

But this was no ordinary settlement. Instead of furthering the ends of justice, this settlement prevented the courts from reviewing potentially meritorious claims and the recovery of hundreds of millions of dollars for the U.S. Treasury.

The U.S. attorney in Minnesota at the time of the quid pro quo, Mr. Jones, was serving both as U.S. attorney and Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Mr. Jones was interviewed by the committee staff as part of the investigation on March 8, 2013. However, before agreeing to the interview, the department demanded that staff not be permitted to ask Mr. Jones any further questions other than those involving quid pro quo.

Questions remain about whether he was effectively managing both jobs as the U.S. attorney and Acting Director. For example, when asked by committee staff about his failure to attend a seminal meeting between the department's civil division and representatives from the City of St. Paul, which occurred in December 2011, he stated that he did not attend because he had an event at ATF that precluded his attendance. When pressed further, Mr. Jones indicated the important event at ATF was a holiday party called "sweet treats."

He felt it was more important that he attend that event than it was to attend his crucial meeting—

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

Mr. GRASSLEY. I ask unanimous consent for 3 additional minutes.

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

Mr. GRASSLEY. It was more important that he go to sweet treats than worry about collecting \$200 million under False Claims Act cases pending. I raised many of these issues with Mr. Jones at his hearing and in written questions for the record. But in too many instances Mr. Jones was unable or unwilling to provide an adequate response. Unfortunately, I have a lingering concern about his candor during his testimony. With this record before us, it should be apparent to all of my colleagues that the Senate should not move forward with Mr. Jones' nomination.

First, the Senate has yet to learn the results from the investigations of Office of Special Counsel; two, the Senate has not had an opportunity to hear Mr. Jones address those allegations himself. Point blank he told the committee he could not speak about them because of the open investigation; third, the Senate should recognize a troubling pattern indicating the nominee's inability to work with Federal law enforcement and whistleblowers; four, his involvement in a number of botched operations showing unacceptable management style or capability.

Elevating an individual with such a record is not how you rehabilitate the reputation, image, and culture of Fed-

eral law enforcement agencies still recovering from the disastrous scandal of Fast and Furious. I do not believe we should simply rubberstamp this nomination and sweep the alarming allegations under the rug.

I would hope that further action on the nomination pause until these matters are resolved. Before I close, I wish to address one additional matter. I have heard it argued from the majority that there is an urgency to get this nomination confirmed because ATF has not had a confirmed Director for 7 years. President Bush made a nomination in March 2007. That nomination was held up in the Senate based on concerns regarding ATF's hostility to small gun dealers and the nominee's apparent indifference to their concerns.

President Obama did not nominate a Director until November 17, 2010. That is 2 years into his first term. That individual's nomination stalled because neither the White House nor the nominee responded to our requests for additional information. Rather than respond to our requests so that nomination might move forward or withdraw that nomination and send up another, the White House did nothing for 2 years.

The nomination of Mr. Jones was not sent up to the Senate until the beginning of this year. So for the past 4½ years, the vacancy is the responsibility of the White House. I do not think that supports their contention that there is a crisis because of a lack of a Senate-confirmed nominee.

In any event, the prudent course for the Senate, and what I support, is to wait a short while, until the open complaint is resolved. I urge my colleagues to vote against cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

POWER NOMINATION

Mr. COONS. Madam President, this week the Senate will consider the nomination of Samantha Power to serve as our next Ambassador to the United Nations. In fact, I hope we will take it up later today. This is a critical position to our President's national and foreign policy team, and I believe Ms. Power's experience, values, and wise approach to foreign policy will make her a terrific Ambassador.

Throughout her career, she has displayed a passion for human rights and worked tirelessly to prevent atrocities abroad. From her early days as a journalist, to her work in the White House, she has shown a pragmatic idealism and a deep and nuanced understanding of the foreign policy and security challenges facing this country around the globe.

I met with Ms. Power a few weeks ago. I came away confident that she is the right choice to represent our country at the U.N. She understands the critical importance of democratic values and human rights to global stability. Ours is a complex time and a

complex world. The fabric of global stability is woven with many threads of democracy, good governance, economic development, health, education, national security and, of course, diplomacy.

The global challenges of our generation require leaders, leaders capable of seeing each of these threads and appreciating how they connect and how we can weave them together to make a stronger more vibrant world.

As chair of the Senate Foreign Relations Subcommittee on African Affairs, I am excited to work with Ambassador Power to strengthen our friendship and strategic partnerships on that vital continent. On Israel, it is clear she believes in our Nation's unbreakable bond with the Jewish State. She has shown us, in her words and actions, especially when she played an underreported and underappreciated role defending Israel at the U.N. during the Palestinian statehood vote.

