

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1 p.m.

Thereupon, the Senate, at 11:39 a.m., recessed until 1 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

EXECUTIVE SESSION

NOMINATION OF BYRON TODD JONES TO BE DIRECTOR OF THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

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

The bill clerk read as follows:

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

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate on the nomination equally divided in the usual form. If no one yields time, time will be charged equally to both sides.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I ask unanimous consent to speak as if in morning business.

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

(The remarks of Mr. HOEVEN pertaining to the submission of S. Con. Res. 21 are printed in today's RECORD under "Submitted Resolutions.")

Mr. HOEVEN. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

NASA AUTHORIZATION

Mr. NELSON of Florida. Madam President, we passed the NASA authorization bill out of the Commerce Committee yesterday. Sadly, I must report that it is the first time the NASA bill has been a partisan vote that I can ever remember. NASA—this little program that is such a can-do agency—has always been not only bipartisan, but it has been nonpartisan.

There was actually no real disagreement with the content, the policies set in the NASA authorization bill. It is very similar to what the Appropriations Committee indeed has already passed out of the full Appropriations Committee. But, sadly, there is an insistence that this artificial budget limitation, which is like a meat cleaver cutting across the board—some would describe it as a guillotine coming down across programs willy-nilly—cutting

programs such as the National Institutes of Health and all of the medical research that is going on and, indeed, a broadly embraced bipartisan program such as our space program.

So the vote was 13 to 12—specifically along partisan lines—not because of the content, not because of the policy, but because of the funding level. In the bill that passed, we had the NASA authorization for appropriations at the level provided in the budget resolution that passed the Senate—\$18.1 billion. That is about level funding for NASA, this little agency that is trying to do so much. However, our Republican friends wanted it cut to \$16.8 billion, and some spoke favorably toward the House bill that has it cut back to \$16.6 billion.

If we cut \$1.5 billion out of this little agency, it can't do what it is attempting to do to get us ready to go to Mars in the decade of the 2030s and in the meantime to get our human-rated rockets in the commercial sector so we can send our astronauts to and from the international space station where six human beings are doing research right now. The multiplicity of science projects, the planetary exploration that is going on, and the aeronautics research that is going on—all of that is within this little agency.

My hope is that as we get further along in the fiscal year, we are going to hit some grand design, some grand bargain, some great bipartisan agreement on funding that maybe will include tax reform but that will then allow us to operate with common sense instead of some artificial budgetary mechanism called sequester.

Yesterday it was stated that indeed the NASA authorization bill violated the Budget Control Act of 2011. I tried to explain in the committee that it did not. As a matter of fact, the Budget Control Act is an overall level on compressing appropriations. It has no effect on the authorization for appropriations. That is where we set policy, and then we leave it up to the Appropriations Committee to set the actual funding.

So I am happy to say that we made the step that we needed to make. We have the bill proceeding now out of the committee. I am sad to say that for the first time ever this broadly based, wildly popular, not only bipartisan but nonpartisan program, called America's space program, has come out of the committee with a partisan vote.

Let's turn this around, and let's not have this excessive partisanship and this ideological rigidity that is gripping this country's politics. Let's not have that infect our Nation's space program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for up to 15 minutes on the Todd nomination.

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

Mr. GRASSLEY. Madam President, I come to the floor to ask my colleagues to vote against cloture on the nomination, and here are my reasons for asking that of my colleagues.

Earlier this week I outlined my general objection to the Senate proceeding to a final vote on the confirmation of Mr. B. Todd Jones, the nominee to be Director of the Bureau of Alcohol, Tobacco, and Firearms. As I explained, the Senate should not be voting on a nomination when there is an open investigation.

In this case the Office of Special Counsel is investigating Mr. Jones in a complaint that he retaliated against a whistleblower in the U.S. Attorney's Office for the District of Minnesota.

Because of the way this nomination was handled in committee, I was able to conduct only a limited investigation. But what I found should give all of us pause—real pause—on this nomination because it gives me concern about Mr. Jones's leadership ability and raises doubts about whether he should be promoted to head this office.

According to both the whistleblowing assistant U.S. attorney and the former head of the FBI in Minnesota, relationships with Federal, State, and local authorities deteriorated significantly under Jones's leadership. The problems primarily involved agencies that worked drug cases and violent crime.

Mr. Jones addressed the issue in a meeting with criminal prosecutors in his office. According to the whistleblower, following that meeting, Mr. Jones came to the whistleblower's office and asked for his candid opinion of what could be done about the problem.

The whistleblower gave Jones his candid opinion, and a few weeks later he put it in writing what he had told Jones during this meeting. His e-mail to Jones included allegations of mismanagement by one of his supervisors, the head of the Narcotics and Violent Crime Unit.

The very next day, that supervisor called that whistleblower on the carpet and, according to the whistleblower, interrogated him about his work in search of a pretext to discipline him.

Failing to find a substantive reason to discipline him, his supervisors then suspended him for 5 days for his demeanor during the meeting. Now, based on what we know at this point, it certainly looks like retaliation, and it helps explain why the Office of Special Counsel believed these allegations merited further investigation. Remember, only about 10 percent, 1 in 10 of these types of allegations is selected for investigation by the Special Counsel.

To be fair, we do not know the full story. The Office of Special Counsel has not finished its investigation into the matter. But this fact remains: There is an open investigation of serious allegations of whistleblower retaliation, and because that investigation remains open, this body—the Senate of the United States—should have the full information about the nominee, and it