that was the question that supposedly prompted the review in the first place. Mr. Eisen accepted the agency's version of those disagreements without even giving the inspector general a chance to respond.

Obviously, any agency is going to have some clashes with an inspector general, at least if that office operates as a truly independent and aggressive watchdog. Mr. Eisen did not provide Mr. Walpin or anyone else in the Office of Inspector General an opportunity to reply or give their side of the story. Mr. Eisen took action based upon incomplete information provided only by agency officials who had adversarial relationships with that inspector general.

He told Congress the May 20 incident was the reason for removing the inspector general. But Mr. Eisen failed to give Inspector General Walpin or anyone close to him a chance to tell his side of the story. To put it as simply as possible: That is just not fair.

On June 17, 2009, I wrote to White House counsel Gregory Craig listing 12 specific direct questions that Eisen refused to answer that day. Question No. 4 was this: Which witnesses were interviewed in the course of Mr. Eisen's review?

This question followed a more general question about what Mr. Eisen did in the course of his review. His answer to that prior more general question included the claim that he conducted witness interviews of the board members. However, he refused to specify which witnesses or how many witnesses he interviewed. Then he resorted to talking points rather than answering specific questions.

He replied along these lines: No. 1, we did an extensive review; No. 2, I am not going to get into the details; and, No. 3, all of the board members agreed, including the Republican board members.

Mr. Eisen clearly led the staff to believe that the President's decision was based in part on the unanimous agreement of the board that the inspector general should go. That was false. The account of Eisen's interview is based on memories of both House and Senate staff present at that time. Also present was a career law enforcement agent from the executive branch on temporary detail to my oversight and investigations staff whose recollections confirm this account as well.

In short, Mr. Eisen's lack of candor and cooperation cannot be mistaken for a misunderstanding or a miscommunication. There was no miscommunication. Attempts to remove an IG must be evaluated with strict scrutiny. When administration officials are asked to provide information to Congress, I expect to rely on those officials to provide the unvarnished truth. Evidence that a witness may have misled Congress is extremely serious.

Just last month, Mr. Eisen finally admitted his earlier statements were not true. He sent me a letter, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 20, 2011.

DEAR SENATOR GRASSLEY: Thanks very much for meeting with me. I know how busy you are and I very much appreciate you and your staff taking the time to talk about my service as Ambassador to the Czech Republic. I also appreciate the opportunity to discuss your concerns about my interactions with staff relating to the removal of Gerald Walpin as the Inspector General of the Corporation for National Community Service (CNCS).

With respect to the Walpin matter, you have asked me to clarify certain steps that were taken by the Administration prior to my June 10, 2009 phone call with Mr. Walpin about the President's decision to remove him from office. On May 20, 2009, the Chair of the CNCS Board, Alan Solomont, notified the White House that the Board had serious concerns about Mr. Walpin's performance. I personally spoke with Mr. Solomont and obtained his independent recollection of the events of the May 20 Board meeting. To be clear, at that time, CNCS Board Members did not express to the White House, verbally or otherwise, unanimous support for the removal of Mr. Walpin. I believe that, on or about June 8 or 9, 2009, White House personnel also communicated with a Republican Board member, Vice-Chair Goldsmith. I do not recall any other conversations with Board members prior to the removal.

Thanks again for seeing me and for allowing me to convey my apology in connection with my June 17, 2009 meeting with Congressional staff. It is now my understanding that I answered a few of the questions inaccurately, although at the time I thought they were accurate. Of course, it was not my intent to mislead staff in any way, but to the extent that I was unclear in my responses, or that my declining to answer questions created confusion, I regret it and I sincerely apologize. I have tremendous respect for the role that you and your staff have played in

supporting the Inspector General community. I look forward to working with you in the future on items of mutual interest.

Sincerely yours,

NORMAN L. EISEN.

Mr. GRASSLEY. He sent me a letter on November 20 admitting his answers were ''inaccurate.'' He also acknowledged in a meeting with me that the key factual findings in the staff report were correct. He said he did not intentionally provide false information, and he has apologized.

I am sure he sincerely regrets the way he handled the questions, especially since it has led to the difficulty in his confirmation process and probably, if we had had that letter as we asked for late last year, he would have been confirmed at that particular time.

Now after my meeting with him this year, I accepted his apology about the false or ''inaccurate'' statements. I agreed to proceed to the nomination with a 60-vote margin required for confirmation. The majority leader did not agree with that, so he decided to invoke cloture instead.

I will oppose cloture because I am still opposed to the nomination. My opposition was always based on more than one or two false statements. Lack of candor is broader than whether a particular statement is technically true. It includes his failure to be forthcoming and responsive to those questions that were asked on June 17, 2009. His evasiveness caused House and Senate staff to spend much more time and resources uncovering the truth.

If he had just answered a few simple factual questions, that would not have been necessary. For example, in relation to the 1-hour ultimatum, he refused to answer specific questions about his June 10, 2009, conversation with Mr. Walpin. He would only say that he disagreed with certain aspects of Mr. Walpin's account without specifying which aspects.

Word games and evasiveness of that sort are incompatible with being a candid and forthcoming witness and ought to be incompatible with a person representing the United States as an ambassador. My reasons for opposing his nomination also include all of the other circumstances surrounding the way Mr. Eisen handled Mr. Walpin's removal.

Mr. Eisen's attempt to force the inspector general to resign with a 1-hour ultimatum would have amounted to a constructive removal. It would have evaded the congressional notice requirement if he had been successful. However, Inspector General Walpin refused to resign and even filed lawsuits to try to keep his position. He did not win his lawsuit because ultimately the White House did comply with the technical requirements of the 30-day notice provision.

After the controversy erupted, the inspector general was placed on administrative leave until 30 days after the second more detailed notice to Congress.

That is why Walpin lost his lawsuit, but that does not change the nature and the fact that Norm Eisen attempted to evade the statute.

He tried to force a quiet resignation and thus remove the inspector general from office without the 30-day notice to Congress the law requires.

Because Inspector General Walpin did not yield to the pressure, no court had a chance to rule on whether that would be appropriate.

I am also opposed to this nomination because of the way the White House decided to avoid these issues last year with a recess appointment. Senate confirmation, under the advice and consent clause, is one of the strongest checks on executive branch power.