In closing, it is clear that in Samantha Power we have a nominee with a keen intellect and a grasp of the complex foreign policy challenges we face in the world. She combines a dedication to American values and principles with the pragmatism that will serve us well at the U.N. I am proud to vote for her confirmation and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I rise in support of the nomination of Todd Jones to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. I wish to first thank Senator COONS for his remarks about Samantha Power. I am also looking forward to the vote on her confirmation. I am looking forward to her service.

This is a very important job. As the Presiding Officer knows, the ATF has an incredibly important role in investigating crimes and terrorist incidents such as the Boston Marathon. They recently investigated the explosion in Texas that took so many innocent lives. This must be a top priority for the United States of America.

Yet this is a position where there are 2,400 agents—2,400 ATF agents—and they have gone without a permanent Director for 7 years, ever since this became a confirmable position. This happened under President Bush. There was not a confirmed Director. It is happening now up until today under President Obama. It is time to change that. It is simply time to change it.

I know Todd Jones. For 2 years he has served as the U.S. attorney of Minnesota at the same time he is serving as the ATF Director. That is not an easy job. He has five children. He is a former marine. He was willing to take on the ATF job after the Fast and Furious debacle. He was willing to come in after that and help to clean up that agency and make some very tough decisions. He took on that job while still

remaining the U.S. attorney in Minnesota.

I would note he served as the U.S. attorney of Minnesota under President Clinton and again was appointed to serve under President Obama. Then, 2 years ago, he was asked to be the Acting Director of ATF, never knowing if this day would ever come when actually there would be a vote on his confirmation.

He literally has never turned down a tough assignment. Todd Jones has an impressive background that makes him well prepared to lead the ATF. After law school at the University of Minnesota, he entered the U.S. Marine Corps, as I noted, where he served on Active Duty as a judge advocate and infantry officer from 1983 until 1989. Two years later, he was called back to Active Duty during the first Iraq war.

In addition to his military career and having the rare distinction of serving as U.S. attorney under two different Presidents, Todd Jones also has a strong record as a line prosecutor in the Minnesota U.S. Attorney's Office. When Jones was U.S. attorney in Minnesota from 1998 to 2001, the violent crime rate decreased by 15 percent. So far during his second tenure as the U.S. attorney, the violent crime rate in Minnesota has already decreased by 9 percent.

We all know there are a lot of factors that go into that, including the great work of our local police officers, including work of our police chiefs, including the work of community groups, including the economy. There are a number of things at hand. But when I hear attacks against Mr. Jones, I believe it is important to set the record straight.

One other thing—I did want to set the record straight on one other thing. I so appreciate the leadership Senator GRASSLEY has shown when it comes to whistleblowers. But everyone should know, regarding this complaint within the office, an internal complaint within the U.S. Attorney's Office in Minnesota, it was investigated by the Judiciary Committee. In this place, to set the record straight, the complainant voluntarily agreed to mediate his concerns. The Office of Special Counsel is no longer investigating. I wish to make that straight for all of my colleagues so they understand the outcome of that and that there is a mediation going on. It is not being investigated.

As an assistant U.S. attorney, Todd Jones was the lead prosecutor in a number of cases involving drug conspiracies, money laundering, financial fraud, and violent crime in the early 1990s. In the private sector, he became a partner at two very well regarded Minnesota law firms, Robins Kaplan and Greene Espel. He has led a number of very important prosecutions in his capacity as U.S. attorney: Operation Rhino, which involved the criminal prosecution of Omer Abdi Mohamed, who recruited young Somali Americans to fight for terrorist groups in Soma-

lia. To date, this investigation has resulted in charges filed against 22 other individuals and Operation Brother's Keeper, a major RICO case, the second biggest Ponzi scheme in the history of America, second only to the Bernie Madoff Ponzi scheme, prosecuted by the U.S. Attorney's Office, by a fine prosecutor named Joe Dixon and many others under Todd Jones's leadership.

This gives us a sense—and I would end with this as I see Senator LEAHY, our great chairman is here. Jones's confirmation is supported by the Fraternal Order of Police, the International Chiefs of Police, 81 U.S. attorneys, the National District Attorneys Association, Minnesota's former FBI Special Agent in Charge, Ralph Boelter, the former U.S. attorney Tom Hefflefinger, who served under both George H. W. Bush and George W. Bush in Minnesota, and dozens of others who have worked with Mr. Jones over his many years of public service.

