

Our resolution would bring the anonymous hold out of the shadows of the Senate.

Senator GRASSLEY and I have championed this idea in a bipartisan manner for six years now. In 1997 and again in 1998, the United States Senate voted unanimously in favor of our amendments to require that a notice of intent to object be published in the CONGRESSIONAL RECORD within 48 hours. The amendments, however, never survived conference.

So we took our case directly to the leadership, and to their credit, TOM DASCHLE and TRENT LOTT agreed it was time to make a change. They recognized the significant need for more openness in the way the United States Senate conducts its business so TOM DASCHLE and TRENT LOTT sent a joint letter in February 1999 to all Senators setting forth a policy requiring "all Senators wishing to place a hold on any legislation or executive calendar business [to] notify the sponsor of the legislation and the committee of jurisdiction of their concerns." The letter said that "written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination," and that "holds placed on items by a member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day."

At first, this action by the Leaders seemed to make a real difference. Many Senators were more open about their holds, and staff could no longer slap a hold on a bill with a quick phone call. But after six to eight months, the Senate began to slip back towards the old ways. Abuses of the "holds" policy began to proliferate, staff-initiated holds-by-phone began anew, and it wasn't too long before legislative gridlock set in and the Senate seemed to have forgotten what Senators DASCHLE and LOTT had tried to do.

My own assessment of the situation now, which is not based on any scientific evidence, GAO investigation or CRS study, is that a significant number of our colleagues in the Senate have gotten the message sent by the Leaders, and have refrained from the use of secret holds. They inform sponsors about their objections, and do not allow their staff to place a hold without their approval. My sense is that the legislative gridlock generated by secret holds may be attributed to a relatively small number of abusers. The resolution we are submitting today will not be disruptive for a solid number of Senators, but it will up the ante on those who may be "chronic abusers" of the Leaders' policy on holds.

Our bipartisan resolution would amend the Standing Rules of the Senate to require that a Senator who notifies his or her leadership of an intent to object shall disclose that objection in the CONGRESSIONAL RECORD not later than two session days after the date of

the notice. The resolution would assure that the awesome power possessed by an individual Senator to stop legislation or a nomination should be accompanied by public accountability.

The requirement for public notice of a hold two days after the intent has been conveyed to the leadership may prove to be an inconvenience but not a hardship. No Senator will ever be thrown in jail for failing to give public notice of a hold. Senators routinely place statements in the CONGRESSIONAL RECORD recognizing the achievements of a local Boys and Girls Club, or congratulating a local sports team on a State championship. Surely the intent of a Senator to block the progress of legislation or a nomination should be considered of equal importance.

I have adhered to a policy of publicly announcing my intent to object to a measure or matter. This practice has not been a burden or inconvenience. On the contrary, my experience with the public disclosure of holds is that my objections are usually dealt with in an expeditious manner, thereby enabling the Senate to proceed with its business.

Although the Senate is still several months away from the high season of secret holds, a number of important pieces of legislation have already become bogged down in the swamp of secret holds this year. The day is not far off when any given Senator may be forced to place holds on numerous other pieces of legislation or nominees just to try to "smoke out" the anonymous objector. The practice of anonymous multiple or rolling holds is more akin to legislative guerilla warfare than to the way the Senate should conduct its business.

It is time to drain the swamp of secret holds. The resolution we submit today will be referred to the Senate Committee on Rules. It is my hope that the Committee will take this resolution seriously, hold public hearings on it and give it a thorough vetting. This is one of the most awesome powers held by anyone in American government. It has been used countless times to stall and strangle legislation. It is time to bring accountability to the procedure and to the American people. ●

AMENDMENTS SUBMITTED AND PROPOSED

SA 3135. Mr. CARPER (for himself, Ms. COLLINS, Mr. LEVIN, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3136. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3103 submitted by Mr. KENNEDY (for himself and Mr. SMITH of Oregon) and intended to be proposed to the amend-

ment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3137. Mr. CAMPBELL submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3138. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3139. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3140. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3141. Mr. DORGAN (for himself, Ms. CANTWELL, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3135. Mr. CARPER (for himself, Ms. COLLINS, Mr. LEVIN, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 23 and all that follows through page 48, line 4, and insert the following:

"(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

"(1) OBLIGATION TO PURCHASE.— After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that the qualifying cogeneration facility or qualifying small power production facility has access to an independently administered, auction-based day ahead and real time wholesale market for the sale of electric energy.

"(2) OBLIGATION TO SELL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to sell electric energy to a qualifying cogeneration facility or a qualifying small power production facility under this section if competing retail electric suppliers are able to provide electric energy to the qualifying cogeneration facility or qualifying small power production facility.

"(3) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party under any contract or obligation, in effect on the date of enactment of this subsection, to purchase electric energy or capacity from or