Recess appointments are meant to fill vacancies that arise during a long recess, not to bypass the confirmation process. This vacancy arose on January 20, 2009. Yet the President waited 18 months before making an appointment.

There had already been a lot of controversy over Mr. Eisen's actions at the time of his appointment. The White House should have known there would be issues with his confirmation. Rather than listening to my concerns, the White House decided to bypass Congress. President Obama rewarded Mr. Eisen by using a recess appointment to install him as Acting U.S. Ambassador to the Czech Republic.

Mr. Eisen had several opportunities to address my concerns last year. He was scheduled to meet with my staff on December 16, 2010, at 11:30 a.m., and at approximately 11:15 a.m., the White House postponed the meeting until 2:15 p.m. At approximately 2 p.m., the meeting was canceled by the White House Office of Legislative Affairs without further explanation.

By calling off a face-to-face meeting in favor of a recess appointment, the White House sent the message that the President is not interested in hearing the concerns of Republican Members of Congress.

Once he had his recess appointment, Mr. Eisen did not seek to meet with me or my staff again until that appointment was about to expire at the end of this year. Only then did he apologize and admit that the statements in his staff interview were not accurate. Remember, our President, at the time of his inauguration, made a commitment to be the most transparent of any administration in our history.

In summary, Mr. Eisen took action on behalf of the President that ran afoul of the Inspector General Reform Act. Mr. Eisen only listened to the agency's complaints about the inspector general rather than conducting a fair, thorough, and responsible investigation, and then he misled congressional investigators about his review and about the true basis of the President's decision to fire the inspector general. He admitted in this letter to me that he provided inaccurate information but claimed it was unintentional.

This is the second time in the last 2 months an official from the Obama administration has done that. The Deputy Attorney General just withdrew a letter sent to me on Operation Fast and Furious earlier this year because of its ''inaccuracies.''

I am afraid there is a pattern developing with this administration about not leveling with Congress in its constitutional responsibility of oversight. When we ask for information from the executive branch, we expect honest, forthcoming, and truthful answers. We can disagree on policy; we are all entitled to our opinion, but we are not entitled to our own facts. Getting the facts straight should not be akin to pulling teeth. We need to send a signal that congressional oversight matters and there are consequences in misleading Congress.

It should come as no surprise to anybody that doing our constitutional job of oversight is very important to this Senate. I know Ambassador Eisen recognizes that. I got that very clearly from him in our last meeting in October.

I don't like interference by people in either a Republican or Democratic administration who don't cooperate with my investigations, and I will bet every Senator will say that. Therefore, for the reasons I just gave, I ask my colleagues to oppose cloture and oppose this nomination.

I yield the floor and reserve the remainder of the time on this side.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, momentarily, I am going to yield time to the Senator from New Jersey.

Before I do that, I wish to say very quickly—and I am not going to make all my comments right now—to my colleague from Iowa, first of all, I have great respect for his diligent approach to these issues. He has been tremendously receptive to a continuing dialog. I express my gratitude to him for that. When asked, he met with Ambassador Eisen, and he certainly listened to the facts as they were presented by others who have a different point of view.

Obviously, every Senator here always does draw their own conclusions. First, I thank Senator GRASSLEY for his willingness to agree to have these votes that we will have today and to move forward with some resolution with respect to this nomination.

I understand he has chosen to oppose the nominee. I simply say to him, and I think to others, sometimes in these processes, sometimes in the questions for the record, as we call them, where people submit written questions, and even in the interviews, there are miscommunications, misinterpretations, and misstatements that are not intentional and not meant to somehow mislead or deceive somebody.

I simply say to the Senator that I know he has met with Ambassador Eisen and we have now heard why he

intends to vote no. I am convinced several different individuals and entities have thoroughly investigated and examined the removal of Inspector General Walpin, and they have found there was no wrongdoing. The Foreign Relations Committee looked into it in conjunction with the consideration of this nomination, and the Homeland Security Committee examined this issue. It was, in fact, litigated in Federal district court and before the DC Circuit Court. None of these entities—not one—found that either the President somehow acted wrongly or illegally or inappropriately in connection with the removal of Mr. Walpin from the office.

To the contrary, the U.S. district court specifically rejected Mr. Walpin's claims that he was improperly removed from this position, and they dismissed his lawsuit.

Our friends, Senator LIEBERMAN and Senator COLLINS, both of whom enjoy strong reputations for integrity within the Senate, stated their belief, as ranking and chair of the Homeland Security Committee, that the President met the letter and spirit of the Inspector General Reform Act.

I do believe there was some miscommunication. I have talked to the Senator from Iowa about it. I think it was unfortunate, and I wish it had been cleared up earlier. I believe it was genuinely a miscommunication, not an intentional act, and I appreciate the fact that Mr. Eisen has apologized to Senator GRASSLEY for his sense of that miscommunication—the difference between review and removal and a sense of what may have happened in the course of that.

I also appreciate Senator GRASSLEY's willingness to look beyond that and to enforce his principles, as he is privileged to do as an individual Senator, but also to allow the Senate to try to do its work today.

I will say a few words about Mr. Eisen and the job he is doing. He is doing an outstanding job in Prague on our behalf.

First, the Senator from New Jersey is here to speak about a different nominee. I will yield up to 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank the chairman for yielding. I have come to the floor to address the nomination of an extraordinary woman—a qualified, talented Latina—to be the U.S. Ambassador to El Salvador.

Unfortunately, some of my Republican colleagues have made Ambassador Mari Carmen Aponte a target of inside-the-beltway politics, where the political points gained from bringing down an administration's nominee supersedes the value gained from having a superior ambassador, promoting and guarding American interests at a critical time.

Born in Puerto Rico, Ambassador Aponte became the executive director of the Puerto Rico Federal Affairs Administration in 2001. She has served as a director at the National Council of LaRaza and the Puerto Rican Legal Defense and Education Fund. She has presided over the Hispanic Bar Association of the District of Columbia and the Hispanic National Bar Association. She has excelled in her field, and she has won the respect of her colleagues and the diplomatic community.

Let's look at the record. Nearly 2 years ago, I chaired the nomination hearing for Ambassador Aponte to serve as President Obama's Ambassador in San Salvador. At that time, one of my Republican colleagues objected to her nomination because he was not given access to her FBI file to review information about a personal relationship Ambassador Aponte had with a Cuban national some 20 years ago.

