

STATEMENTS ON SUBMITTED  
RESOLUTIONS

## SENATE RESOLUTION 244—ELIMINATING SECRET SENATE HOLDS

Mr. GRASSLEY (for himself and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 244

*Resolved,*

## SECTION 1. ELIMINATING SECRET SENATE HOLDS.

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

“7. A Senator who provides notice to party leadership of his or her intention to object to proceeding to a motion or matter shall disclose the notice of objection (or hold) in the Congressional Record in a section reserved for such notices not later than 2 session days after the date of the notice.”.

Mr. GRASSLEY. Mr. President, today I am submitting, along with my colleague Senator WYDEN, a Senate resolution to amend the Senate rules to eliminate secret holds.

I know Senators are familiar with the practice of placing holds on matters to come before the Senate.

Holds derive from the rules and traditions of the Senate.

In order for the Senate to run smoothly, objections to unanimous consent agreements must be avoided.

Essentially, a hold is a notice by a Senator to his or her party leader of an intention to object to bringing a bill or nomination to the floor for consideration.

This effectively prevents the Senate leadership from attempting to bring the matter before the Senate.

A Senator might place a hold on a piece of legislation or a nomination because of legitimate concerns about that legislation or nomination.

However, there is no legitimate reason why a Senator placing a hold on a matter should remain anonymous.

I believe in the principle of open government.

Lack of transparency in the public policy process leads to cynicism and distrust of public officials.

I would maintain that the use of secret holds damages public confidence in the institution of the Senate.

It has been my policy, and the policy of Senator WYDEN as well, to disclose in the CONGRESSIONAL RECORD any hold that I place on any matter in the Senate along with my reasons for doing so.

As a practical matter, other Members of the Senate need to be made aware of an individual Senator's concerns.

How else can those concerns be addressed?

As a matter of principle, the American people need to be made aware of any action that prevents a matter from being considered by their elected Senators.

Senator WYDEN and I have worked twice to get a similar ban on secret holds included in legislation passed by the Senate.

But, both times it was removed in conference.

Then, at the beginning of the 106th Congress, Senate Leaders LOTT and DASCHLE circulated a letter informing Senators of a new policy regarding the use of holds.

The Lott/Daschle letter stated,

... all members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concerns.

This agreement was billed as marking the end of secret holds in the Senate and I took the agreement at face value.

Unfortunately, this policy has not been followed consistently.

Secret holds have continued to appear in the Senate.

For example, last November, it became apparent that an anonymous hold had been placed on a bill, S. 739, sponsored by Senator WELLSTONE.

This bill had been reported by the Committee on Veterans' Affairs.

However, neither Senator WELLSTONE nor Senator ROCKEFELLER, as chairman of the Committee on Veterans' Affairs, were ever informed as to which Senator or Senators had placed the hold.

The time has come to end this distasteful practice for good.

This resolution that Senator WYDEN and I are submitting would do just that.

It would add a section to the Senate rules requiring that Senators make public any hold placed on a matter within two session days of notifying his or her party leadership.

This change will lead to more open dialogue and more constructive debate in the Senate.

Ending secret holds will make the workings of the Senate more transparent.

It will reduce secrecy and public cynicism along with it.

This reform will improve the institutional reputation of the Senate and I would urge my colleagues to support the Grassley-Wyden resolution.

## SENATE RESOLUTION 245—DESIGNATING THE WEEK OF MAY 5 THROUGH MAY 11, 2002, AS “NATIONAL OCCUPATIONAL SAFETY AND HEALTH WEEK”

Mr. DURBIN (for himself, Mr. BROWNBACK, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 245

Whereas every year, more than 6,000 people die from job-related injuries and millions more suffer occupational injuries or illnesses;

Whereas every day, millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes—the occupational safety, health, and environmental professionals who work day in and day out identifying hazards and implementing safety advances in all industries and at all workplaces, thereby reducing workplace fatalities and injuries;

Whereas these safety professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, and develop safer products;

Whereas the more than 30,000 members of the 90-year-old nonprofit American Society of Safety Engineers, based in Des Plaines, Illinois, are safety professionals committed to protecting people, property, and the environment globally;

Whereas the American Society of Safety Engineers, in partnership with the Canadian Society of Safety Engineers, has designated May 5 through May 11, 2002, as North American Occupational Safety and Health Week (referred to in this resolution as “NAOSH week”);

Whereas the purposes of NAOSH week are to increase understanding of the benefits of investing in occupational safety and health, to raise the awareness of the role and contribution of safety, health, and environmental professionals, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs;

Whereas during NAOSH week the focus will be on hazardous materials—what they are, emergency response information, the skills and training necessary to handle and transport hazardous materials, relevant laws, personal protection equipment, and hazardous materials in the home;

Whereas over 800,000 hazardous materials are shipped every day in the United States, and over 3,100,000,000 tons are shipped annually; and

Whereas the continued threat of terrorism and the potential use of hazardous materials make it vital for Americans to have information on these materials: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of May 5 through May 11, 2002, as “National Occupational Safety and Health Week”;

(2) commends safety professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe “National Occupational Safety and Health Week” with appropriate ceremonies and activities.

● Mr. WYDEN. Mr. President, One of the Senate's most popular procedures cannot be found anywhere in the United States Constitution or in the Senate Rules. It is one of the most powerful weapons that any Senator can wield in this body. And it is even more potent when it is invisible. The procedure is popularly known as the “hold.”

The “hold” in the Senate is a lot like the seventh inning stretch in baseball: there is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition.

The resolution that Senator GRASSLEY and I submit today does not in any way limit the privilege of any Senator to place a “hold” on a measure or matter. Our resolution targets the stealth cousin of the “hold,” known as the “secret hold.” It is the anonymous hold that is so odious to the basic premise of our democratic system: that the exercise of power always should be accompanied by public accountability.