Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office,'' was ordered to a third reading, was read the third time, and passed.

## E.V. WILKINS POST OFFICE

The bill (H.R. 3892) to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office,'' was ordered to a third reading, was read the third time, and passed.

## ANN MARIE BLUTE POST OFFICE

The bill (H.R. 4017) to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office,'' was ordered to a third reading, was read the third time, and passed.

## CONGRESSWOMAN JAN MEYERS POST OFFICE BUILDING

The bill (H.R. 4095) to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

## SERGEANT MATTHEW L. INGRAM POST OFFICE

The bill (H.R. 4139) to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office,'' was ordered to a third reading, was read the third time, and passed.

## ROY WILSON POST OFFICE

The bill (H.R. 4214) to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office,'' was ordered to a third reading, was read the third time, and passed.

## W.D. FARR POST OFFICE BUILDING

The bill (H.R. 4238) to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

## MARTIN G. 'MARTY' MAHAR POST OFFICE

The bill (H.R. 4425) to designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office,'' was ordered to a third reading, was read the third time, and passed.

## CAPTAIN LUTHER H. SMITH, U.S. ARMY AIR FORCES POST OFFICE

The bill (H.R. 4547) to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office,'' was ordered to a third reading, was read the third time, and passed.

## SERGEANT CHRISTOPHER R. HRBEK POST OFFICE BUILDING

The bill (H.R. 4628) to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

## CLARENCE D. LUMPKIN POST OFFICE BUILDING

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 398, H.R. 4840.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4840) to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the ''Clarence D. Lumpkin'' Post Office.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment and an amendment to the title.

[Strike the part shown in black brackets and insert the part printed in italic.]

H.R. 4840

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CLARENCE D. LUMPKIN POST OFFICE.**

(a) DESIGNATION.—The facility of the United States Postal Service located at [1979]*1981* Cleveland Avenue in Columbus, Ohio, shall be known and designated as the ''Clarence D. Lumpkin Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Clarence D. Lumpkin Post Office''.

Amend the title so as to read: ''An Act to designate the facility of the United States Postal Service located at 1981 Cleveland Avenue in Columbus, Ohio, as the 'Clarence D. Lumpkin Post Office'.''.

Mr. WYDEN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read the third time and passed; the title amendment be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements relating to the bill be printed in the RECORD.

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

The committee amendment was agreed to.

The title amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 4840), as amended, was passed.

## MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010—Continued

AMENDMENT NO. 4183

Mr. WYDEN. Mr. President, at this time I ask unanimous consent to set aside the pending amendment and call up amendment No. 4183, the Wyden-Grassley amendment to end secret holds in the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. GRASSLEY, proposes an amendment numbered 4183.

Mr. WYDEN. Mr. President, I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To establish as a standing order of the Senate that a Senator publicly discloses a notice of intent to objecting to any measure or matter)

At the end of the amendment, insert the following:

**SEC. ___. ELIMINATING SECRET SENATE HOLDS.**

(a) IN GENERAL.—

(1) COVERED REQUEST.—This standing order shall apply to a notice of intent to object to the following covered requests:

(A) A unanimous consent request to proceed to a bill, resolution, joint resolution, concurrent resolution, conference report, or amendment between the Houses.

(B) A unanimous consent request to pass a bill or joint resolution or adopt a resolution, concurrent resolution, conference report, or the disposition of an amendment between the Houses.

(C) A unanimous consent request for disposition of a nomination.

(2) RECOGNITION OF NOTICE OF INTENT.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent to object to a covered request of a Senator who is a member of their caucus if the Senator—

(A) submits the notice of intent to object in writing to the appropriate leader and grants in the notice of intent to object permission for the leader or designee to object in the Senator's name; and

(B) not later than 2 session days after submitting the notice of intent to object to the appropriate leader, submits a copy of the notice of intent to object to the Congressional Record and to the Legislative Clerk for inclusion in the applicable calendar section described in subsection (b).

(3) FORM OF NOTICE.—To be recognized by the appropriate leader a Senator shall submit the following notice of intent to object:

''I, Senator _____, intend to object to _____, dated _____. I will submit a copy of this notice to the Legislative Clerk and the Congressional Record within 2 session days and I give my permission to the objecting Senator to object in my name.'' The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date that the notice of intent to object is submitted.