Pursuant to precedent, one Democrat and one Republican reviewed that file. I was the Democrat. There was nothing in the file to substantiate the concerns raised by my colleagues.

On this issue, I take a backseat to no one when it comes to promoting democracy in Cuba and opposing the Castro regime or anybody who sympathizes with such a despotic regime. I certainly would never, for a moment, let down my guard when it comes to that regime.

I can assure every colleague on both sides of the aisle that if I had any concern that Ambassador Aponte would let her guard down or had any questionable relationship with a Cuban national or if there was any relationship of the Castro regime in her background, I would not be supporting her today.

This is a respected American diplomat who has been on the job and has served this Nation with distinction. In the 15 months since Ambassador Aponte was sworn in as U.S. Ambassador to El Salvador during a recess appointment, she has impressed the diplomatic establishment with her professionalism and won the respect of parties both right and left in El Salvador. She has won the respect of civilian and military forces. She has won the respect of the public and private sector. She has won everyone's support and fostered a strong U.S.-Salvadoran bilateral relationship that culminated with President Obama announcing El Salvador as only one of four countries in the world, and the only country in Latin America, chosen to participate in the Partnership for Growth Initiative.

Most important, Ambassador Aponte has been an advocate for American national security and democratic values. As a result of her advocacy, El Salvador is again a key ally in Central America, and its troops are the only ones from a Latin American country fighting alongside American troops in both Iraq and Afghanistan.

Ambassador Aponte has consistently fought efforts by Cuba and Venezuela to gain influence in Central America. As a result of her negotiating skills, the United States and El Salvador will open a new joint electronic monitoring center—jointly funded, by the way—that will be an invaluable tool in fighting transnational crime.

This is a record of success. It is a record of honor. It is a record of diplomatic and political distinction. It is the record of a dedicated, qualified, experienced, and engaged American diplomat—a 15-month record that brought our nations together and pursued our interests. What more could we ask? What more should we ask?

Having said that, because of my strong belief that Ambassador Aponte is fully and uniquely qualified for this post, during the last several months, I worked with the distinguished chairman, Senator KERRY, to find a way—despite committee precedent—to allow an additional Republican on the Foreign Relations Committee to review the Ambassador's FBI file. As a result, not one but two Republicans—my colleague and friend from Florida, Mr. RUBIO, and the Senator from South Carolina, Mr. DEMINT—were able to review her file. Since the concern had been not having access to the file, we presumed that once they were reviewed, they would lift their objections and allow a vote on her nomination. Why? Because there is nothing in that file that would indicate otherwise. But we were wrong. It wasn't about the file. That appeared to just be a delay tactic. The opposition to Ms. Aponte's nomination turned out to be about one thing and one thing only; that is, politics. Our good-faith effort to provide full access to information and address concerns about Ms. Aponte was summarily dismissed.

At her nomination hearing in November, Republican members of the committee raised a new concern—an editorial penned by Ambassador Aponte on tolerance and nonviolence during Gay Pride Month in June. Republicans decried it as disregarding Salvadoran culture and questioned her motives for writing the editorial, despite the fact that this editorial was the result of a cable edict to all embassies from the State Department urging missions to write editorials during these events.

The true irony of this trumped-up allegation is that the editorial, which Republicans assert ''stirred controversy and was rebuked throughout Latin America,'' mirrored a May 2010 decree by Salvadoran President Funes prohibiting discrimination by the Government of El Salvador based on sexual orientation.

So let's be honest, there is no question about Ambassador Aponte's qualifications or performance on the job or about whether an editorial on tolerance is grounds for sacking an ambassador. This is just another Republican dog and pony show to undermine the President's policy objectives and attack a qualified Democratic nominee to an essential post.

When the facts, when the files—when there was nothing that corroborated

the vicious allegations about Ms. Aponte's past, those on the other side argued that her editorial on the elimination of prejudice was the basis for their opposition. When they learned that the Government of El Salvador itself supports this view, Republicans again changed their tune. Four weeks after her November 29 nomination hearing on the eve of the Foreign Relations Committee business meeting, these Members decided they wanted to attack from a different angle. They called for a new classified hearing to vet her nomination, to permit questions to FBI and diplomatic security investigators about whether they had been subjected to political interference for determining that Ambassador Aponte was eligible for a security clearance.

I find it pretty appalling that Members of the Chamber would essentially suggest without evidence that professional FBI and diplomatic security members would bend to political pressure or that any administration would apply such pressure, risking U.S. national security, on behalf of any person. Those Members knew that the content and timing of their request would make it impossible to fulfill. To his credit, the chairman of the committee, Senator KERRY, over the last several weeks has nonetheless sought to resolve the situation. In fact, there has been an offer made to Senator DEMINT to go over the whole essence of the background of the diplomatic security clearance.

The shifting basis of the opposition to Ambassador Aponte reveals, to me at least, that the motive for this operation is pure partisan politics, driven by pure partisan interest, fueled by a pure partisan desire to derail an administration nominee for the sake of derailment alone, without any regard for the consequences for American foreign policy or for the Nation.

I have seen this Ambassador. She has succeeded beyond anybody's wildest expectations in a country that has dramatically turned the course of events in a way we want to see it. I urge my colleagues to support Ambassador Aponte's nomination. I urge them to put partisan politics aside, recognize the benefits to America's security and foreign policy interests that her tenure has delivered, and allow Ambassador Aponte to continue serving our Nation.

With that, I yield the floor, and I yield back to the chairman any time I may not have consumed.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise today to express my opposition to the nomination of Mari Carmen Aponte to be Ambassador to El Salvador. Her confirmation has been unanimously opposed twice by all Republicans on the Senate Foreign Relations Committee, and for good reason.

Before I discuss Ms. Aponte, I would like to clarify some facts about the nomination process. Several Democrats have voiced complaints recently about Senate Republicans' supposed obstruction when it comes to President Obama's nominees, but most of his nominees have not even been contested. In fact, since Obama became President, the Senate has confirmed 1,198 of his nominees. Only a small fraction of these nominees have been so controversial that they have been blocked by the Senate.

As a Member of the Senate, I take the Senate's constitutional duty to provide advice and consent to the President regarding his nominees seriously. While the overwhelming majority of nominees are easily confirmed, some do rise to such a level that further debate and scrutiny are required by the Senate. Ms. Aponte is one of these nominees.

