

A lot of Senators give lengthy and eloquent speeches about fighting terrorism, but now a bill that is vital to national security is being held up in secret. It has been held up for months and months as a result of this secret hold. That ought to change.

Certainly, it ought to change if Senators are serious about lobbying reforms because one of the best ways for lobbyists to work their will is to have procedures that help them behind closed doors. That is what the secret hold is all about. It is written nowhere in the Senate rules, but it has become one of the most significant and powerful tools a Senator can exercise. It is done without any public accountability at all.

There has been a bit of irony in the last couple of days about this legislation. I thought it was going to come up already, given the fact that we had come back from the recess. I was under the impression that would be the first order of business. But we could not get to the bipartisan measure to abolish secret holds because, lo and behold, there was a secret hold on an amendment to try to get the Senate to do its business in public. That pretty much says it all. Not only do we have secret holds on national security legislation, legislation that would make a real difference in terms of striking a balance between fighting terrorism ferociously and protecting civil liberties, not only do we have national security legislation being held up, but even efforts to bring about basic reforms such as openness and sunshine for the Senate are being held up as a result of this secret procedure.

I emphasize what the change will mean for the Senate. No longer if this change is put in place will staff be able to keep secret from Members an objection; no longer will leadership be the only one to know about an objection; no longer will it be possible for a Senator to be kept in the dark about something they have worked on for years and years. The fact is, Senator GRASSLEY and I have worked on this legislation for a full decade.

Senator LOTT, the chairman of the Rules Committee, has been particularly helpful in terms of working with us on this measure. There have been hearings. Senator BYRD, who, of course, knows more about the Senate rules than anyone in the history of this Senate, has been very helpful in terms of giving us background about what we ought to do. This amendment puts the burden on the person who ought to be held publicly accountable: squarely on the shoulders of an objector. The person who exercises a hold will be identified and colleagues can discuss with that person how to move forward in a bipartisan way.

No Senator is going to be stripped of their rights. No Senator is going to be kept from protecting constituents that have serious concerns about legislation. But with the right to stand up for your view and to object to a piece of

legislation, there ought to be some responsibility. There ought to be some accountability.

I find it stunning the Senate would even consider lobbying reform without an effort to do its business in public. We have already spent several days on this legislation. Hopefully, it will be completed shortly. It seems to me one of the most obvious reforms that Senators ought to be in favor of, if this Senate is serious about reform, is doing its business in public.

Nowhere in the Senate rules does it say anything about secret holds. Nowhere is it written down that a Senator can exercise this enormous power and do it without any accountability at all.

Senator GRASSLEY and I believe it is time to bring some sunshine for the Senate and for Senators to do the people's business in public. Secret holds have been the bane of the Senate for decades. Back in the 101st Congress, then-majority Bob Dole said:

I have never understood why Republicans put a hold on Republican nominees. Maybe I will figure it out some day. I have been working on it. I have not quite understood it.

In that same Congress, former Senator John Glenn observed:

... as one hold would come off, there was agreement another one would be put on, so that no one really had to identify themselves. The objecting Senator would remain anonymous. So much for sunshine in the United States Senate.

Those are the words of one of our most respected colleagues, John Glenn, words that I hope Senators will remember later in the day when we will have a chance to vote on a bipartisan amendment to bring some sunlight to the Senate and some openness in the way the Senate conducts the public's business.

When we have important national security legislation held hostage today by a secret hold, that alone says that this Senate needs to change the way it does business. It ought to do its business in the open. It ought to do its business in a way that will hold Senators accountable.

After 10 years, Senator GRASSLEY and I have watched these secret holds block legislation, block nominations in a way that does a disservice to all the people we represent.

We are going to have a chance to end this. We are going to have a chance to ensure that while Senators can exercise their rights and debate topics that they feel strongly about, they can also be held publicly accountable.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, we are beyond 12:30 p.m. Thus, I ask unanimous consent to delay the recess until we complete, in a few minutes, two items of business we will be addressing.

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

Mr. FRIST. Mr. President, we are going to address two issues, and those are the issue surrounding the lobbying bill, which is on the floor now, and we will march through that issue—the Democratic leader and I will explain to our colleagues what has just been done—and then also we expect to address the issue surrounding immigration and the cloture vote that is scheduled this afternoon.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2349) to provide greater transparency in the legislative process.

Pending:

Wyden/Grassley amendment No. 2944, to establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter.

Schumer amendment No. 2959 (to amendment No. 2944), to prohibit any foreign-government-owned or controlled company that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996–2001, may own, lease, operate, or manage real property or facility at a United States port.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2959 WITHDRAWN

Mr. SCHUMER. Mr. President, since I offered the amendment on the Dubai Ports World, a lot has happened. In fact, Dubai Ports World has agreed to sell its U.S. operations, and so it will have no control over them. That will happen over the next several months. The administration has agreed that should be what happens.

Obviously, we are going to keep a watchful eye on the deal, and should for some reason—and I have no expectation this will occur—the deal not be allowed, we would want to bring the amendment back to the floor. The majority leader has graciously agreed that we would be allowed to do so, although I have no expectation that will happen.

So I ask unanimous consent to withdraw the pending amendment.

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

The majority leader.

Mr. FRIST. Mr. President, let me add to what the distinguished Senator from New York just said. First of all, I thank him, through the Chair, for his cooperation on an issue which is constantly evolving, but it looks as if it is well underway to satisfy everybody's