(b) CALENDAR.—Upon receiving the submission under subsection (a)(2)(B), the Legislative Clerk shall add the information from the notice of intent to object to the applicable Calendar section entitled ''Notices of Intent to Object to Proceeding'' created by Public Law 110–81. Each section shall include the name of each Senator filing a notice under subsection (a)(2)(B), the measure or matter covered by the calendar to which the notice of intent to object relates, and the date the notice of intent to object was filed.

(c) REMOVAL.—A Senator may have a notice of intent to object relating to that Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

''I, Senator _____, do not object to _____, dated _____.'' The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date of the submission to the Congressional Record under this subsection.

(d) OBJECTING ON BEHALF OF A MEMBER.—If a Senator who has notified his or her leader of an intent to object to a covered request fails to submit a notice of intent to object under subsection (a)(2)(B) within 2 session days following an objection to a covered request by the leader or his or her designee on that Senator's behalf, the Legislative Clerk shall list the Senator who made the objection to the covered request in the applicable ''Notice of Intent to Object to Proceeding'' calendar section.

Mr. WYDEN. Mr. President, this is the fourth time in under 2 weeks that Senator GRASSLEY and I, with a large bipartisan coalition of Senators in the Senate—a coalition that spans the philosophical spectrum of membership in the Senate—has sought to pass this legislation to finally end the stranglehold of secret holds.

The American people want accountability from their elected officials, but there is simply no accountability when the Senate operates in secret. The fact is, this has gone on for years and years, and it has been done on a bipartisan basis. Right now there are scores of qualified nominees for important positions in the administration and the Federal courts who can't get a vote on the Senate floor—and it has also taken place on a bipartisan basis for years and years—as Senator GRASSLEY and I have tried to make the point over this decade that we have been attacking secrecy in the Senate and that this has gone on in a bipartisan fashion.

The fact is a secret hold is one of the most powerful tools a Member of the Senate has today. I would be the first to grant that the American people have no idea what secret holds are. The fact is a secret hold can effectively kill a nomination or piece of legislation, and it can be done without anyone—colleagues in the Senate or the public—knowing who did it or why.

One of the points I also wish to make—and it hasn't been explored in the discussion of secret holds—is a secret hold is a very powerful weapon that is also available to lobbyists. My guess is practically every Senator has gotten a request from a lobbyist asking if the Senator would put a secret hold on a bill or a nomination in order to kill it without getting any public debate and without the lobbyist's fingerprints appearing anywhere. In fact, if you can get a Senator to put an anonymous hold on a bill, it is almost like hitting the lobbyist jackpot. Not only is the Senator protected by a cloak of anonymity but so is the lobbyist. A secret hold can let lobbyists also play both sides of the street and can give lobbyists a victory for their clients without alienating potential future clients. Given the number of instances where I have heard of a lobbyist asking for secret holds, I am of the view that secret holds are a stealth extension of the lobbying world in Washington, DC.

In the Senate there has been an effort to improve the rules and have stricter ethics requirements with respect to lobbyists. It is something of an irony if the Senate—which it has in the past—adopts a variety of changes to curtail lobbying without doing away with what, in my view, is one of the most powerful tools that is available to lobbyists, and that is the secret hold. So what Senator GRASSLEY and I have been working on over the past decade—and with this bipartisan coalition we have been able to assemble in the Senate—is the desire, once and for all, to permanently eliminate the use of secret holds.

I also believe that given the Wall Street reform bill that was just passed in the Senate to bring greater openness and accountability to financial institutions, it seems to me for the Senate to be telling Wall Street it has to operate in a more transparent, open way, this is a pretty darn good time for the Senate to reform the way the Senate does its business. If we are going to set about the task of telling folks on Wall Street to be more open and more accountable, certainly the rules in the Senate ought to be changed to abolish the secret hold.

Under current Senate rules, it is still possible for Senators to use a secret hold to block legislation or a nomination from coming to the floor without having to give any reason. There is no openness or accountability to anybody when a Senator places a secret hold. My view is the Senate shouldn't have a double standard where we are passing laws and rules to require greater openness and accountability of others, and particularly American institutions such as Wall Street, while tolerating a practice that keeps both the public and colleagues in the Senate in the dark without accountability to anyone.

