Statement Prepared for

Hearing on Senate Resolution 151, requiring public disclosure of notices of objections ("holds") to proceedings to motions or measures in the Senate.
Committee on Rules and Administration
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A "hold," in Senate jargon, is notice given to a floor leader that a senator objects to floor consideration of a legislative measure or nomination. A hold gains its bite when a majority leader refuses to bring up a measure or nomination on which a hold has been placed or when the minority leader indicates his objection to the consideration of a measure or nomination on the basis of a hold registered with him. Since at least the 1970s, holds have been a source of frustration, particularly for majority leaders and bill managers, but rank-and-file senators of both majority and minority parties have voiced concerns about the practice with regularity.

Senators Grassley and Wyden propose that senators be required to disclose holds (notices of objection) in the *Congressional Record* no later than two session days after providing notice to the party leadership. The proposal promises to enhance the accountability of senators placing holds to Senate colleagues and to the people. In the view of the sponsors, disclosure will speed negotiations to remove obstacles to floor action and may reduce the incentives to place holds in the first place. These are laudable goals but several potential problems should be considered in predicting the effectiveness of the proposed rule.

1. No effective means of enforcement is proposed or implied by the S.Res. 151.

2. Holds would be given official status in the Senate's rules for the first time.

3. The proposal does not provide for notice of the removal of a hold.

4. The proposal does not address "rolling" holds in an effective way.

5. The proposal may encourage senators to wait until the last moment to place holds in order to avoid premature disclosure of their identity.

6. The proposal does not guarantee disclosure for senators placing holds through intermediaries other than party leaders, such as through faction leaders.

Perhaps I am unjustifiably cynical in my view of the tactical adjustments that senators will make to a new rule. If you are inclined to adopt a new rule, my hope is that you will be able to address some of these concerns and improve the prospects for eliminating secret holds in practice.

Background on Holds

The origin of the practice of holds is somewhat obscure, although Senator Byrd and others surely can shed light on this. With the important exception of a paper written about Republican holds in two Congresses by Professor Larry Evans and colleagues, political scientists have not produced systematic analysis of the use and consequences of holds. I can provide some general background on the development of the practice and its relationship to Senate rules and other party practices.

The practice of holds is a product of the absence of debate limits except by supermajority vote, floor leaders' reliance on unanimous consent requests to call up measures and their desire to avoid objections when possible, and senators' interest in having a schedule that is as reliable as possible. The practice is an informal one in both Senate parties, although both parties have developed clearance processes and expectations for written notice.

It appears that senators began to more frequently express their concerns about floor action on measures in the 1960s. Majority Leader Mike Mansfield's accommodative style played a role here. Under Mansfield, unanimous consent agreements became more complex to accommodate the scheduling demands of senators, to manage a larger volume of floor amendments, and, wherever possible, to limit debate and amendments in order to move measures to final passage. Unanimous consent requests often were subject to lengthy discussion on the floor and often were modified in subsequent agreements. Senators fearing that their scheduling concerns, amendments, or other interests would be overlooked began to notify the leadership in advance of their desire to be accommodated or even consulted before a time agreement on a measure. The practice of making notations in the margins of the *Daily Calendar* reflected the difficulty of keeping track of senators' requests.

As Senator Byrd began to take the lead in negotiating unanimous consent agreements in the late 1960s and early 1970s, agreements became more likely to cover multiple days of floor activity, to cluster votes in order to abbreviate sessions, to affect action on more than one measure, to require that debate be germane, to limit amendments, and to track legislation subject to filibusters. While these steps surely expedited the consideration of legislation, they also increased senators' interest in having their interests protected. For example, as the Democratic leadership increased the use of non-debatable motions to table to dispose of amendments, senators more frequently sought protection for their amendments in unanimous consent agreements.

Since at least the late 1970s, majority leaders have expressed frustration with holds. As floor leaders of both parties systematized the practice of recording and observing senators' objections to proceeding with legislation or nominations, senators came to expect that floor leaders would respect their holds. Some holds are quite innocent and readily addressed—such as seeking to preserve an opportunity to offer an amendment in any unanimous consent agreement. Most holds merely delay floor action but even delays may have policy and political consequences. Conditions for removing a hold are often formally stated or informally communicated to leaders at the time they are placed.

Holds quickly became an all-purpose hostage-taking device. Holds were, and continue to be, used to gain leverage with the leadership, committee leaders, the administration, and others. The goal of many holds is to affect matters unrelated to the measure or nomination subject to the hold, such as action by the administration. I have attached a sampling of senators' floor commentary about the use of holds as an appendix to my statement.

By the late 1970s, then, it appeared that a system of advance notification was transformed into single-senator vetoes of legislation, a privilege into a right, and a leadership service into a leadership obligation. Particularly frustrating were those senators who made placing hold a hobby—perhaps most notably Senator Howard Metzenbaum on the Democratic side, a freelancer, and Senator James McClure, a faction leader.

I don't have to tell the members of this committee that floor leaders' seek to accommodate colleagues' wishes and demands. After all, leaders need the cooperation of their colleagues on both routine matters and critical votes. All leaders since Senator Byrd have made clear the limits to their observance of holds, but the practice appears to have continued to be a source of deep frustration for leaders, bill managers, and many senators. The need to retain the cooperation of colleagues has made it difficult for leaders to suppress the practice for long, even when the leaders have declared an end to the treatment of holds as one-senator vetoes and insist on that bill sponsors be notified of the identity senators placing holds. In 1999, for example, both parties' leaders wrote to senators to require that senators placing holds "shall notify" bill sponsors and committees of holds for senators to again, but within sevens months senators were again complaining on the floor about the use of secret holds.

Thus, the informal practice of holds became regularized for several reasons. The underlying necessity of obtaining unanimous consent gives senators a source of leverage over the majority leader and bill managers. That leverage is enhanced by the severe scheduling constraints under which leaders operate. Incentives to exploit holds have multiplied, including the urge to place counter-holds and to show responsiveness to the interests of outside groups. And, of course, even when the majority leader has the cooperation of his party colleagues, he can do little about practices within the opposition party, whose members generally have more incentive to be obstructionist and are less sympathetic to the scheduling problems of the majority leader.

Senators Grassley and Wyden argue persuasively for an open process makes visible to the American people the sources of delay in Senate action. As a practical matter, they say, leaders' proclamations that senators placing holds should notify bill sponsors and committees of jurisdiction have not succeeded. The disclosure declaration sent to senators in a letter from the majority and minority leaders on February 25, 1999, has not been observed (letter published in the *Congressional Record*, March 3, 1999, page S2205). In a few months, senators were complaining about secret or anonymous holds once again. Plainly, earlier proclamations, which date back at least to a 1982 announcement by Majority Leader Howard Baker, had a modest effect at best.

