

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:

[Rollcall Vote No. 196 Ex.]

## YEAS—60

Ayotte	Hagan	Murkowski
Baldwin	Harkin	Murphy
Baucus	Heinrich	Murray
Begich	Heitkamp	Nelson
Bennet	Hirono	Pryor
Blumenthal	Johnson (SD)	Reed
Boxer	Kaine	Reid
Brown	King	Rockefeller
Cantwell	Kirk	Sanders
Cardin	Klobuchar	Schatz
Carper	Landrieu	Schumer
Casey	Leahy	Shaheen
Collins	Levin	Stabenow
Coons	Manchin	Tester
Donnelly	Markey	Udall (CO)
Durbin	McCain	Udall (NM)
Feinstein	McCaskill	Warner
Franken	Menendez	Warren
Gillibrand	Merkley	Whitehouse
Graham	Mikulski	Wyden

## NAYS—40

Alexander	Enzi	Paul
Barrasso	Fischer	Portman
Blunt	Flake	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rubio
Chambliss	Heller	Scott
Chiesa	Hoeven	Sessions
Coats	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Toomey
Corker	Johnson (WI)	Vitter
Cornyn	Lee	Wicker
Crapo	McConnell	
Cruz	Moran	

The PRESIDING OFFICER (Mr. HEINRICH). On this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the nomination of Byron Todd Jones, of Minnesota, to be Director, Bureau of Alcohol, Tobacco, Firearms and Explosives?

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 197 Ex.]

## YEAS—53

Baldwin	Carper	Heinrich
Baucus	Casey	Heitkamp
Begich	Coons	Hirono
Bennet	Donnelly	Johnson (SD)
Blumenthal	Durbin	Kaine
Boxer	Feinstein	King
Brown	Franken	Kirk
Cantwell	Gillibrand	Klobuchar
Cardin	Hagan	Leahy

Levin	Nelson	Stabenow
Manchin	Pryor	Tester
Markey	Reed	Udall (CO)
McCaskill	Reid	Udall (NM)
Menendez	Rockefeller	Warner
Merkley	Sanders	Warren
Mikulski	Schatz	Whitehouse
Murphy	Schumer	Wyden
Murray	Shaheen	

## NAYS—42

Alexander	Cruz	Moran
Ayotte	Enzi	Murkowski
Barrasso	Fischer	Paul
Boozman	Flake	Portman
Burr	Graham	Risch
Chambliss	Grassley	Roberts
Chiesa	Hatch	Rubio
Coats	Heller	Scott
Coburn	Hoeven	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Lee	Vitter
Crapo	McConnell	Wicker

## NOT VOTING—5

Blunt	Inhofe	McCain
Harkin	Landrieu	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

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

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m., Thursday, August 1, the Senate proceed to executive session to consider the following nomination: Calendar No. 96; that there be 60 minutes for debate equally divided in the usual form; that following the use or yielding back of time, the Senate proceed to vote with no intervening action or debate on the nomination; the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. I ask unanimous consent that on Thursday, August 1, 2013, at 2 p.m. the Senate consider Executive Calendar No. 220, the Samantha Power nomination under the previous order.

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

## ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, August 1, upon disposition of the Chen nomination and the resumption of legislative session, the Senate proceed to vote on the motion to invoke cloture on S. 1243, the THUD appropriations bill; further, that following the cloture vote, the Senate recess until 2 p.m. for the bipartisan caucus meeting we are having tomorrow.

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

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that I be permitted to speak for 12 minutes as in morning business.

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

## FIXING AMERICA'S WELCOME MAT

Mr. GRASSLEY. Mr. President they say history has a way of repeating itself. That certainly came true in June when the Senate approved a sweeping reform bill to revamp the nation's immigration laws. Unfortunately, the U.S. Senate failed to learn from the mistakes created by the 1986 overhaul.

In the 1980s, about 3 million people who were living in the country illegally were granted legal status. Today, 27 years later, the U.S. estimates 11 million undocumented immigrants are living here.

What should that tell us? It says that the 1986 law failed to stem the flow of illegal immigration. It sent the wrong signal by granting legal status to millions while ignoring the need to secure the border.

I do not need a crystal ball to tell me what would happen on the road ahead if we repeat the mistakes of the past. I saw how legalizing before securing our borders turned out. It turned America's time-honored welcome mat into a timeworn doormat.

America's immigration system is broken. It is time to fix it so that a legal flow of immigration can help the economy and bolster areas of the workforce that are short of workers, from low-skilled to high-tech workers.

But immigration laws should not come at the expense of American workers or cause them to be disadvantaged, displaced or underpaid. Rooting out fraud and abuse from many of our visa programs should be a priority.

Unfortunately, the bill passed by the U.S. Senate would not fix what is broken and is chock-full of loopholes that make the legalization system far from ideal.

Thankfully our system of self-government protects representation of, by and for the people with a bicameral Congress. Now the U.S. House of Representatives has a chance to get it right.

The House is moving on a number of bills. They are having very thoughtful