Under the proposal Senator GRASSLEY and I have sought to pass—and I see my good friend from Iowa here, and I noted that this is our fourth such effort in about 2 weeks to finally bring some sunlight to the way the Senate does business—under our proposal, somebody—a Senator—is going to have to own a hold publicly within 2 days. That is a key change because we have looked at the Executive Calendar, we have looked at all of the places where we might see someone actually publicly own up to having a hold, and Senator GRASSLEY and I haven't seen that kind of transparency and accountability.

So under our proposal which we are seeking to pass this morning, every hold—every hold—is going to have to have a public owner within 2 days.

Let me give an example of how this would work. Let's say a Senator objects to bringing up a nomination on behalf of a colleague. If the Senator behind the hold who, in effect, is kind of the culprit in all of this secrecy doesn't go public by putting a notice in the CONGRESSIONAL RECORD within 2 days, then the Senator who objected on the floor on behalf of this culprit is going to be listed in the Executive Calendar as having placed the hold. The Senator who is in effect covering up for the colleague will get the blame if the real culprit—the real Senator who is trying to protect secrecy—would not come clean.

So, in effect, what Senator GRASSLEY and I are seeking to do is put public pressure and peer pressure to get Senators to reveal their hold. If Senators keep objecting to legislation or nominations on behalf of other colleagues, pretty soon that Senator can get identified as responsible for dozens of holds. We think—Senator GRASSLEY and I and Senators INHOFE, COLLINS, UDALL, BENNET and MERKLEY, a big group that is involved in this on a bipartisan basis—with this approach we are going to create public pressure because nobody here in the Senate is going to want to go down in history as being ''Senator hold.''

In my view, it will also create peer pressure on Senators to come clean about their holds. Let's say Senator GRASSLEY is on the floor or I am on the floor when a unanimous consent is made and one of us has to object on behalf of a colleague. We will go tell that colleague that he or she better come clean because we are not interested in having our names put on the Executive Calendar as the one who is supporting this secret hold.

I also believe the Grassley-Wyden approach cures other problems with the current holds policy by shortening the time period before a hold must be made public from the current 6 session days to 2 days. Our view is that 2 days is plenty of time for a Senator to determine whether to continue objecting

and make the objection public or to withdraw the objection.

Our bipartisan proposal also includes reforms that make it harder for Senators to place revolving holds on a nomination or bill. Senator GRASSLEY and I have seen this problem, over this decade we have been involved in this. Senator GRASSLEY mentioned the fact that we have always said this is being done in a bipartisan way that there is a very serious problem of revolving holds, where in effect a hold is passed on to another Member of the Senate. First, we eliminate the ability of a Senator to lift a hold before the current 6-day period expires and never has to disclose it. Under our proposal, if a Senator places a hold—even for 1 day, even for just a minute—that hold would have to be disclosed. Second, by shortening the time period, it will be even more difficult to keep finding new Senators to place new holds every 48 hours.

I want to close by expressing my appreciation to Senator GRASSLEY, Senators INHOFE, COLLINS, and others on the other side who have worked for this badly needed reform, to bring sunshine to the Senate. Senator GRASSLEY and I have put more than a decade into this effort.

I also thank my colleagues on this side of the aisle, particularly Senators BENNET, UDALL, and MCCASKILL, who have brought a tremendous amount of new energy and passion to this cause.

Finally, after all this time, let us eliminate secret holds. Let's require public disclosure of all holds and ensure that there will be consequences if the Senator fails to disclose secret holds. I ask for our colleagues' support. It is a bipartisan effort that Senator GRASSLEY and I have pursued for many years to bring greater transparency and accountability to the Senate by eliminating secret holds once and for all.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I thank my colleague from Oregon for keeping up the fight. We have been at it for a long period of time. There has been a dry spell recently when this has not been a major issue. So we didn't feel, when there wasn't an interest in getting rid of secrecy within the Senate, like bringing this up. But now there is all this concern about what is going on with so many holds in the Senate—either bills or nominations—and that it is influencing the productivity of the Senate.

There has been a lot of discussion on the floor of the Senate about this issue, so the opportunity is ripe once again. This is the fourth or fifth time in the last couple weeks we have been at it. I thank my colleague from Oregon for keeping up the fight. I am glad to work with him as a Republican, and a lot of other Republicans who support this effort of making the public's business more public, the Senate's business more public.

Senator WYDEN went into the details of the legislation, so I am not going to repeat that. But I want people to know that, from my side of the aisle, he has given an accurate representation, through his explanation, of the intent of our amendment. Without repeating that, I have made it a practice for a long period of time—I don't know, it has been 10 or 12 years—that when I put a hold on a bill or put a hold on a nomination, I have put a statement in the public record so that they know the Senator from Iowa has done this and my reason for doing it.

I want to tell my colleagues who think we ought to maintain the adjective before the word ''hold,'' it hasn't done any harm to me. There has been no retribution because of it. It has given people on a different side of the fence on the issue that I am—with my having a hold on—the opportunity to know it is me, and they can come to me for whatever reasons they want, and see whatever arrangements we can make, or whatever compromises were necessary to move things along; and they knew it was this Senator from Iowa and my rationale behind it. It gives us an opportunity to work out differences. That is what the Senate, being a deliberative body, is all about.

On the other hand, when this Senator from Iowa finds that somebody puts a hold on a nominee or a bill I have an interest in, and it is secret, then this Senator can't go to the other Senator and say, what is the problem? What can we do to work out our differences? Then that impedes the deliberative work of the Senate.

We feel there is nothing wrong with the process of a hold, except for the adjective ''secret,'' which can legitimately be put in front of the word ''hold.'' We want to preserve the deliberative aspect of the Senate. We don't want anybody to pull a quick one on anybody. The hold prevents that from happening. But we ought to know who you are and why you are doing it.

This legislation the Senator from Oregon and I have put forth will do exactly that. It is all about transparency and, with transparency, I think you get accountability. That is what representative government is all about—accountability. The public ought to have a right to know where Senators take a stand. This legislation will permit that.

In the final analysis, if you are a Senator who has guts enough to put a hold on a bill, you ought to have guts enough to let us know who you are. I hope that from now on the word ''secret'' is never anything that is used in the Senate except on things dealing with privacy or national security. Beyond that, the other 99.5 percent of the Senate's business ought to be totally open to the public.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I commend my colleagues Senators GRASSLEY and WYDEN for wanting to solve a problem. I appreciate them being willing to put some solutions forth.

I think it is important that we talk about the bigger picture when we talk about secret holds. I want to make it clear that I am not interested in holding anything in secret. As a matter of fact, whenever we do it as part of Steering, we let the cloakroom know we are holding a bill.

I think it is important that America knows what we are talking about here. At this point in the Senate, 94 percent of all of the bills are passed by unanimous consent. So this is hardly a lack of productivity. What this means is that 94 percent of the bills that pass the Senate have no debate, no vote, no amendments, no reading of the bill, no online disclosure and, very often, no score from the Congressional Budget Office.

When I first took over the Steering Committee, one of the things I learned quickly is that whenever we are having a break—if we are going for a week, such as we are after this week—on my way to the airport I would get a call from staff telling me there were dozens of requests to pass bills by unanimous consent. They knew we were going out of town. A lot of them had pretty big pricetags on them. You don't get $13 trillion in debt when you are doing things right. Part of the problem is that 94 percent of the bills that pass the Senate pass in secret. The problem is not secret holds; it is the secret passing of bills, when often we don't even know who is requesting passage. If we didn't have staff available at night when they run their so-called hotlines—which means the phone in your office rings and they ask if you will agree to pass a bill, and you have not read it and you don't know what it costs, but if you don't agree to pass it by unanimous consent, you are holding the bill.

If you ask to read it for a day or so, it is likely that some association is getting e-mails from either the Republican or Democrat side saying that Senator DEMINT is holding this desperately needed piece of legislation, which nobody else has read.

I would be glad to work with my colleagues on dealing with this issue if they believe secret holds are a problem. I think that passing 94 percent of the bills without anybody reading them or knowing they are being passed is not a good way to do business. I think it is fair to have some system where, first, you cannot secretly ask for a bill to be passed by unanimous consent. That is what goes on today.

We should look at the Coburn-McCaskill measure where, if you want something passed by unanimous consent in the dark of night, you have to put it on the Internet for at least 3 days, with a cost from the Congressional Budget Office, so that we know what we are getting into.

Again, I remind you that we don't have a problem in Washington of not

passing enough bills or spending enough money. The problem we have is we are passing bills that we don't even read that have pricetags that are running our country into a crushing debt. Again, I want to work with my colleagues. But if you are opposed to secret holds, which are really not a problem—and I am not aware of one where we don't know who is holding it. I have a problem with people asking that bills be passed in secret, and that 94 percent of the bills in this place get passed that way.

There are a lot of pressing issues we face as a country, but one of them is not secret holds. If we want to spend floor time debating it, I want to be involved with that debate. We have no problem here with things that are being slowed down. The problem we have is that every week—like this week—we are adding to our spending and borrowing more money as a country, increasing our national debt, and we are expanding the Federal Government. This is not something we need to speed up. We need Members of the Senate to read bills. We don't need to be talking about holding a bill when someone innocently asks to read a bill and to let you know tomorrow.

Let's work on this. If you want bills to go through quickly, let's get rid of the secret passing of bills that have never been on the Internet or seen the light of day. This is something where I know my colleagues are well intended, but the real problem is the secret bills and Members secretly asking to pass them. I will be glad to let you know I am holding them.

Mr. WYDEN. Will the Senator yield for a question, without losing his right to the floor?

Mr. DEMINT. I will in a moment.

I will ask this: Could we include in your legislation the idea that whenever somebody wants to pass a bill by unanimous consent, they have to come to the floor and say: I, Senator JIM DEMINT, want to pass this bill, a bill I have not read, which has not been online for 3 days, which has no score from the CBO, and I desire to pass this bill with no debate and no rollcall vote? If we would do that as individuals, I will be glad to give up my right to any secret hold.

I will yield to the Senator.

Mr. WYDEN. Mr. President, I think the Senator and I are making some progress because I was about to pose almost the same question to my colleague.

I believe the Senator from South Carolina is talking about the Coburn-McCaskill proposal To make sure Senators have actually read legislation. I have already indicated to Senators COBURN and MCCASKILL that I am interested in being a cosponsor of this legislation. I think it is a constructive idea.

In effect, we are asking each other the same questions. I think the measure the Senator from South Carolina is talking about, the Coburn-McCaskill measure, is an important one. I have indicated I will be a cosponsor.

By way of saving some time, would my colleague be willing now to let Senator GRASSLEY and me advance our proposal to eliminate secret holds today, given the fact that we have gotten more than a decade's worth of work, now that I have publicly acknowledged that I think the point the Senator from South Carolina has made, which is very much in line with the Coburn-McCaskill measure, is a valid one? My hope would be that, after putting more than a decade into this effort, the Senator from South Carolina would let us finally get a vote on this bipartisan effort to eliminate secret holds, with this public acknowledgment, at least on my part, that I think the Senator's point is valid with respect to Senators reading bills and I intend to be a cosponsor of the Coburn-McCaskill legislation.

Mr. DEMINT. Mr. President, I thank the Senator for being willing to work with colleagues. It is unfortunate that he has spent a decade on this bill and missed the main point. The main problem is secret bills, not secret holds. But if the Senator is willing to modify his amendment with the Coburn-McCaskill language and if it includes revealing who is trying to pass the bill, along with putting it online with a Congressional Budget Office score, I will be glad to support the Senator's efforts for this amendment. But I will not support the adoption of his amendment a la carte without the language being modified to include the Coburn-McCaskill language and the revealing of whoever is asking that bill be passed.

Again, I will enjoy working with my colleagues if this is important to them to get this amendment adopted. Again, I think there are certainly more pressing issues, but I am not interested in holding anything secretly. If the Senator will work with us on modifying his language, I think we can get this adopted and maybe even by unanimous consent.

Mr. WYDEN. Mr. President, will the Senator yield again without giving up his right to the floor?

Mr. DEMINT. Yes, I will.

Mr. WYDEN. My understanding from the sponsors—Senators COBURN and MCCASKILL is they are not yet ready. In other words, we have been talking with them. I have already indicated to Senator COBURN that I would be a cosponsor of his proposal. We now have what amounts to not just a private acknowledgment that the point of the Senator from South Carolina is valid but a public one on the floor of the Senate.

I say to my colleague, my understanding from the sponsors is that they are not yet ready to bring this before the Senate, and that is why I am hopeful that—given the acknowledgment that the Senator from South Carolina has a valid point with respect to making sure bills are actually read, my hope would be that the Senator from South Carolina would let Senator GRASSLEY and me go forward, finally have that vote, given the fact we have spent more than a decade laying the groundwork, and that we could at least make some progress today in the Senate.

Mr. DEMINT. Mr. President, I thank the Senator. I think if we waited a decade for this amendment, we can spend another day or two to get it right. If the Senator is certainly supportive of their language, I know their legislative staff well enough that we can get this incorporated with the language of the Senator from Oregon probably in a few hours and get this amendment done. I will be happy to help with that effort.

I thank the Senator for his interest in cooperating. I thank the Presiding Officer. I yield the floor.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withdraw his request?

Mr. INOUYE. I do.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I find myself agreeing with the Senator from South Carolina. I find myself agreeing—I am glad my colleague Senator WYDEN also agrees. I raise this point, and I raise it for a point of discussion and consideration, not to challenge the purpose of the Senator from South Carolina.

It seems to me that if we all agree the Wyden-Grassley amendment is a good approach and at least Senator WYDEN and I and Senator MCCASKILL and Senator COBURN and Senator DEMINT believe the McCaskill-Coburn measure is a good measure, why would you want to hold up the Grassley-Wyden amendment? Is there a feeling that maybe the McCaskill-Coburn measure cannot rise and fall on its own? Then I think you might leave the impression that there is some subterfuge to see that the Wyden-Grassley bill does not get adopted.

Since there is a consensus on all these points, I think we ought to be able to move forward in a separate way and not use one good idea to leverage another good idea because if they are both good ideas, they can stand on their own. In the process, we do not have to then raise any questions about the legitimacy of the second idea, which would be the McCaskill-Coburn idea on reading legislation and making sure we have a score and making sure it is brought up in an environment where there is not secrecy. Again, what I said about secrecy in this body, it should only affect national security and people's personal privacy. Everything else ought to be the public's business. It is the public's business, and it ought to be public.

I raise the point that each item ought to stand by itself and that the five of us—and there are more than five of us, but at least on the Wyden-Grassley amendment, there seem to be at

least three people in this body speaking this morning who think it ought to move forward, and there are at least three in this body, plus two others who are not here, MCCASKILL and COBURN, who feel the other idea ought to move forward. We ought to move forward separately with the help of everybody involved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, let me speak very briefly on secret holds and then make a unanimous-consent request.

I express again my appreciation to the distinguished Senator from Iowa, Mr. GRASSLEY. He very often seems too logical for some of these debates. I very much share his view.

The point is, we do have a great deal of consensus. We have had three Senators, in effect, talking over the last 20 minutes with no substantive disagreement. The reality is, eliminating secret holds and shining some sunlight in the Senate on how we do business, it is ready to go. It has been ready to go now four times in the last 10 days.

I very much appreciate Senator GRASSLEY's comments today. We ought to have a vote on it. I have tried to show my good will, as the distinguished Senator from Iowa has this morning, in saying that we happen to think Senators COBURN and MCCASKILL and Senator DEMINT's comments reflect this—have a very good idea as well. I have told them privately and again I state publicly this morning that it is my intent to be a cosponsor of the legislation. It is not yet ready to go, which is, in effect, what Senator GRASSLEY has touched on.

Efforts to reform the Senate and do our business in public when the American people are as angry as they are at the way Washington, DC, does business—one ought to have, as Senator GRASSLEY says, the guts to go public when one is trying to object to a bill or nomination.

My thanks to Senator GRASSLEY for our decade-long push—10 years-plus in trying to do it—and also for the very constructive way he has tried to reach out to colleagues on both sides of the aisle. That is what I have tried to do again this morning with my comments to Senator DEMINT.

I note that the chairman of the Appropriations Committee is also in support of the effort to get rid of secret holds. I thank him for his indulgence and for giving us this opportunity to speak on the floor of the Senate this morning.

Senator GRASSLEY and I are going to come back again and again until this secret hold, which is an indefensible violation of the public's right to know, is finally buried. I thank him.

## RECESS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. this afternoon.

There being no objection, the Senate, at 12:11 p.m., recessed until 2:15 p.m., when called to order by the Presiding Officer (Mrs. GILLIBRAND).

## MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

### UNANIMOUS-CONSENT REQUEST—S. 3305

Mr. MENENDEZ. Madam President, I rise to talk about the oilspill in the gulf and the continuing challenges it presents to us. I know some of my colleagues are going to be joining me in a few moments to talk about this. I will ask consent for a colloquy. But I am going to make a few comments about it and then, in recognition of Senator INHOFE's need to move to another commitment, I will ask unanimous consent at that time.

I want to make absolutely certain that big oil polluters pay for oilspills and not the taxpayers—not small business owners, not States or the Federal Government, which means the Federal taxpayers.

We have seen things get worse on the spill over the weekend. Unfortunately, things are, frankly, getting much worse than we would have imagined when we first introduced this legislation. Today the United States declared a fishing disaster in three gulf States—in Louisiana, Mississippi, and Alabama. Louisiana's fishing industry alone is $2.4 billion of seafood and supplies up to 40 percent of all the U.S. seafood in our country. It is, in my mind, a growing and continuing environmental and economic disaster.

Tragically, it seems to me, a $10 billion cap—we originally thought, based upon the Exxon Valdez experience, where there were close to $4 billion in claims 20 years ago, that was a cap that may have been an appropriate one. But in fact it seems to me the only way to ensure that oil companies are held accountable for all of their potential damages, for the proposition that a polluter pays at the end of the day, is to agree with the administration's statement and to raise from a cap of $75 million to an unlimited cap. I will be asking that in my unanimous consent motion in a few minutes.

We heard already the objections to our legislation. We have even heard some claim that it is ''un-American'' to hold a multibillion dollar corporation accountable for the very disaster it caused. It boggles my mind, at least as one Senator, that there are those who believe that holding BP accountable for the disaster they created in the gulf is un-American.

This is a chance to show if we stand with big oil companies or with small businesses, with fisheries, with coastal communities, with tourism, with hotels—with all of those individuals, fellow Americans who are being hurt by this disaster. It is an opportunity to say do we stand with the American taxpayer or with corporate shareholders.

It seems to me the choice is pretty clear. Miles of coastline have already been affected. Environmentally sensitive wetlands are increasingly being under threat. We have seen that, despite the fact that the rig was ''state of the art,'' it obviously was not too safe to fail.

Now the damage to the environment, to the economy of the gulf, to the fishermen, to the small businesses, to the Nation is mounting. I hope my colleagues are ready to act, especially when we have the statements of BP, that have been reiterated, that they are going to subject themselves—even though there is a legal cap of $75 million—not for the cleanup, not for all the efforts that are underway—yes, that clearly is their responsibility—but a legal cap of $75 million for all of the liability, for all of those coastal communities and fishermen and seafood fishermen, shrimp fishermen, and commercial seafood processing plants, tourism, and a whole host of other elements that may be affected, that they be limited to $75 million—less than 1 day of BP's profit. BP was making at the rate of $94 million a day. Seventy-five million dollars would be less than 1 day of BP's profits.

If they say they are going to be responsible—and any companies similarly situated should be fully responsible, accountable and subject to that liability—what is the objection to raising the cap?

I hope everyone in the Chamber will do the right thing to hold big oil accountable for the damages they caused. Damages are mounting. They still have not stopped the leak. While BP says they will pay all ''legitimate claims,'' their word is not legally binding. As a matter of fact, when they were before the Energy Committee, colleagues of mine asked them, clearly, questions and they began to equivocate as to what is a legitimate claim.

Today I asked the Assistant Attorney General of the United States, who was before the Energy Committee, is there a consent agreement between the government and BP, that holds them—legally binding—to the proposition that they will be subject to all the liabilities they have caused? And the answer was no. There is some letter, but even that letter is rather amorphous.

When I hear they are equivocating before the committee, and when I see the experience we already had with Exxon—that made all similar types of statements and then litigated for 20 years—it seems to me this clearly raises concerns that they will try to find a convenient loophole, a convenient way out once the public relations nightmare is over, a way to say no, as many of my colleagues seem to want to say no and stand on the side of big oil companies and stand in the way of legislation that would raise the liability