The problem is that senators' ability to object to unanimous consent agreements, backed by the threat of delay through extended debate, remains untouched, and leaders must seek advance warning of objections whether or not sponsors and committees are notified about a hold. These powerful, fundamental forces in Senate floor politics are not addressed by S.Res. 151.

Will the requirement of the publication of holds in the *Record* make a difference? A clearer statement of the Senate's collective expectations is desirable. Peer pressure appears to have had some effect on senators' use of secret holds and the adoption of S.Res. 151 would intensify the pressure. The proposed rule, as Senators Grassley and Wyden argue, will further discourage senators who might violate the expectations of their colleagues about disclosure.

Projecting the long-term success in eliminating secret holds is difficult. Several considerations lead me to be skeptical about maintaining an effective ban on secret holds.

1. No means of enforcement is proposed in S.Res. 151. As Senate Wyden observed when S.Res. 151 was introduced, "No senator will ever be thrown in jail for failing to give public notice of a hold."

   For most Senate rules, enforcement requires a point of order, a ruling by the presiding officer, and, if necessary, the support of a majority of senators present and voting. No point of order appears to be created by S.Res. 151. It is not clear what action by a senator or the Senate might be subject to a point of order to enforce the rule. The only possibility is that a point of order would lie against an objection to a unanimous consent request on the grounds that an intention to object was communicated to a floor leader but not published in the *Record* within two days. A fair ruling on such a point of order would require a judgment by the presiding officer that a "notice of objection" of the required kind had been delivered to the appropriate party official by a certain date. The presiding officer might insist that, lacking direct evidence or testimony, he or she is unable to rule. If the presiding officer was inclined to rule on the point of order, senators wanting to be heard on the point of order would discuss, or at least demand information about, the internal communications of one of the parties. Floor leaders may be quizzed about the communications they have received from party colleagues. If the presiding officer was ready and willing to make a

determination, the ruling might be appealed and a debate involving even more senators might follow about the internal party communications. In any event, after the Senate disposes of the point of order, another senator, one not in violation of the disclosure requirement, could object to proceeding to the consideration of the measure or nomination—and maybe even do so on behalf of the colleague whose objection was ruled out of order.[1]

I fear that the proposed rule will prove to be unenforceable.

2. Holds would be given official status in the Senate's rules for the first time. That is, a party-based practice will be recognized in the rules. A case can be made that the Senate should avoid direct regulation of intra-party practices and that party conferences are the proper source of regulations on holds. The counter-argument is that reliance on party conferences leaves open the possibility that one party will effectively regulate secret holds but the other party will not, giving members of the party without effective regulations a tactical advantage in floor decision making. To be credible to members of both parties, regulation of secret holds must be done by Senate rule.

   I am not persuaded that the best line of attack on secret holds at this time is through Senate rules. I would prefer to see the party conferences strengthen their commitment to ending the practice of secret holds by adopting similar conference rules. In my view, the party conferences are at least as able as the Senate to enforce a rule on secret holds.

   In addition, a Senate rule—and the precedents that will follow to make it effective—present hazards to the parties and their leaders. If the rule is to be effective, rulings are likely about (a) the nature of the communications from senators to leaders that constitute notice and (b) the identity of the leader (floor leader, bill manager, leadership staff, and so on) who must receive notice of a hold in order to trigger the disclosure requirement. I believe such rulings would prove to be unnecessarily burdensome constraints on party activity.

   Finally, removing holds may be more difficult if senators are on record as objecting to Senate consideration of a measure or nomination in advance of negotiations with party or committee leaders.

3. The proposal does not provide for notice of the removal of a hold. The goal of increased accountability would be more fully served if the proposed rule allowed for notice in the *Record* of the removal of holds. As for placing notice of a hold in the *Record*, a notice of removal should be published without requiring a senator to gain recognition on the floor to seek unanimous consent or make a motion to remove notice of the hold.

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[1] A second approach is to consider a violation, or perhaps repeated violation, of the new rule to be unethical conduct subject to review by the Committee on Ethics. The rationale for treating violations of the rule to be unethical conduct might be that it is considered deceptive behavior.

4. The proposal does not address "rolling" holds in an effective way. Over the last decade or so, senators occasionally have complained that their legislation or nominations have been subject to a series of coordinated holds. It is not clear how the proposal enhances accountability for senators who place and quickly remove holds in a long or rotating sequence. Such unfriendly behavior may seem out of sync with norms of civil conduct, but the track record of senators exploiting the rules does not leave me too optimistic about avoiding such tactical adjustments.

5. The proposal may encourage senators to wait until the last moment to place holds in order to avoid premature disclosure of their identity. The consequences of this development might be serious. Leaders' task of managing the floor schedule would be more difficult and senators would find the timing of floor action even less predictable.

6. The proposal does not guarantee disclosure for senators placing holds through intermediaries other than party leaders, such as through faction leaders. This is not hypothetical. As a recent paper by Professor Evans recounts, at least one prominent faction leader served as a conduit for holds requested by colleagues associated with his informal caucus.

Leaders and Holds

The willingness of floor leaders to observe holds and secrecy add to the vitality of holds. The willingness of floor leaders to observe holds is understandable but greatly reduces the costs to senators who seek to block floor action. Secrecy increases the effectiveness of holds by reducing accountability and slowing the process of removing obstacles to floor consideration of legislation or nominations. S.Res. 151 addresses secrecy but not the facilitating role of floor leaders. The sponsors of the resolution may believe that leadership declarations have short half-lives.

My hunch is that secrecy remains because it is convenient for both leaders and their party colleagues. In my conversations with senators and staff about holds, I have heard conjectures that leaders appreciated the secrecy of some holds. Minority leaders, in particular, it was speculated, found it convenient to attribute an objection to action on a measure or nomination to an anonymous colleague. This deflected a charge of partisan obstructionism that might be directed at the minority leader. I certainly defer to members of the Committee to report on the degree to which a leader finds it convenient to be the only one to know the identity of a colleague placing a hold.

If I am right that secrecy sometimes suits the needs of a party leader and his colleagues, we must be skeptical about the ability of the Senate to successfully demand disclosure. I would like the Senate to prove me wrong, but I fear that the Senate will adopt a rule that proves unenforceable and deepens public cynicism about the practice of holds.

