

I close by thanking all those who have been in this conversation, certainly LAMAR ALEXANDER from the Republican Party and CHUCK SCHUMER, who have been working on rules to hold hearings to craft the structure for our leadership, our majority leader HARRY REID and our minority leader MITCH MCCONNELL, who have been in this conversation that has resulted in these steps forward that we are taking today. I applaud all the Members who have said that as Senators sworn to uphold the Constitution, they have an obligation to make the Senate a great deliberative body, something it once was, something it is not now but something that is in our hands to make happen again.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 1:01 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SANDERS).

AMENDING THE STANDING RULES AND PROCEDURE OF THE SENATE—S. RES. 8, S. RES. 10, S. RES. 21, S. RES. 28, AND S. RES. 29—Continued

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I call up S. Res. 28, the Wyden-Grassley-McCaskill resolution to end secret holds.

The PRESIDING OFFICER. The resolution is pending.

Mr. WYDEN. Mr. President, with the passage of this resolution, no longer will it be possible for a Senator to engage in the unconscionable practice of secretly blocking a piece of legislation that affects millions and millions of Americans.

The fight for more sunshine in the way the Senate does business feels like it has been the longest running battle since the Trojan War. Today, after scores of battles, the cause of open government is going to prevail.

Over the years, Senator GRASSLEY and I, with the strong support of Senator MCCASKILL, have been able to secure leadership agreements to end secrecy. We have been able to pass amendments to end secrecy and send them to conference committees—where they would then magically disappear. We actually, at one time, got a watered-down version of our law passed. In each case, the defenders of secrecy have found a way to keep sunshine out and obstruct the public interest. When this proposal passes, we believe there will be real change.

There are three reasons why we believe our bipartisan proposal to end secret holds will be different from previous approaches.

First, now with any hold here in the Senate, there would be a public owner.

Every single hold would have a Senator who is going to be held accountable for blocking a piece of legislation.

Second, there will be consequences. In the past, there have never been any consequences for the Senator who objected anonymously. In fact, the individuals who objected would usually send somebody else out to do their objecting for them, and they would be completely anonymous. Essentially, the person who would be doing the objecting would sort of say: I am not involved here. I am doing it for somebody else. So the entire Senate lacked transparency with respect to who was actually responsible.

Third, the Wyden-Grassley-McCaskill proposal would deal with all holds, whether they reach the point of an objection on the floor or are objected to when the bill or nomination is hotlined. Our approach requires objections to a hotline be publicly disclosed, even for bills or nominations that never get called up on the floor. This is a particularly important provision.

Senator GRASSLEY and Senator MCCASKILL feel very strongly about this as well because most holds never reach the point that there is an objection on the floor, and that is something I think has been lacking in this debate. They hear about discussions of people objecting on the floor. Most holds never reach that point. Typically, what happens is, a Senator who objects to a bill or nomination tells the Senator's leader that the matter should not be allowed to come up for a vote, and then the leader objects to bringing up the bill when it is hotlined. Because of that objection, the bill or nomination never actually gets called up on the floor. That type of hold effectively kills the bill or nomination long before it gets to the point of an objection on the floor. So we want to make it clear this is an important distinction and, for the first time, we would not just be talking about objections that are made on the floor.

I see my friend and colleague, Senator MCCASKILL, who has crusaded relentlessly for this. Senator GRASSLEY and I—I say to Senator MCCASKILL we sort of feel like we have been at it as part of the longest running battle since the Trojan War. I say to the Senator, your energy has been absolutely crucial in this fight.

I would also point out—and I think we know—the defenders of secrecy will always try to find a way around anything that passes. We think we have plugged the holes. We think we finally made the crucial differences. But the fact that the Senator has been such a relentless watchdog for the public interest, an opponent of secrecy, has been a tremendous contribution. I thank my colleague from Missouri and welcome her remarks.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, very briefly, I am proud to join Senator GRASSLEY and Senator WYDEN in their

long crusade on this issue. I am giddy, frankly. I cannot believe it. I cannot believe we are this close to amending the Senate rules by a wide margin. I will predict this will be a very lopsided vote, which is ironic. I do not think there has ever been anything that has taken as long as this has that is going to win by as big a margin as this is going to win because people were stubborn about holding on to their secrecy. It is a lot easier to do business, a lot easier to get your deals if you do not have to be public about it.

So there are very few things that you can grab a hold of in the Senate and actually see to the finish line, and I believe this will be the finish line. But let me say one warning. If anyone thinks they can figure out a way around this, all of us who have worked on this are not going to give up. So 6 months from now, if something is not moving and no one knows why and we figure out that one person has decided to own the holds, such as the minority leader—I will just own all the holds—that is not going to work, because we will come right back and we will point out to the American public: Believe it or not, they are trying to get around this rule.

So a warning to everyone: If we are going to amend the rule, be prepared to live by it because it is the right thing to do. I think our stock will rise with the American people. I think the transparency is essential.

I am very proud that it appears—I will keep my fingers and toes crossed because it has not happened yet—we have bipartisan agreement that this nonsense is going to end.

I wish to thank my colleague from Tennessee, Senator ALEXANDER, because I think he has been essential in these negotiations as it has related to an amending of the rules as it relates to the secret holds.

Thank you, Mr. President. I yield the floor.

Mr. WYDEN. Mr. President, I thank our colleague, our invaluable ally in this fight.

Senator GRASSLEY, I believe, is on his way. But the Senator from Tennessee has had many discussions on this topic with me and other Senators, and I wish to thank him for all the time and effort he has put into it. I yield him whatever time he would like.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, Senator GRASSLEY and Senator WYDEN and more recently Senator MCCASKILL, have pointed out the obvious fact that so-called holds that Members of the Senate place on nominations or legislation should be public. I think that is a good idea. That has bipartisan support. I believe today we will change the rules to make that clear, and I congratulate Senators WYDEN, GRASSLEY, and MCCASKILL for their perseverance and persistence in pushing this ahead.