I would end with this: The ATF has people on the frontlines every day. They do not ask if the work they have done is ordered by a Republican or a Democrat. When they go to investigate a bombing, they do not ask the police officers what their political affiliation is or who the FBI is. They do not care. They just do their job. Now it is time for the Senate to do its job and confirm an ATF Director for the first time in 7 years. I thank the chairman for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, when the 113th Congress convened following the terrible tragedy in Newtown, CT, the Judiciary Committee focused its attention on commonsense gun violence prevention legislation. The American people made their voices heard in favor of effective reforms, and many Senators went to work to find common ground.

Although the Senate Judiciary Committee approved four pieces of legislation to address gun violence, two of which were reported on bipartisan votes, the Senate was unable to pass any of these measures. Like many Americans, I was disappointed at the Senate's inability to come together to make sensible changes to our laws to reduce gun violence.

Today we have another chance to make progress in our efforts to reduce gun violence with the confirmation of B. Todd Jones to lead the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Todd Jones has served as the Acting Director since September 2011. Under his leadership, the ATF has been called on to analyze the bombs left near the finish line at the Boston Marathon, to sift through burned debris in the West, TX, explosion and to trace the weapons used by the shooters in the Newtown and Aurora massacres. The ATF has played a major role in investigating some of our Nation's worst tragedies.

In addition to the ATF's enforcement responsibilities, the agency is central to firearms commerce. The ATF issues permits for companies that import firearms and provide firearms to law enforcement agencies. Without a confirmed Director, the ATF's job of supporting and regulating Americans who make their living in the business of firearms is much more difficult. Yet we continue to hamper the ATF's ability to do its job. No nominee to lead the ATF has been confirmed since that position was made subject to the Senate's consent.

I hope the Senate will vote to change this unfortunate pattern of obstruction. Mr. Jones is a dedicated public servant and law enforcement official. He volunteered for the U.S. Marine Corps in 1983, serving on Active Duty as a Judge Advocate and Infantry officer until 1989. In 1991, he was recalled to Active Duty to command the 4th Marine Division's Military Police Company in Iraq. He also served as commanding officer of the Twin Cities Marine Reserve Unit. When Todd Jones was confirmed by this body in 1998, he became the first African-American U.S. attorney in Minnesota's history. Todd Jones has served this country honorably as a marine, a U.S. attorney, and the ATF's Acting Director.

Unfortunately, there is opposition to Mr. Jones's confirmation. But in my view this opposition has little to do with his ability to lead this important Federal agency. Every nominee to lead the ATF has been met with unreasonable opposition. And the consistent opposition all nominees to this post have faced is less about those nominees' qualifications than about weakening a Federal law enforcement agency that some disfavor.

Some Senate Republicans would prefer not to have anyone leading the ATF, no matter who the nominee is. They would not allow President Bush to have a confirmed Director, and they do not want President Obama to have one either.

Opposition to confirming an ATF Director is just another piece of the overall effort by some in Congress to make it more difficult for the ATF to carry out its important mission. For example, when the ATF proposed and implemented a rule intended to provide investigative leads on straw purchasing rings in the Southwest that were fueling drug cartel violence by trafficking firearms across the border, some Members of Congress immediately objected, and the agency was sued to block implementation of the rule. The rule, which has now been upheld unanimously by two Federal Circuit Courts of Appeal, including the Fifth Circuit, was simple—it required federally licensed firearms dealers to report sales of multiple semiautomatic rifles to the ATF, just as all licensed dealers are required to report multiple sales of handguns. Yet some spent significant energy and resources to block the agency's action.

And in recent years, some Members of Congress spent months and untold public resources investigating misguided investigative tactics in the ATF's Phoenix field office associated with an ATF criminal investigation called Fast and Furious. The Fast and Furious investigation concerned a significant firearms trafficking organization in Arizona. This trafficking organization was systematically purchasing hundreds of firearms using straw buyers and transferring them to members of Mexican drug cartels. They operated with ease and virtual impunity as the result of weak Federal laws concerning straw purchasing and firearms trafficking. Investigators and prosecutors were hobbled by weak laws. Some took unacceptable risks to combat a very serious problem on both sides of our border with Mexico.

When the investigative tactics at issue came to light, they were widely criticized, and Attorney General Holder acted swiftly to put an end to them. The Attorney General also directed the Department of Justice inspector general to conduct a thorough investigation. As a result of the inspector general's investigation, those responsible for these tactics were disciplined. And the ATF's procedures were revised to set out clear guidelines for firearms trafficking investigations.

While some Members of Congress were content to merely heap blame on the Attorney General and other dedicated law enforcement officials following the Fast and Furious investigation, I and other Senators chose a different path and worked with law enforcement experts and advocates on both sides of the firearms policy debate to come up with an effective, sensible approach to put an end to the straw purchasing and firearms trafficking.