Alternative Approaches

I do not believe that secrecy can be effectively banned without modifying the practice of holds itself. The procedural foundations of holds are (a) the possibility of obstruction through extended debate and (b) the necessary reliance of floor leaders on obtaining unanimous consent to consider most measures and to expedite debate and amending activity. The utilitarian foundation for holds is the majority leader's interest in avoiding delays in floor activity. Any meaningful effort to modify holds must address these features of modern Senate practice.

Modest procedural changes related to the motion to proceed and Rule 22 may have marginal effects on the frequency and effectiveness of holds. A long-standing proposal to limit debate on the motion to proceed would allow the majority leader to get a simple-majority vote to bring up a measure if there was objection to a unanimous consent request to do so. A variation is to require some small number of senators to object to a request to proceed.

A similar approach is to allow the majority leader or his designee to make a nondebatable motion to place legislation and nominations on a new calendar (maybe a "Motion to Proceed Calendar") with the approval of a three-fifths majority. For matters placed on the new calendar, the motion to proceed would be considered adopted. The majority leader or his designee would be authorized to call up measures and nominations on the new calendar at his discretion. Matters of modest or little significance might be placed on the new calendar.

These modest changes related to the motion to proceed and Rule 22 would not be entirely satisfactory for those seeking to avoid holds entirely. Senators could still object to subsequent time limitation requests and by doing so create nearly the same difficulties for the leader in his attempts to expedite the flow of legislation. The minority leader might even feel just as obligated to register objections to most unanimous consent requests after the motion to proceed is adopted as before it is adopted. Still, getting measures and nominations past the motion to proceed would require senators to directly obstruct debate on a pending measure, which may increase the disincentives to follow through on threatened obstructionism.

From time to time, senators and outside observers have insisted that, given the Senate's basic procedures, the only solution to the abuse of holds is for the floor leaders to effectively implement their stated policy that holds are not vetoes and that bill sponsors and committees of jurisdiction be informed of all holds. Wise commentators know that this is a lasting solution only if the expectations of leaders' party colleagues change. The problem is that the willingness of just a few senators to fully exploit their procedural repertoire at every turn leaves other senators defenseless unless they, too, exploit obstructionist opportunities in response. Moreover, it seems inevitable that at least a few senators will find an issue of such importance that it justifies the first obstructionist move and generates an arms race of hold and counter-hold that leaders cannot control.

I am not optimistic that the Senate can break the syndrome of reliance on unanimous consent, the need for advance notice, and the leverage gained through threatened obstructionism. The syndrome has roots in supermajority cloture, a rule that the Senate chooses not to change, and in external incentives for senators to exploit parliamentary rules and practices, incentives that the Senate cannot change.

Appendix

Highlights of Senate Floor Mentions of Holds, 101st-107th Congresses (Excerpts from the *Congressional Record*)[2]

101st Congress (1989-1990) Democratic Senate Majority, Republican President

(a) Republican Holds on a Republican President's Nominations

> Minority Leader Robert Dole (R-KS). Mr. President, first of all, I regret we cannot confirm the nominees. I have not figured out what they have to do with another nomination. I never have 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. (September 22, 1989, page S11735)
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> A week later:
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> Minority Leader Robert Dole (R-KS). I have not yet been able to determine why there is a hold on these particular nominees but there is a hold . I know we do not honor holds but it is a question of timing, how much time we have to move on different nominees. I appreciate the comments of the majority leader and hopefully we can wrap these nominations up early next week. (September 29, 1989, page S12302)
>
> A month later:
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> Majority Leader George Mitchell (D-ME). After a quick look at the pending Executive Calendar, I am advised that there are five holds in place [on nominations], three by Republicans and two by Democrats. (November 9, 1989, page S15424)

(b) "Rolling Holds": Republican Holds on a Bill Supported by a Republican President Near the End of the Congress[3]

> Governmental Affairs Chairman John Glenn (D-OH). The agreement between the Senate and the administration has been agreed to by the House managers and it is our understanding the bill would have been acted upon immediately by the full House of Representatives had we been able to carry through on the unanimous-consent agreement that we had last evening.
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> Mr. President, I just have to question this. The question I have is, since the administration supports this bill, and since the Senate Governmental Affairs Committee supports this bill, reported it favorably, and since the House is prepared to adopt our bill and send the bill directly to the President, why have we

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[2] I have changed the *Record*'s manner of identifying senators in order to more fully identify the committee or party position of the speaker when that is helpful to understanding the excerpt.

[3] Rolling holds also have been called "revolving" holds.

been unable to call it up for action in the Senate and make reauthorization of the Paperwork Reduction Act a law?

The measure is being held now by an `anonymous' hold --I find that deplorable--an anonymous hold on the Republican side, despite the strong support of the administration. I was told earlier this evening that the first person to put on that anonymous hold had even flown out of town, was gone, was not even going to be here, but had an agreement from others that they would oppose it. In other words, it would be a rolling hold. And I cannot fight that. As one hold would come off, there was agreement another one would be put on, so that no one really had to identify himself. The objecting Senator would remain anonymous. So much for sunshine in the Senate of the United States. (October 27, 1990, page S17609)

(c) Multiple Holds on a Bill Near the End of the Congress

Committee Ranking Minority Member Orrin Hatch (R-UT). Mr. President, I have one statement to make. With respect to the education bill we have been trying to get through, I feel very aggrieved that it is not able to go through tonight. But, I want to set the record straight that Senator Helms has not had a hold on this bill for a long time. I just want people to know that. There are holds, and they are on this side, but there are darn few of them. I do feel very badly that we cannot get this through. (October 27, 1990, page S17621)

102d Congress (1991-1992) Democratic Senate Majority, Republican President

(a) Minority Party Senator Objects to Rumors That He Placed a Hold on a Bill

Senator Alan Simpson (R-WY). Mr. President, there is a bill on the Senate Calendar, S. 1504, which would authorize appropriations for the Public Broadcasting System. Yesterday my office began receiving a number of calls to pursue the rumor that I had personally placed a hold on this legislation. Frankly, until yesterday, I was not aware that this bill, which had been placed on the Calendar on November 19, was working its way up the stack. I wish to fully dispel that rumor--which at this time of the year, in this line of work can rise to epidemic proportions, that somehow I had placed any impediment to the passage of this legislation.

In these latter days, I did have a most interesting interchange with one of the intrepid reporters of National Public Radio--and apparently that may be the reason for the calls. But this is not so. I do not do business in that fashion. I have not in the past, nor I do not currently have any hold on this bill, nor do I intend to place one on this legislation. (November 27, 1991, page S18746)

(b) Complaint and Response About Minority Holds on a Highway Bill

Senator Alan Dixon (D-IL). The reason the bill is not yet before the President is all too simple. The bill is not moving because of holds placed on it by Senators from the minority side of the aisle. All Senators are entitled to exercise their

rights under the rules. However, the administration cannot have it both ways, Mr. President. It cannot criticize the Democratically controlled Congress for failing to act when it is Republican Members who are preventing action. (October 29, 1991, page S15347)

A day later:

Minority Leader Robert Dole (R-KS). Mr. President, there are no holds on the Republican side on the so-called highway bill. There was some indication that somebody is holding it on this side, and they cannot go to conference. There are no holds on this side. (October 30, 1991, page S15439)

(c) Democratic and Republican Holds on Judicial Nominations

Senator Daniel Patrick Moynihan (D-NY). Mr. President, I rise to call attention to a serious matter that the Senate ought to concern itself with, which is the hold that has been placed on the nomination of four Federal judges, reported out of the Judiciary Committee unanimously early in June, and yet not acted upon, held at the desk as a consequence of the wishes of individual Senators who really are not involved with the judicial districts concerned and who do not come forward, even, and say who they are.

On June 11, the Judiciary Committee by unanimous vote reported four Federal court nominees for Senate confirmation: Susan H. Black for the 11th Circuit Court of Appeals; Irene M. Keeley for the Northern District of West Virginia; Loretta A. Preska, and Sonia Sotomayor, each for the Southern District of New York. Each of these nominees has a distinguished background and their nominations were accompanied not only by no controversy but by the most emphatic support from bar associations and the like. Yet they are held at that desk. In the case of Ms. Black, a Democratic Senator has a hold. In the other three cases: Ms. Keeley, Ms. Preska, Ms. Sotomayor, Republican Senators have said they may not be called up. (June 30, 1992, page S9191)

(d) A Majority Party Senator Complains About a “Rolling Hold” in His Own Party

Senator J. James Exon (D-NE). Mr. President, I intend to talk on this subject for some period of time.

Let me start out by saying that on a truly bipartisan basis, we have been trying--so far without success--to get up this undercharge matter for transportation that is causing great, great concern.

This measure came unanimously out of the Commerce Committee. We have had it cleared on both sides of the aisle on one or two occasions. And then, in the last 10 days or so, we have experienced the rolling hold. And everybody in this body knows what a rolling hold is. Maybe some of the people listening do not know what a rolling hold is.

A rolling hold is any Member of the U.S. Senate, if he is contacted by a special interest group or someone else, has the right to have an objection raised to the matter of bringing up the bill.

I just went through the exercise of doing that in the prescribed manner and, of course the matter was objected to on that side of the aisle.

Sooner or later, if we are ever going to eliminate the logjams, if we are going to eliminate serious matters that we find ourselves in from time to time that these days are best described as a gridlock, then we are going to have to make lots and lots of changes, including changes in the Senate rules that allow Senators to place holds on bills at will, especially when it is an organized effort by powerful forces outside of this body simply calling on the telephone and saying, `I object to such and such a measure, and would you put a hold on it?' So Senators, for reasons best known to themselves, put holds on the bill.

In this particular instance, the rolling hold has been most typical. There were four or five or six Senators on this side of the aisle that had placed holds on the bill. We tracked that down. And, finally, we would get one Senator to eliminate his hold on the bill. We would be ready to pass it and then, boom, up jumps another Senator that had been called by a special interest group to put a hold on the bill. (September 29, 1992, page S15647)

103d Congress (1993-1994) Democratic Senate Majority, Democratic President

(a) Hold as Source of Leverage with the Administration

Select Intelligence Committee Chairman Dennis DeConcini (D-AZ). Madam President, today I had planned to address the status of the intelligence authorization bill, S. 1301. Articles in the press this morning make it even more imperative that I do so to set the record straight.

We have a very unfortunate situation on our hands, Madam President. We have been trying to bring the intelligence authorization bill to the floor now for several weeks. The latest obstacle in our path is a hold placed on our bill by several Republican Senators on the Committee on Armed Services.

Let me make it clear, their hold has nothing to do with the substance of the bill or the merits of the bill.

They have placed the hold on our bill because they believe, based upon an allegation from a confidential source, that the CIA has a classified document pertaining to a nominee before their committee, Morton Halperin. After an exhaustive search of its records, CIA cannot find the alleged document, and, in the meantime, our bill is being held hostage.

Madam President, since the hold was placed on our bill last week, we in the committee have been attempting to resolve this issue. We urged the CIA to

complete its file searches in a prompt and diligent manner and provide an expeditious response to the Committee on Armed Services.

I asked them to extend that search, when one of the Members who has a hold on the bill indicated that there was another year they wanted searched. The CIA did that search and found nothing...

Madam President, this is not a controversial bill. It is supported by the administration and has strong bipartisan support within the committee. It is being subjected to a hold in order to achieve a purpose that has nothing to do with the merits of the bill. (October 27, 1993, page S14485)

Minutes later:

Armed Services Committee Member Senator John Warner (R-VA). Mr. President, first I say to my good friend, cochairman on the Intelligence Committee, that I, indeed, regret the fact that this bill, which is the joint responsibility of the two of us, has been held up. I accept full responsibility. Although other colleagues on the Armed Services Committee have joined in placing the hold on this bill, I accepted the responsibility because the ranking member, Mr. Thurmond, has designated each of us to take care of a certain segment of the nomination of Halperin. My segment happens to be in the intelligence area. Therefore, I participated in the hold and I take full responsibility.

I say to my good friend and chairman, I recognize the seriousness of the consequences of this hold. It is my expectation and hope it can be lifted…

The distinguished ranking member wrote the Director of the CIA and asked that a search be initiated. We waited patiently. I will put in the Record the date of that letter. But more than a reasonable period of time transpired and we received no acknowledgment of the letter, and therefore I and other members on the Republican side of the Armed Services Committee felt we could best leverage an answer to our letter by putting the hold on. That hold still remains. I am not lifting it as yet. (October 27, 1993, pages S14486-7)

(b) Holds as a Source of Leverage with the Administration; The Majority Leader Resorts to Cloture to Overcome Holds

Majority Leader George Mitchell (D-ME). Mr. President, I ask unanimous consent that the five cloture motions just filed be combined into one for purposes of the vote to be held under rule XXII.

Senator Mitch McConnell (R-KY). Mr. President, I must inform the majority leader there is an objection on this side as to that UC.

The Presiding Officer. Objection is heard.

Senator Mitchell. Mr. President, I regret the objection, but certainly the Senator has a right to object. I will state then there will be five cloture votes on Friday morning as a result of this action unless some prior agreement is reached. Every Senator should understand that.

Second, let me say that I respect the right of any Senator to use the rules to the fullest, but what we are seeing here is just sheer obstructionism--sheer obstructionism. We have five qualified nominees who were approved unanimously by the Foreign Relations Committee. There was not one word challenging their ability or qualifications. Indeed, the very people who voted against them praised their qualifications and then voted against them.

But to make an unrelated political point, these five people are being held hostage in an act of sheer obstructionism. That is most regrettable. I think it is most unfortunate. Here we are in the U.S. Senate now with six filibusters occurring at one time--six filibusters at one time. There was a time in the not too recent history when it took 6 or 8 years to have six filibusters. Now we have six filibusters going at one time and filibusters directed, in this case, against five nominees who everyone can see are well qualified. I just do not think that is right. I regret it.

I say to my colleague, we are going to keep filing cloture motions and we are going to keep going on this issue until these nominees are confirmed. I made a commitment to the nominees last week that I would bring their nominations before the Senate last week.

I now make this further commitment to them. We are going to keep after this until they are confirmed. They should not be in this position. They should be now serving in the offices to which they have been nominated and recommended by the Foreign Relations Committee. We are going to stay here in the Senate as long as it takes to get these nominees confirmed.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, with all due respect to the majority leader, the issue is 160 ordinary citizens who have apparently had their rights violated and the fact that the State Department cannot get an IG report out in 8 weeks to give us some indication of whether criminality may have occurred.

I will say to the majority leader, as I said previously, we are going to continue to debate here. I take no personal pleasure in putting holds on these nominees. This is not something I frequently do. I know he is exasperated because this happens from time to time, but rarely by me. The issue is how do we get their attention. I have not been here as long as the leaders, but I am unaware of any other device by which we can get their attention. (November 3, 1993, pages S14901-2)

(c) Secrecy of Holds Near the End of a Congress

Seantor J. James Exon (D-NE). Connected with that is the high-risk driver's bill that was introduced by Senator Danforth, of Missouri, and myself. It has to do with the astonishing increase in young drivers. We have taken this piece of legislation to try and correct that, with cooperation between Federal and State authorities.

In addition to that, we have H.R. 4867, which also has passed the House of Representatives, which has adjourned. H.R. 4867 is another safety bill. It is the high-speed rail bill advanced by the administration. And coupled with that is the railroad crossing safety measure that is vitally important that this matter becomes law.

The Senator from Nebraska, in cooperation with Senator Hutchison, Senator Lott, Senator Danforth, and others, spent all day yesterday and all this morning clearing some holds on that side of the aisle.

Now these measures then are being held up in clandestine fashion at a very late date by holds on this side of the aisle.

The Senator from Nebraska wanted to go home last night. The last chance for the Senator from Nebraska of getting out of town today is 2 o'clock, some 47 minutes from now.

I hope that if anyone has any hold on either of these bills, H.R. 5248 or H.R. 4867--which I understand have been cleared in total by the Republicans, have been cleared, I think, except for one possible objection on this side of the aisle…

I will simply say that if there is anyone in the Senate, either on the Democratic side of the aisle or on the Republican side of the aisle who has holds on these bills--and we all know what holds are. Sometimes they are secret. Somebody is objecting to a bill but they will not stand up on the floor of the U.S. Senate and say why they are objecting to it…

The Senator now yields the floor, but I will be awaiting for information, hopefully very shortly, and, if necessary, I will abandon my last chance to go home today, since it is a long ways out there. But I think this is important and I think maybe this is the time when we should begin to put a spotlight, Mr. President, on this insidious manner of unknown people putting holds for unknown reasons on pieces of legislation that have required hours of time and expense. I do not think it is fair, I do not think it is reasonable. Although I recognize any of us have a right to put on holds, I wish that whoever is holding this up now would come forth, be seen and give us the reason that these important pieces of safety legislation are not being allowed to pass. (October 8, 1994, page S14991)

(d) Complaints About Minority Party Holds Near the End of a Congress

Senator Frank Lautenberg (D-NJ). Starting as far back as November 1993, each time I tried to bring this bill to the floor, while every one of the Democratic

Senators cleared the bill for passage, a mysterious series of holds appeared on the other side of the aisle.

The same thing happened again in March.

When I incorporated S. 773 into the Superfund Reform Act, the Republican leadership decided to kill that legislation as well--even though a massive coalition representing literally millions of big and small businesses, environmental groups, State and local governments, the banking, real estate, insurance industry, and even the Salvation Army and American Bible Society were all pushing for the reforms in that bill.

An now again this week, when I tried to move S. 773 as a free-standing bill, despite the continuing support of every Democrat in the Senate, we have once again encountered mysterious holds on the Republican side. (October 8, 1994, page S15060)

104th Congress (1995-1996) Republican Senate Majority, Democratic President

(a) Tit-for-Tat Holds

Senator Christopher Dodd. I just want to comment briefly, if I could, and I appreciate the acting majority leaders's willingness to lay this matter aside.

Let me say to my colleagues, I understand normally appointing conferees is a relatively routine matter. While I have underlying objection to the bill, I was in the minority. The bill did pass. The Senator from Mississippi is absolutely correct; it passed with a pretty good margin.

However, I point out to my colleagues that the principal author of this legislation is also holding up 18 nominees to serve as Ambassadors for this country, every single treaty including START II as well as the chemical weapons treaty…

So I have objected to this in the hopes that these holds that have now gone for weeks--I would normally not engage in this kind of legislative maneuver, a procedural maneuver, but it has not been a question of days, it has been weeks--weeks have gone by despite the confirmation hearings in the Senate Foreign Relations Committee. Hearings on these treaties, all of these matters are being held up, all of them, just so the chairman of the Foreign Relations Committee can have a bill that he cares about be resolved to his liking.

So, with all due respect, I am going to hold up this bill until those matters are resolved. Now, cloture motions can be filed, and I can be beaten on this. But frankly, my patience has run out on this. The fact of the matter is our country's interests are not being well served by not having a U.S. representative. Vote against these nominees if you want to. Vote against these treaties if you want to. But do not deny these people the opportunity for a hearing. First of all, it is not fair to their families. They have been confirmed by the committee, awaiting action here on the floor of the Senate, and yet weeks go by…

So, for those reasons, I partook of the procedural vehicles available to me to slow down the naming of conferees. If there is a lift on the hold on these ambassadors and a lift on the hold on the treaties, I will lift my hold on the conferees going forward on this particular bill that is before us. For those reasons, Mr. President, I have objected. (November 13, 1995, page S16995)

(b) A Conditional, Limited-Duration Hold for Leverage with the Administration

Senator Brown (R-CO). Mr. President, as a Member of the Senate, I have seldom used the opportunity to put holds on bills. It has been a very rare occasion, but I have in the past few weeks put a hold on the ratification of the International Rubber Agreement. It is an outrage to consumers and an outrage to free enterprise.

It is not my practice to have this issue decided by a hold, and I recognize the need for the Senate to have an opportunity for all Members to go on record on that issue. My intention is to try to get comments from the Attorney General with regard to its antitrust implications, and once those comments are back, to allow it to come to the floor for a full vote. If, indeed, the Attorney General does not respond to our inquiries, I will withdraw the hold in any case in early September so that the Senate can work its will on that issue. (July 19, 1996, page S8335)

(c) A "Soft" Hold

Senator Paul Wellstone (D-MN). Mr. President, for really many, many months now, picking up with intensity in the last several months and the last several weeks, I have been in intensive discussions with the majority leader, whom I think has been operating in very good faith. I felt as if I had received a very firm commitment from him--I believe his word is his bond--that while there had been some `soft hold' put on Judge Montgomery, actually at the beginning of this week or by the middle of this week--it was to be tonight--we would move her nomination forward.

Mr. President, much to my amazement, after we had an agreement with a clear understanding that this would happen, at the last second one of my colleagues, the Senator from Texas, Senator Hutchison, objects. And when the minority leader, Senator Daschle, asks her why, there is no response at all.

Mr. President, let me just say that it is my firm hope that tomorrow we will have this resolved, and if a Senator has a `soft hold' on Judge Montgomery, then we should--and I certainly hope the majority leader will do this. I feel as if he had made the commitment to move this nomination forward. Then let us move this forward for a vote…

So, Mr. President, let me just be crystal clear about it. What is so unfortunate is that here you have a fine judge who has been waiting to be district judge, has been waiting and waiting and waiting and waiting. I was just, I say to my colleague from Iowa, picking up the phone to call her. I had just dialed it to say, `I want you to know the long wait is over. Tonight will be the night. Tell your family. Tell your children.'

This is outrageous. And I would appreciate it if my colleagues would have the courage to simply defend whatever positions they take, not just announce a hold at the last second and then have nothing to say. (July 31, 1996, page S9319)

(d) Complaint About a Colleague's Counter-Hold

Senator Don Nickles (R-OK). I have been here a little while, and I cannot remember anybody objecting to moving to an appropriations bill because they did not get a judge confirmed.

I will give one example. I remember we had a judge in Oklahoma that I was trying to get confirmed in 1992 and the Democrats were in control of the Senate. George Mitchell was the majority leader. I kept trying to get the judge moved, the nomination moved. The nominee was Frank Keating. There was no opponent, but we kept having a hold. To make the story short, we never could get his nomination placed before the Senate. He would have been an outstanding judge. There was kind of a roving hold on it, primarily inspired by my good friend and colleague from Ohio, Senator Metzenbaum, who is no longer with us.

The point being, we had an outstanding person, but we did not hold up any appropriations bill. We did fuss about it, and we groaned about it, and maybe griped about it, but I want to thank Senator Metzenbaum for putting a hold on Frank Keating because he is now the Governor of Oklahoma.

Judges have been held for different reasons, maybe good reasons, maybe bad reasons, but a lot of times it happens. However, I am not familiar with the holding of major pieces of legislation, particularly appropriations bills, hostage. I hope we are able to work through this and do our bills. We know we have to do the appropriations bills, and I am hopeful we will be able to move forward. (August 1, 1996, page S9417)

(e) A Blanket Hold on a Committee's Bills

Senator Frank Murkowski (R-AK). I rise today to inform my colleagues of my degree of frustration with the gridlock that has occurred this entire Congress preventing passage of virtually every bill reported by my committee, the Committee on Energy and Natural Resources. As chairman of that committee, I obviously have the obligation of moving the bills out. I have attempted to do that.

I think it was the night before last, Mr. President, that the minority leader, Senator Daschle, expressed similar frustration over an objection from this side of the aisle to a judicial nominee. You can imagine my frustration when a few Senators from the Democratic side have prevented passage of all 72 bills from my committee currently pending on the calendar. Those objections, Mr. President, were not based on the merits of the bills being held; they were based on a problem with some other bill. So we have this chain of `you are not going to support my bill unless your bill passes.'

I think it is fair to note that during part of the last year and a half, all of my committee bills were being held not because of any inaction by the Senate or my

committee, but the excuse was the House was not acting quickly enough on some matter of interest. There are many, many items that are very important to Senators. I want to get them cleared and get them out.

For example, Sterling Forest, my good friend Senator D'Amato has been urging me, clear Sterling Forest. The New York Times has taken up the charge. I certainly want to see Sterling Forest cleared. I want to support the position of my friend, Senator D'Amato from New York, who responded to the editorial of the New York Times as it affects New Jersey, as it affects New York. We attempted to clear that, along with the Utah ski bill, and a couple of small native items for Alaska.

I cannot recall how many holds --it was like a rabbit trail. You could not keep up with it fast enough. Once we attempted to clear them, one hold would go on, someone would attempt to remove the hold, and, bingo, it is back on. My good friend from Utah, Senator Bennett, spent endless hours trying to clear that. This is a blatant abuse of the whole process. It has to stop. I know the leadership feels that way. The Members are going to have to recognize a few realities. (August 2, 1996, page S9465)

(f) Initiative for Hold Attributed to the Administration

Senator Frank Murkowski (R-AK). Mr. President, I rise to address again the status of one of the major environmental pieces of legislation before this body, and that is the omnibus Presidio parks package which is currently before this body.

There is still time to pass that package in this Congress while the House is still in session. But once the House sends the CR over, it will be simply too late. Where that matter is currently, Mr. President, is there is a hold on it here in the U.S. Senate, and that hold is by the Clinton administration.

The justification for that hold is very difficult to reflect because this Senator, as chairman of the Energy and Natural Resources Committee, has continued to try to work with the administration to address its objections. (September 28, 1996, page S11626)

(g) A Hold on Nominations to Gain Leverage with the Administration on a Presidential Nomination

Senator Charles Grassley (R-IA). Mr. President, it is my intention to object to the Senate proceeding to the consideration of Senate Executive Calendar Nos. 756 through 766, Nominations to various Ambassadorial posts. I request that a hold be put on these nominations.

A vacancy has existed since March 31, 1995 on the Board of the Farm Credit Administration. For over a year the White House has had the name of Ann Jorgensen to fill that Republican vacancy. All background work with regard to the nomination has been completed. All that needs to be done is for her name to be submitted to the Senate for confirmation.

I have repeatedly contacted the White House about this nomination and, to date, have not had the courtesy of a reply. The FCA has oversight responsibilities for the farm credit system, the backbone of agricultural finance. It is important for the smooth functioning of the FCS that the FCA have a full complement on its board. (September 28, 1996, page S11754)

105th Congress (1997-1998) Republican Senate Majority, Democratic President

(a) Hold to Force Action on Judicial Nominations

Majority Leader Trent Lott (R-MS). I do want to say to the Senator from Illinois, I am very much aware of these two judicial nominations. As I promised I would do yesterday, I did talk to Senators from our side of the aisle that have some objections. It goes back to last year. The Senator knows all the details. I appreciate the fact that he did not object to judges that the administration sent here from Texas earlier this week, and I hope that we can continue to work to see if some agreement can be worked out as to how and when they might be considered.

And I know that the Senator, perhaps, has some objection to us proceeding with the ocean shipping legislation; we have worked out an agreement on how to proceed on that. This is a bill we have been working on for a couple of years, in a bipartisan way, again. Senator Breaux from Louisiana has been involved; Senator Slade Gorton of Washington, who has some objections and has an amendment on it; and also, of course, Senator Kay Bailey Hutchison, who is the chairman of the subcommittee.

You have a bill that you have a hold on. Am I clear that you are objecting to proceeding with this agreement because of the hold on the two Illinois judges? Or are you objecting on behalf of the minority leader or the minority? I don't think you want to leave the impression that you are objecting to this bill because of a couple of judicial nominations that have not yet been moved. Is that accurate?

Senator Richard Durbin (D-IL). If the majority leader will yield, I am asking that we schedule as quickly as possible the confirmation of these two judges. I am trying to call the attention of the Senate to the fact that they have been on the calendar since last November. There are extraordinary hardships back in the State of Illinois. I know of no other way, and I have tried every way, to avoid this objection. I do not speak for the minority leader but only a one Senator from the State of Illinois. And I do object. (March 13, 1998, page S1924)

(b) Complaint About Anonymous Holds

Senator Patrick Leahy (D-VT): Judge Sonia Sotomayor is just such a qualified nominee, and she is one being held up by the Republican majority, apparently because some on the other side of the aisle believe she might one day be

considered by President Clinton for nomination to the U.S. Supreme Court, should a vacancy arise.

Last week, a lead editorial in the Wall Street Journal discussed this secret basis for the Republican hold against this fine judge. The Journal reveals that these delays are intended to ensure that Sonia Sotomayor not be nominated to the Supreme Court, although it is hard to figure out just how that is logical or sensible.

In fact, how disturbing, how petty, and how shameful: Trying to disqualify an outstanding Hispanic woman judge by an anonymous hold.

I have far more respect for Senators who, for whatever reason, wish to vote against her. Stand up; vote against her. But to have an anonymous hold --an anonymous hold --in the U.S. Senate with 100 Members representing 260 million Americans, which should be the conscience of the Nation, should not be lurking in our cloakrooms anonymously trying to hold up a nominee. If we want to vote against somebody, vote against them. I respect that. State your reasons. I respect that. But don't hold up a qualified judicial nominee. (June 18, 1998, page S6521)

106th Congress (1999-2000) Republican Senate Majority, Democratic President

(a) Hold to Gain Leverage with the Administration and Substitute Holds

Senator Charles Grassley (R-IA). Mr. President, I am announcing, today, my intention to place a hold on the nomination of Mr. Richard Holbrooke to be the next U.S. Ambassador to the United Nations. I would like to explain for the benefit of my colleagues why I have done so.

First, let me explain that I have nothing against Mr. Holbrooke. He is simply caught in the middle. The issue can be cleared up very, very quickly, if reasonable heads come together.

At issue is the outrageous treatment by the State Department of one of its employees. Her name is Linda Shenwick. She is Counselor for Resources Management at the United States U.N. Mission. She is the Mission's expert on financial and management matters. (June 24, 1999, page S 7578)

A few weeks later (with a hint about non-public steps taken):

Senator Charles Grassley (R-IA). Mr. President, on June 24 I announced that I had placed a hold on the nomination of Mr. Richard Holbrooke to be the new U.S. Ambassador to the United Nations. At that time, I had indicated that it was not a personal dispute with Mr. Holbrooke, but that it was a signal to the State Department. The Department has been mistreating a whistle blower, Ms. Linda Shenwick. She had made protected financial mismanagement disclosures to Congress. Her disclosures led to the creation of an Inspector General at the U.N., as well as other management reforms and statutory requirements.

My interest in this matter is simple. Congress cannot function as an institution if government employees cannot communicate with Congress about wrongdoing. And the executive branch should not be allowed to shoot the messenger with impunity. I am simply trying to get the two parties to return to the negotiating table, where they had been up to as recently as two months ago, and arrive at a mutually agreed-upon new job for Ms. Shenwick.

Accordingly, I have placed a hold on three new nominees from the State Department. They are the following: A. Peter Burleigh as Ambassador to the Philippines; Carl Spielvogel as Ambassador to the Slovak Republic; and, J. Richard Fredericks as Ambassador to Switzerland.

In addition to these new holds, I have taken additional steps which I choose not to disclose at this time. They are designed to increase my and other interested colleagues' ability to insist that Ms. Shenwick be treated fairly. Several of my colleagues have indicated a desire to assist me on my further endeavors…

In the meantime, I have chosen to increase my leverage by putting the holds on these three nominees. At the same time, I will release my hold on Mr. Holbrooke, satisfied that I have greater leverage, and the Administration's heightened awareness and assurances of a fair process. (August 4, 1999, pages S10216-7)

(b) Holds as Equivalent to a Filibuster

Minority Leader Tom Daschle (D-SD). The majority leader has also noted that a cloture vote is an unfortunate matter. Actually, a cloture vote is a recognition of the difficulty to move judges. A cloture vote is probably no more unfortunate than a hold. We have people who are maintaining holds on judges, which is also very unfortunate. A hold is nothing more than an intent to filibuster.

So I hope our colleagues will drop their holds and will recognize that taking hostages in this form is not the right way to proceed and does not live up to the traditions of the Senate when it comes to the expeditious consideration of individuals who want to serve in public life. (October 1, 1999, page S11789)

(c) Complaint About Secret Holds Months After Floor Leaders Request That Notice Be Given to Bill Sponsors and Committees of Jurisdiction

Senator Patrick Leahy (D-VT). I also want to work with those Senators who are opposed to bringing Judge Paez or Marsha Berzon to a vote. I read in the papers where we have done away with secret holds in the Senate, but apparently not for everybody. Apparently, there are still secret holds.

In February, the majority leader and Democratic leader sent a letter to all Senators talking about secret holds. They said then: ``members wishing to place a hold on any ..... executive calendar business shall notify the committee of jurisdiction of their concerns.'' I serve as the ranking member on the committee of jurisdiction for these nominations. I have not been told the name of any

Senator at all who is holding them up. Yet they do not go forward. (October 1, 1999, page S11794)

(d) Holds on Judicial Nominations

Senator James Inhofe (R-OK). Last year, at the end of the session, I came to the floor and informed the White House, as well as my colleagues, that of a list of 13 proposed appointments, 8 were acceptable. I did this by checking with my colleagues to find out who would be placing holds on which of those 13 nominees. There were five that would have had holds on them.

I further stated that if anyone other than the eight were appointed, I would put a hold on all judicial nominations for the 2nd session of the 106th Congress. This policy was the result of an exchange of letters with the administration last summer in which the White House agreed to provide a list of potential recess appointments prior to adjournment so that the Senate could act on these appointments and avoid contentious action on recess appointments. The 8 to which I agreed were from a list of 13 that was provided by the White House, and I read those into the *Record*.

On December 9 the White House gave a recess appointment to Stuart Weisberg to the OSHA Review Commission, and on December 17 the White House gave a recess appointment to Sarah Fox to the National Labor Relations Board. They were not on the list of 13 that was received on November 18 and to which I referred on November 19. Based on these actions, I believe the White House violated their commitment by making these recess appointments. Therefore, I said I would put a hold on every judicial nomination this year. I believe this is the correct reaction to the action taken by the White House. (February 10, 2000, page S582)

(e) Another Complaint About a Secret Hold

Senator Patrick Leahy (D-VT). Mr. President, I again ask why the Bulletproof Vest Partnership Grant Act of 2000 is being held up. Senator Campbell and I, and others, both Republicans and Democrats, introduced this bulletproof vest bill to help our police officers. We introduced it last April. It was stuck in the Judiciary Committee for a time despite my requests that it be brought forth. It finally was allowed on the agenda and was passed out of there unanimously in June.

I find it hard to think that anybody who would be opposed to using some of our Federal crime-fighting money for bulletproof vests for our police officers. In fact, most Senators with whom I have talked, Republican and Democrat, tell me they are very much in favor of it. They saw how this worked in its first 2 years of operation. The Bulletproof Vest Partnership Grant Program under the original Campbell-Leahy bill funded more than 180,000 new bulletproof vests for police officers across the Nation.

We have a bill, though, that has been stalled, unfortunately, by an anonymous hold on the Republican side. This is a bipartisan bill that is being held up in a partisan fashion. (September 8, 2000, page S8266)

107th Congress (2001-2002) Republican Majority Until May, 2001, Then Democratic Majority, Republican President

(a) Complaint About a Secret Hold

Senator Paul Wellstone (D-MN). Mr. President, this is the second or the third time I have come to the floor. My colleague from Alabama, though we do not agree on all issues, is a friend, so nothing I am about to say is directed to him. He has to object.

I would like to know which brave Senator has put an anonymous hold on this bill. With all due respect, this piece of legislation, which is called the Heather French Henry Veterans Assistance Act, is named after Heather French Henry, a Miss America who made this her No. 1 priority. Her dad is a disabled Vietnam vet. It passed out of the Veterans' Affairs Committee with bipartisan unanimous support…

There is a Senator who has put a hold on it, and I cannot find out who he or she is. These anonymous holds drive me up the wall. I have never put an anonymous hold on a bill--never. I am putting a hold on just about every single piece of legislation that any Senator on the other side of the aisle wants to put through here until this piece of legislation goes through. I have come out here twice or three times. I can't find out who objects to it. I would love to debate a Senator about why he or she opposes this homeless veterans bill.

So I am going to come to the Chamber every day, every single day, and I am going to ask unanimous consent to pass this bill. I hope that whoever opposes it will tell me why. In the meantime, I am putting a hold on just about every single piece of unanimous consent legislation that is proposed from the other side of the aisle, which I hardly ever do. (October 31, 2001, pages S11273-4)

(b) A Secret Hold and Public Counter-Hold

Senator Paul Wellstone (D-MN). Madam President, I have to say, not so much to my colleague from Alabama because he is really objecting on behalf of someone else, that I find this process to be absolutely outrageous.

I believe the veterans community finds this process to be absolutely outrageous. This is the fourth or the fifth time I have come to the Senate to ask unanimous consent to pass this legislation. We have a similar version in the House of Representatives that has passed. We can really get this done.

This is an anonymous hold that has been put on this bill. I have to say I am more than surprised. I have now become indignant that we have a Senator on the other side who will not come to the Senate Chamber and debate me on this legislation and express his or her opposition and reasons why…

I would like to know what is going on in the Senate. I would like to know why this legislation is being blocked. I will say with great regret--I said it last week, and I said it the week before--I will put a hold on all the legislation, not the major appropriations bills and judicial appointments, that individual Senators on the other side have sponsored. This legislation should go through on unanimous consent. It is not controversial. It has the support of all of us. But I have no other choice but to do so. I have no other choice but to fight like the dickens and use my leverage. I have been around the Senate for 11 years now, and I know the way things work. (November 7, 2001, pages 11519-20)

(c) A Blanket Counter-Hold

Senator John Kerry (D-MA). Madam President, I would like to submit for the *Record* a letter to our majority leader, Senator *Daschle*, regarding my request to hold all non-judicial nominations that come before the Senate until all holds are lifted on S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001. I want to make sure that my colleagues are aware of what I am doing and why. (December 12, 2001, page S13044)

(d) Complaint About a Secret Hold

Senator Patrick Leahy (D-VT). This bill, with a bipartisan amendment authored by Senator Hatch and myself, has cleared the Democratic cloakroom for final passage but someone on the other side of the aisle has placed a secret hold on it. I would urge my Republican friends to permit the Senate to take up and pass this critical legislation. (December 14, 2001, page S13290)