This is not the first time the Senate has considered confirming Ms. Aponte for an ambassadorship. She was first nominated by former President Clinton in 1998 to be the Ambassador to the Dominican Republic. At the time, Senator Jesse Helms, who was chairman of the Foreign Relations Committee, learned of possible background issues and concerns by investigators relating to Ms. Aponte's ties to Cuban intelligence. Primarily, the question centered around the 12-year romantic relationship she had with a man who was targeted as part of an FBI counterintelligence investigation and allegedly worked for Cuba's spy agency. A high-ranking Cuban defector claimed that Cuban intelligence tried to recruit Ms. Aponte to be a spy for the Cuban Government. Rather than discuss her past relationship, Ms. Aponte withdrew her nomination, and it was filled by someone else.

Eventually, Ms. Aponte was given a top security clearance by the State Department despite what some have described as serious objections from career officials.

When President Obama nominated Ms. Aponte in March of 2010 to be Ambassador to El Salvador, Republicans asked for more information to address the allegations that had previously surfaced—namely, information about the scope of the 1998 investigation, including an update to that file; second, information about the Cuban defector who was handled by the CIA who publicly alleged that Cuban intelligence had attempted to recruit Ms. Aponte through her longtime live-in boyfriend; and third, information about the FBI's counterintelligence investigation that led to Ms. Aponte's refusal to take a lie detector test in 1994, as requested by the FBI. Serious questions, honest questions.

Instead of allowing Senators to access that information and alleviate our concerns, President Obama went around the Senate and granted Ms. Aponte a recess appointment in August of 2010. For nearly a year and a half, Republicans have been continually denied access to Ms. Aponte's full FBI record and other information, as the Obama administration has rebuffed our requests related to Ms. Aponte's past.

Shortly after Ms. Aponte was first nominated by President Obama, I, along with four other members of the Senate Foreign Relations Committee, wrote a letter to Secretary of State Hillary Clinton asking for her assistance in obtaining this information. That same month, all eight Republican members of the committee wrote to Senate Foreign Relations Committee chairman JOHN KERRY stating that committee members had not received requested information needed to fully vet the nominee.

Let me remind everyone that we never received that information. Ms. Aponte was recess-appointed by the Obama administration later that summer. We have continued our efforts to work with the administration to get access to this information. Chairman KERRY was able to convince the White House to allow me to see a summary of the diplomatic security background investigation; however, that summary did not address the fundamental questions that have arisen, and that summary left me with more questions than answers.

Committee Republicans wrote another letter to Chairman KERRY about our concerns last month. In the letter, we said:

> We recognize the need to balance highly sensitive materials during the confirmation process. However, we believe that in this particular case, the scope of the background review was not appropriately complete.

We went on to say:

> The background summary that was provided was based on an updated investigation, but it did not encompass numerous allegations that the initial background investigation in 1998 was tainted by political interference. News reports and other sources alleged that Ms. Aponte received security clearance despite objections from career officials due to outside pressure. However, these allegations and the circumstances surrounding them were not part of the current background investigation. Without additional information, Senators have no way of determining the validity of media stories and rumors that have been circulating about this nominee's past.

We also asked for a closed hearing due to these lingering issues. We wrote:

> We believe that the circumstances warrant additional committee review in the form of a closed hearing. A closed hearing would allow Senators to review and discuss the classified and sensitive data relevant to the nomination and discuss the unresolved issues with investigators and relevant intelligence community officials. As the issue involved both a high-ranking Cuban defector and FBI counterintelligence investigations, a closed hearing would be the most beneficial format available to the committee to rectify the deficiency of information provided.

Senator KERRY declined to hold a closed briefing and wrote a letter back stating:

> In my view the process we have followed with regard to Ms. Aponte's nomination has afforded committee members ample time and opportunity to consider her nomination and secure answers to any relevant questions.

He also said:

We should all be in a position now to debate Ms. Aponte's nomination on its merits.

Senator KERRY then offered to work with my office further to get answers from the administration. I believe he did work in good faith with our office, but in the end the White House once again denied our requests for information.

While I would agree with Senator KERRY that there has been ample time spent on Ms. Aponte's nomination, we still lack critical information. The Senate cannot in good faith confirm a nominee who has repeatedly refused to answer simple necessary questions related to her past.

In addition to questions about her past, Ms. Aponte's current judgment is also in question. In her recess-appointed capacity as Ambassador to El Salvador, Ms. Aponte has inflamed tensions in the very country where she should be improving diplomatic relations. Her decision to publish an opinion piece hostile to the culture of El Salvadorans presents even more doubts about her fitness for the job. This op-ed upset a large number of community and pro-life groups in El Salvador who were insulted by Ms. Aponte's rhetoric.

A coalition of more than three dozen groups has since written the Senate asking its Members to oppose Ms. Aponte's confirmation. I quote from their letter, in which they wrote:

We respectfully request that Ms. Aponte be removed from post as soon as possible so that El Salvador may enjoy the benefits of having a person as a government representative of your noble country.

Meanwhile, Republicans on the Senate Foreign Relations Committee are still trying to get access to information about Ms. Aponte's past. Two days ago, the White House again denied Senators the right to be briefed or review information relevant to this nomination.

Senators should not be forced to vote on a nominee without a complete understanding of her background. I urge you to join us in voting against cloture.

Mr. President, I reserve the remainder of the Republican time. How much time remains?

The PRESIDING OFFICER. Ten seconds.

Mr. DEMINT. That is pretty good timing.

I thank the Chair, and I yield back.

Mr. KERRY. Mr. President, I yield 4 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Massachusetts, and I rise, Mr. President, to speak in support of the nomination of Norm Eisen to be Ambassador to the Czech Republic.

I know Norm in a very personal capacity, so I feel very strongly about this nomination. Since I was fortunate to be elected to the Senate and came to Washington in the late 1980s, I joined a synagogue in Georgetown, and Norm Eisen and his wife and children are members of that synagogue, so I have gotten to know them in a totally nonpolitical, nondiplomatic way. Based on that, I start with a real appreciation of this fine, honorable, public-spirited man.

He happened to have gone to law school with President Obama. I think as a result of that the President knew him and asked him to be the ethics counsel in the White House in the first years of the administration. I think anybody you talk to, or most anybody you talk to, about his performance in that job would say he did an excellent job. He was demanding ethically and intellectually. His honor and his quest to have the government and those who serve in government act in an honorable way is very high.

When there was a vacancy in the position of Ambassador to the Czech Republic, President Obama asked Norm Eisen if he would serve. And the President did something that really had a lot of meaning to it. Apart from Norman's quite considerable resume as a private attorney, being successful and highly regarded and very effective, Norm Eisen is the child of survivors of the Holocaust. His mother was actually born in the Czech Republic. So what a remarkable moment for President Obama to ask him to return to the country from which his family was essentially chased—and some worse—in the position as Ambassador of the greatest country in the world, the superpower of the United States of America.

We now have a record of his performance in that position. There was a problem with the nomination before, raised by Senator GRASSLEY at that time, and so he was a recess appointment. But now he has been there, and he has done an extraordinary job. I know from conversations with people in Prague that he is very highly regarded by the leadership of the Czech Republic. An extraordinary, bipartisan group of foreign policy experts has also endorsed his confirmation.

It would actually be extremely disruptive if we did not confirm Norm Eisen in terms of our relations—diplomatic, economic, security relations—with the Czech Republic, which are so important.

So I think if you were considering this nomination and put the various arguments on the scales of justice, on one side you have a record of public service, of honor, of great family values, of intellectual excellence, of belief in public service, of a great record now in the time he has been in Prague as our Ambassador. On the other side, you have a question about how Norman, while he was in the White House as ethics counsel, handled the case of this one individual inspector general at the Corporation for National and Community Service.

I have been over this in great detail. In our Governmental Affairs part of the Homeland Securities Committee, we oversee the IGs. Senator COLLINS and I have gone over this. And with respect to Senator GRASSLEY, who has been very thorough and fair about this and is probably the leading protector and defender of the IGs in the Senate, in the matter that bothers him, there was a misunderstanding. There was not, in my opinion, after looking at this very thoroughly, an intentional act of deceit. There was a misunderstanding, and Ambassador Eisen has now apologized for that misunderstanding of stating unintentionally an inaccuracy.

So on one side of the scales of justice, you have all these extraordinary positives and on the other a question raised about this one case he handled, which Senator GRASSLEY and others working for him say was deceitful. Ambassador Eisen says it was a misunderstanding, for which he apologizes.

To me, it is not only in the interest of the United States but also in the interest of fairness and justice—with which we like to believe we conduct our proceedings here—that the Senate today cross party lines and confirm the nomination of Norm Eisen to be Ambassador to the Czech Republic.

Mr. CASEY. Mr. President, I stand in support of Norman L. Eisen's appointment to be Ambassador to the Czech Republic. It is with great confidence in Ambassador Eisen's skill, qualifications, and record that I support this appointment. Ambassador Eisen will greatly advance U.S.-Czech relations and directly benefit American diplomatic and business interests, possibly helping to create 9,000 jobs in the Commonwealth of Pennsylvania and elsewhere in America.

Ambassador Eisen was first nominated to be Ambassador to the Czech Republic on June 29, 2010. He was given a recess appointment on December 29, 2010 and has served with distinction as Ambassador in Prague since that time.

Ambassador Eisen is highly qualified and suited for this post. He speaks Czech, knows and respects Czech culture, and understands the country's history in a deeply personal way. His mother was born in the former Czechoslovakia and survived Auschwitz. The State Department notes that the Ambassador resides in the former Nazi General Staff Headquarters, where he and his family now celebrate the Sabbath in the same room where Nazis dined 70 years ago ''a powerful Czech-American message about the triumph of good.''

Accompanying his strong multicultural qualifications is Ambassador Eisen's quintessentially American personal history. He was the first in his family to graduate from high school, college, and law school—all with honors. He had a long and successful practice as a private attorney at a major D.C. law firm; founded a government watchdog group, and served in the White House for two years—2009–10—as Special Assistant and Special Counsel to the President. This history prepared

Norm Eisen to be a successful ambassador representing American interests, culture, and values abroad.

Ambassador Eisen's track record as Ambassador to the Czech Republic speaks for itself. Since assuming his post, Ambassador Eisen has ensured the U.S. can look to the Czech Republic as a partner troop-contributing nation in Afghanistan, opponent of human rights violations by Iran, and an ally in the European Union and at the United Nations on important issues such as Israel.

Due to Ambassador Eisen's efforts, the defense relationship between the U.S. and the Czech Republic is at an historic high point. He has been an eloquent advocate in urging Prague to retain the 600 soldiers it has sent to Afghanistan, making it one of our most supportive NATO allies. The National Review notes that during Ambassador Eisen's tenure, ''defense ties with the Czech Republic have broadened and deepened.''

Energy and technology developments have also strengthened the relationship between our two nations during Ambassador Eisen's tenure. He assisted the Czech government to develop a Center for Civilian Nuclear Safety in Prague that would build on efforts to ensure the safety of radiological materials. Of special importance to Pennsylvanians, Ambassador Eisen has worked in support of Westinghouse's efforts to provide civilian nuclear reactors in the Czech Republic. Westinghouse employs over 6,000 Western Pennsylvanians and over 9,000 Americans in other areas of the country.

A successful Westinghouse bid in the Czech Republic would create an estimated 9,000 direct and indirect high-paying U.S. jobs over the next 5 years. These jobs will be not only in western Pennsylvania, but also in States employing hundreds of high-tech nuclear energy industry workers, such as Connecticut, Minnesota, New Hampshire, South Carolina, and Utah.

The American Chamber of Commerce has noted that Ambassador Eisen's ''presence in the country has been and will be essential to our common efforts to advance the interests of U.S. business'' and has ''invigorated our community and . . . expanded their export possibilities, which should add much needed jobs in the U.S. manufacturing sector.''

In addition to defense, energy, and business developments, Ambassador Eisen has championed causes important to both Americans and Czechs. Having founded a watchdog group and worked on ethics and government reform in the White House, Ambassador Eisen is strongly qualified to help the Czech Republic address corruption. He helped launch the first ever ''World Forum on Governance'' in Prague, at which 100 Czech, U.S., and international anti-corruption champions met to develop innovative new solutions. The head of Transparency International in the Czech Republic has said that ''Ambassador Eisen's efforts have contributed to progress in fighting corruption and his continued presence in Prague is vital to help maintain that trend.''

Ambassador Eisen has earned the respect and trust of Czech leaders and senior officials. In the words of Defense Minister Alexandr Vondra, who formerly served as the Czech Ambassador to the U.S.: ''Norm Eisen is one of the most energetic, optimistic ambassadors I have ever seen. The bilateral U.S.-Czech relationship needs him.''

It is clear that Norm Eisen has excelled at the duties entrusted to him as the U.S. Ambassador to the Czech Republic, and I fully support his appointment.

I thank the Chair.

Mr. KERRY. I thank the Senator. I yield 2 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. I rise also to speak in support of the confirmation of Norm Eisen to be U.S. Ambassador to the Czech Republic.

In the year since his recess appointment to this position by President Obama, Ambassador Eisen has proven to be a strong advocate for the United States. He has brought a renewed focus to our defense relations with the Czech Republic, resulting in an expansion of our bilateral and NATO military cooperation, and the Czech Republic has increased its troop contribution in Afghanistan and strongly supported international efforts on Iran and the U.S. policy on Israel with the EU and the United Nations during his tenure.

As Chair of the Senate Foreign Relations Subcommittee on European Affairs, I had the privilege of chairing both of Ambassador Eisen's nomination hearings. Throughout the nomination process, he has demonstrated a strong understanding of the complexities of our relationship with the Czech Republic, a drive to fully represent American interests and values, and a special humility in having the opportunity to represent the United States.

I would hope that all of our colleagues in the Senate this evening will join us in supporting Norm Eisen to be the Ambassador to the Czech Republic.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from New Hampshire very much. I know she cut her time a little bit because we are getting toward the end of these comments with respect to the nominees and to the vote.

Likewise, I haven't said anything about either nominee, and I want to say a couple words about each, if I can, and I want to specifically answer a couple points made by the Senator from South Carolina with respect to Mari Aponte.

First, with respect to Norm Eisen. He has been an extraordinarily effective Ambassador for the United States in terms of our relationship with the Czech Republic and he has, by everybody's measure, deepened that partnership on key national security interests, and he has been a key supporter of American economic interests.

He has aggressively backed the Westinghouse Company's pursuit of a $27 billion contract to construct civilian nuclear reactors in the Czech Republic, and that would mean thousands of jobs here in the United States. The Chamber of Commerce has called him one of the most effective ambassadors to hold this post. He has assisted the Czech Government with its plans to develop a center for nuclear safety in Prague, and he has been an eloquent advocate of urging Prague to retain the 600 soldiers they have sent from the Czech Republic to Afghanistan, making it one of our most supportive NATO allies. He has supported the Czech Government's efforts to pool defense resources with neighbors, and he has supported and enhanced the Czech efforts to establish a NATO Center of Excellence for helicopters.

Finally, he has enthusiastically supported the Czech leadership's efforts to promote the stabilization and democratization of six states between the EU and Russia—Ukraine, Georgia, Belarus, Armenia, Moldova, and Azerbaijan.

I think that in every respect Ambassador Eisen has earned the respect of the Senate. He understands the culture of the Czech Republic. He speaks the language, which is a critical asset for our ambassadors in any country in any part of world. And as was mentioned by the Senator from Connecticut, he is the son of a Holocaust survivor from the former Czechoslovakia and, believe me, he understands the history of that part of the world and that country in a very personal way.

I might also comment that the country's leaders trust him. National Review this week said that his efforts have been publicly recognized by innumerable Czech officials, including the leading transatlanticists: Prime Minister Petr Necas, Foreign Minister Karel Schwarzenberg, and Defense Minister Sasha Vondra.

I hope our colleagues today will recognize that he is exactly the right person we need in Prague at this time.

Now let me speak, if I may, to Ambassador Aponte.

I would hate to see the Senate take this good person and make her a part of the political back and forth that has consumed this city and to deny her the right to the full appointment as ambassador, given the outstanding job she has done in that capacity.

Let's talk about the accomplishments, rather than talk about something from 1990 that, frankly, has been vetted several times not just by the committees in her appointments but by the professionals in the national security establishment of the United States who have three times—not once but three times—given her national security clearances at the highest level.

It seems to me we should recognize that she has done a spectacular job of

negotiating an agreement with the Salvadoran Government to open a new jointly funded electronic monitoring center to fight transnational crime. She has helped secure the deployment of Salvadoran troops to Afghanistan—the only country in South America and Latin America to be doing so, and I think that is no small accomplishment. It is clear she has gained the respect of the Salvadoran Government.

The Foreign Relations Committee has received many letters in support of her nomination, including one signed by eight former foreign ministers and 18 members of the Salvadoran Congress.

We heard the Senator from South Carolina a few moments ago say that he wanted somehow to get additional information. I think the Senator from South Carolina knows I have bent over backward to try to help provide that information.

The first time she was nominated, two members of our committee were permitted to look at the FBI report, and we designated Senator MENENDEZ and Senator BARRASSO. They looked at it, and there was nothing in it that struck either of them as restraining people from being able to vote for her.

Then she was a recess appointment, because Senator DEMINT at that time objected to the nomination. And subsequently, with this nomination now, we were again appointing two people to see the FBI record. On this occasion we bent the rules, and both Senator RUBIO and Senator DEMINT were allowed to look at the FBI record.

Subsequent to that we went through a process of trying to schedule the nomination. Senator LUGAR and I had agreed we would try to do so. So Senator DEMINT reviewed the background file on November 3; Senator RUBIO reviewed it on November 7. Her nomination hearing was held on November 8, and her nomination was put on the agenda for the November 15 committee business meeting. The day of that business meeting—not before it—the day of the meeting, I received a request that her nomination be held over until the next business meeting. I honored that request and, indeed, we held it over. That same day I sent a letter to the members of the Foreign Relations Committee saying that the next business meeting would be rescheduled for 2 weeks later, which was the Tuesday after Thanksgiving, November 29.

Then late in the Thanksgiving recess, I received a letter asking that it be deferred indefinitely. The stated reason was to permit the committee to hold a closed-door hearing in which we could examine whether the FBI properly conducted its investigation relating to Ms. Aponte—not for her nomination now, not for her nomination a few months ago or last year, but looking into what the FBI did or didn't do in the 1990s.

I understand that everybody is busy. We all have a lot to do around here. But to wait until the 11th hour to ask for a hearing of that sort is, frankly, puzzling. And carrying out an investigation of the FBI is no small matter. To suggest that on the several occasions she has received a top secret clearance somehow the FBI or the CIA or some other entity in our intelligence community bent under political pressure is insulting to them. And believe me, if that were true, we would have been reading about it on the front pages of the Washington Post or New York Times or all the papers a long time ago.

Let me recap. The background file was reviewed on November 3. No request for a closed hearing. Not during the November 8 nomination hearing was there a request for a closed hearing. Not in the written request on November 15 for a holdover was there a request for a closed hearing. And even after the Foreign Relations Committee voted out this nomination, I bent over backward to try to help Senator DEMINT be able to get the answers to his questions, and the White House said they would make available to him a briefing at the time of his choosing. That request was never responded to.

I ask unanimous consent to have printed in the RECORD the letter from the White House Director of Legislative Affairs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, December 9, 2011.

Hon. JOHN F. KERRY,
Chairman, Senate Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KERRY: I write to update you on our efforts to provide background information to members of the Senate Foreign Relations Committee in connection with their review of the nomination of Mari Carmen Aponte to be Ambassador to El Salvador. Ms. Aponte was originally nominated for this post in December 2009, and later recess appointed in August 2010. She was renominated to this position in February 2011.

Before detailing our most recent efforts to provide information to the Committee, we believe it is useful to describe our standard practice in this area and detail the substantial steps that have been taken to date. As you know, it has been the practice, for many years and through previous administrations, to balance between protecting highly sensitive materials and accommodating a legitimate need to access relevant information about pending nominees. In this case, we have pushed that balance far in the direction of disclosure to several Committee members.

It is the standard practice of the White House to make background investigations of nominees before your Committee available, upon request, for review by the Chair and Ranking Member, or their designees, only. Former Counsel to the President, Robert F. Bauer, explained the basis for this longstanding practice in a March 17, 2010 letter to Senator and Committee Ranking Member Lugar, ''[o]ver many years and multiple Administrations, this policy has successfully struck the appropriate balance between protecting the confidentiality of highly sensitive materials and accommodating the Senate's legitimate need to access relevant information about pending nominees.''

In 2010, when Ms. Aponte's nomination was first under consideration, both you and Senator Lugar designated other members of the Committee—Senators Menendez and Barrasso—to review Ms. Aponte's background investigation in advance of her confirmation hearing. The White House provided those briefings in March 2010. At that time, Senator DeMint made his first request to be briefed on the background investigation despite standard practice limiting that review to only two members of the Committee. Accordingly, Mr. Bauer denied the request.

Earlier this year, as the Committee considered Ms. Aponte's nomination for the second time, the Committee made the unusual request to have the background investigations made available for re-inspection. The White House in good faith accommodated this request. Senator Lugar designated his review to Senator Rubio, and you allowed Senator Menendez to designate your review to Senator DeMint. The White House provided the briefing to Senator DeMint on November 3, and to Senator Rubio on November 7. Despite this briefing, during the November 29 Committee Business Meeting, Senator DeMint stated that he still had questions regarding Ms. Aponte's background investigation. In a further display of good faith, you committed to working with the Administration to address Senator DeMint's concerns.

To this end, the White House has worked in close coordination with the State Department to arrange an additional briefing for Senator DeMint. The proposed briefing would have been conducted by Under Secretary Pat Kennedy, Assistant Secretary of Diplomatic Security Eric Boswell, and Donald Reid, who is Senior Coordinator for Security Infrastructure at the Bureau of Diplomatic Security. These three career State Department officials share the ultimate responsibility for conducting background investigations of candidates for Ambassadorial positions and issuing security clearances for such officials. Senator DeMint has to date declined this proposed briefing.

We are confident that the extraordinary steps that we have taken in this case have afforded Committee members the ability to thoroughly evaluate Ms. Aponte's nomination. Yet every accommodation has been met with a new demand. We are not prepared to make further briefings beyond what has already occurred and been offered. We appreciate your continued work on the timely consideration and confirmation of Administration nominees. Please let me know if I can provide additional information.

Sincerely,

ROBERT L. NABORS II,
Assistant to the President and Director of the Office of Legislative Affairs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, fair is fair around here. I do not think this nominee ought to be the victim of a prolonged delay process. She has done the job well. She deserves to be sent back. I hope colleagues will not filibuster her nomination today.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

Harry Reid, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Daniel K. Inouye, Debbie Stabenow, Robert P. Casey, Jr., Max Baucus, Charles E. Schumer, John F. Kerry, Mark Udall, Michael F. Bennet.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic shall be brought to a close?

The yeas and nays are mandatory under the rule.

Mr. KERRY. Mr. President, I ask unanimous consent, before the clerk calls the roll, that before the Aponte vote there be 2 minutes of debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted: nay.

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 70, nays 16, as follows:

[Rollcall Vote No. 226 Ex.]

YEAS—70

Akaka	Franken	McCain
Alexander	Gillibrand	McCaskill
Ayotte	Hagan	Menendez
Begich	Harkin	Murkowski
Bennet	Hatch	Murray
Bingaman	Hoeven	Nelson (NE)
Blumenthal	Hutchison	Nelson (FL)
Boxer	Inhofe	Portman
Brown (MA)	Inouye	Pryor
Brown (OH)	Isakson	Reed
Cantwell	Johnson (SD)	Reid
Cardin	Kerry	Rockefeller
Carper	Klobuchar	Sanders
Casey	Kohl	Schumer
Chambliss	Kyl	Sessions
Coats	Landrieu	Shaheen
Collins	Lautenberg	Shelby
Conrad	Leahy	Snowe
Coons	Levin	Stabenow
Corker	Lieberman	Tester
Durbin	Lugar	Toomey
Feinstein	Manchin	Udall (NM)
		Udall (CO)
		Warner
		Webb
		Whitehouse

NAYS—16

Barrasso	Grassley	Roberts
Boozman	Johanns	Rubio
Cochran	Johnson (WI)	Vitter
Crapo	McConnell	Wicker
DeMint	Paul	
Enzi	Risch	

NOT VOTING—14

Baucus	Graham	Mikulski
Blunt	Heller	Moran
Burr	Kirk	Thune
Coburn	Lee	Wyden
Cornyn	Merkley	

The PRESIDING OFFICER. On this vote, the yeas are 70, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic?

The nomination was confirmed.

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to the next vote.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, Mari Carmen Aponte is an excellently qualified Latina who is being politically discriminated against despite a record of accomplishment for the United States in El Salvador, which is universally recognized as extraordinary, from getting Salvadoran troops to fight alongside us—the only Latin American country to do so—to creating a new monitoring center to fight transnational crime. To suggest that the FBI and diplomatic security would give her not one but two top secret clearances that were not merited is the ultimate insult to those agencies. It is simply wrong to use alleged nameless, faceless accusers to falsely impugn her reputation.

I urge my colleagues to allow an up-or-down vote on her nomination and to vote for cloture so we can get to that vote to let this qualified Latina continue to work on behalf of the United States and El Salvador as she has successfully done.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, all of us regret when there is a situation where one of us has to oppose a nomination of a President, and 1,198 nominations have gone through without being contested. But this is one that rises to the level of concern.

Republicans have been asking questions about this nominee for months—in fact, much longer than that—going back to why she refused to take a lie detector test, why she withdrew her name when she was first nominated for ambassador under Clinton, and why the files have not been properly updated. We have asked the White House for private meetings with the FBI and CIA to give us updated knowledge of what happened in this circumstance so we can make a good decision. But there was never an offer to do that. We had offers of low-level folks to come talk only to me, not to Republicans on the committee. But there are enough questions here for honest answers, and we have not gotten them.

I encourage my colleagues to vote against this nomination.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Do we have any time remaining?

The PRESIDING OFFICER. No time remains.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Harry Reid, John F. Kerry, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Robert Menendez, Daniel K. Inouye, Max Baucus, Charles E. Schumer, Mark Udall, Michael F. Bennet, Al Franken.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted: nay.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 37, as follows:

[Rollcall Vote No. 227 Ex.]

YEAS—49

Akaka	Franken	Murray
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Blumenthal	Inouye	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Collins	Levin	Warner
Conrad	Lieberman	Webb
Coons	Manchin	Whitehouse
Durbin	McCaskill	
Feinstein	Menendez	

NAYS—37

Alexander	Hoeven	Portman
Ayotte	Hutchison	Reid
Barrasso	Inhofe	Risch
Boozman	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Cochran	Kyl	Shelby
Corker	Lugar	Snowe
Crapo	McCain	Toomey
DeMint	McConnell	Vitter
Enzi	Murkowski	Wicker
Grassley	Nelson (NE)	
Hatch	Paul	

NOT VOTING—14

Baucus	Graham	Mikulski
Blunt	Heller	Moran
Burr	Kirk	Thune
Coburn	Lee	Wyden
Cornyn	Merkley	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Texas.

RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES ACT

Mrs. HUTCHISON. Mr. President, I come to the floor to discuss and pass the Risk-Based Security Screening for Members of the Armed Forces Act.

How many times have you been at an airport screening line, you are getting ready to go through the machines that are going to determine you are safe to travel and standing right there in the line is a man or woman in their military fighting gear—their camouflage and their combat boots—and they are having to take off their combat boots, many times in their 2-week R&R period between their stints in Afghanistan or Iraq, and you think: Oh, my gosh. It is unbelievable that our military people—who are putting their lives on the line, who are sacrificing so much—are having to go through a procedure that does not have a commonsense feel about it.

Last week, Senator ROCKEFELLER, Senator BURR, and I introduced S. 1954, the Risk-Based Security Screening for Members of the Armed Forces Act. The bill was a modification of the House companion bill that was recently passed by Representative CRAVAACK from Minnesota in a unanimous decision by the House.

It requires the TSA, the Transportation Security Agency, to create a system to speed members of our uniformed services through airport security.

I would also like to thank Senators LIEBERMAN and COLLINS for their input on this piece of legislation. We have all worked hard to move this bill through quickly, and it is the House bill we will be taking up very shortly with the modifications I have mentioned.

The bill establishes a timeline for the Transportation Security Administration and the Department of Defense together to develop and implement a program to establish expedited security screening procedures for military personnel and their families.

I think we can all agree our military men and women make sacrifices for our Nation every day. The least we can do is try to make their lives a little easier when they travel around the country they defend.

I think they have earned the right to at least go to the head of the line or have some kind of trusted passenger status.

Our Armed Forces are comprised of over 1.4 million brave men and women. They are stationed at more than 6,000 military bases worldwide. For all the hardships they endure, I think they deserve to be at the front of the line in some kind of procedure that expedites their security clearance.

Airports, airlines, and TSA recognize this issue, and they want to reduce the delays. Currently, TSA uses the same screening protocols for all passengers.

The TSA has indicated that it would like to improve the process and to move forward to risk-based screening procedures. They certainly have my support and I know that of many Members, if not an overwhelming majority in Congress, to do that.

Mr. Pistole, the head of the Transportation Security Administration, has testified before our Commerce Committee about the risk-based screening procedures they are trying to put in place that will give them a better opportunity to target people who are more at risk or more under suspicion, while letting frequent flyers and people in the military go through on an expedited basis.

I would say the first identifiable group to get risk-based screening processes should be those who are fighting this war, those with boots on the ground. Members of our military and their families traveling on orders and in uniform should benefit from these new rules. In a time of limited resources, the establishment of procedures to expedite the screening of a pool of travelers who are most certainly our trusted travelers would better allow the TSA to focus their attention on areas of real threats.

Earlier this year, the House passed Congressman CRAVAACK's bill unanimously, just a couple of weeks ago. I hope our quick and unanimous action will allow the House to quickly reconsider the modified measure and get the bill signed into law as soon as possible.

As we are going into this traveling season—we have been through Thanksgiving, and we are now approaching Christmas. The bill is not going to be implemented by this season. They cannot do it in 2 weeks. But surely by the next holiday season, our trusted travelers, the members of our military and their families, will be able to have this expedited procedure. I hope that as they are traveling in this year's rush through the processes to get home to their loved ones, they will know we are working on something that will make their lives easier and expedite their travels while they are home on leave from fighting the war that is protecting our freedoms and our way of life.

Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 1801 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

Without objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, and I urge passage of the bill, as amended.

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

The amendment (No. 1458), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Risk-Based Security Screening for Members of the Armed Forces Act''.

SEC. 2. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

''(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with