Unfortunately, the same Senators who were so critical of the ATF's investigative tactics in Arizona and its approach to dealing with a very serious law enforcement issue declined to support the bipartisan legislation Senator COLLINS and I developed to give law enforcement the tools they need to fight gun trafficking.

I hope the same Senators that were so critical of the ATF and the Department of Justice for the breakdown in leadership and management at the agency will not obstruct this nominee and the opportunity to give the agency the solid footing it needs. If the Fast and Furious investigation revealed anything, it was that the ATF faces very significant law enforcement challenges, and that our current laws are inadequate to provide the tools investigators and prosecutors need to confront these problems. Let us not compound these difficulties with continued obstruction of this nominee.

Todd Jones was nominated in January. It is now the last day of July. For months, I accommodated the ranking member on requests for further information and delay on the nomination of Todd Jones. He insisted on the produc-

tion of documents from the Department of Justice that his staff had already had access to for months. He insisted that his staff be able to interview Todd Jones in his capacity as U.S. attorney for the District of Minnesota, as well as two other Justice Department officials, in order to try to build a case against another nomination, that of Tom Perez to be Labor Secretary.

Senator GRASSLEY requested additional background information from the administration not usually required by the committee for an executive nomination and he was provided that information. When he sought information about an ATF operation in Milwaukee, I arranged a bipartisan briefing from the agency.

Then a member of the ranking member's staff disclosed a private Office of Special Counsel, OSC, complaint against Todd Jones to the press. I thought it unfair that the nominee could not publicly defend his reputation.

An employee complained of "gross mismanagement and abuse of authority" but the OSC closed the file based on lack of evidence. The other allegation involved alleged retaliation for making the mismanagement claim, and that subsidiary claim has been referred to mediation. In deference to the complaining party and at the request of the investigating agency that the complaint not be made public, it has not been. I wish it were. It is not substantial or directly related to Todd Jones. It is certainly not a reason to oppose his confirmation.

I know Senator GRASSLEY has the right to raise concerns, but he has made it very clear he does not approve of Todd Jones under any circumstances. I had asked his staff to work with us to get a clearer understanding of the retaliation complaint. But when we talked to the complainant, he was willing only to repeat his own allegations, allegations that are not aimed directly at Mr. Jones but at somebody else, a mid-level manager.

We asked the complainant to provide the committee access to the contemporaneous files so we could determine whether this instance was retaliation or one in a series of disciplinary actions against an employee spanning several years. We offered to take the information in confidence, not for the Justice Department but just for members of our committee. The complainant refused and his lawyer refused to provide that to us, so I would ask all members to read the complaint themselves. We have bent over backwards to allow the complainant to come forward, and he has chosen not to do so.

I would also note for all Senators that we have moved forward on nominees in the past when there have been pending complaints. For example, last year a civil suit was filed against a judicial nominee from Iowa alleging age discrimination and retaliation for raising management issues against the

nominee in her capacity as the U.S. attorney for the Northern District of Iowa. We conducted a bipartisan staff investigation into the claims. I listened to the Senators from Iowa, and we determined we could move forward despite the civil suit that was pending against the nominee. The nominee was overwhelmingly confirmed to the U.S. District Court for the Southern District of Iowa.

Earlier this year, when a defense counsel filed a motion against the U.S. attorney for the District of New Mexico making allegations of improper activity, we independently examined the matter. The committee proceeded with that nomination instead of delaying it.

Todd Jones is the ATF's fifth Acting Director since 2006. During that time 80,000 Americans have been killed with guns. The ATF helps protect our communities from dangerous criminals, gun violence, and acts of terror. It is a central piece of our Federal law enforcement strategy. For too long the position of Director at the ATF has been held hostage to partisan politics at the expense of public safety. It is time to make real progress in our efforts to reduce gun violence and protect the citizens of this great Nation. Today, I encourage all Senators to take the opportunity to move toward that goal together with the confirmation of B. Todd Jones to lead the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 Byron Todd Jones, of Minnesota, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Harry Reid, Patrick J. Leahy, Mark Begich, Christopher A. Coons, Thomas R. Carper, Patty Murray, Martin Heinrich, Bernard Sanders, Jeanne Shaheen, Benjamin L. Cardin, Al Franken, Sherrod Brown, Tom Harkin, Jack Reed, Sheldon Whitehouse, Bill Nelson, Charles E. Schumer.

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 Byron Todd Jones of Minnesota to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 60, nays 40, as follows: