

Long-sought Grassley reform to end secret holds passes Senate

Written by Sen Chuck Grassley
Monday, 31 January 2011 13:52

WASHINGTON - January 27, 2011 - Senators Chuck Grassley and Ron Wyden have scored a major victory in their bipartisan effort, which started more than a decade ago, to end the secrecy of Senate holds, a practice that allows individual senators to object to Senate action on legislation or nominations and, thereby, prevent a measure from moving forward.

The Senate passed a binding resolution sponsored by Grassley and Wyden today by a vote of 92 to 4. It is the first time a Senate vote for the reform sought by Grassley and Wyden was on a freestanding resolution, and the change took effect upon passage. The Standing Order created by the Grassley-Wyden legislation will require senators to make their objections in writing and the objections to be printed in *The Congressional Record* two days after they are made, whether or not the bills or nominations have been brought up for floor consideration. Grassley said the goal is to increase transparency and achieve greater accountability.

“Holds are an important right of individual senators as they work to represent their constituents and for the best interests of the country, but the right ought to be exercised in the light of day,” Grassley said. “Disclosure will be good for the legislative process. The requirements of our resolution will be meaningful in helping to make the public’s business public.”

Grassley and Wyden started their crusade against secret holds more than 10 years ago and have been joined in recent years by Senators Claire McCaskill and Susan Collins in making an effective case.

Over the years, Grassley and Wyden have made progress but also met opposition. Leadership pledges to end the practice were disregarded. In 1997, a Senate-passed Grassley-Wyden amendment to stop the secrecy was gutted by a legislative conference committee. In 2006, Wyden-Grassley reform legislation passed the Senate as an amendment only to be altered to the point of ineffectiveness by 2007-passed legislation.

All along, Grassley and Wyden have made their own holds public information by routinely putting statements in *The Congressional Record* whenever they placed a hold.

The text of the floor statement delivered today by Grassley follows here.

Floor Statement of U.S. Senator Chuck Grassley

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Mr. President. I'm pleased to see this day come where the Senate will finally have the opportunity for an up or down vote on our freestanding Senate Resolution to require public disclosure of holds.

Senator Wyden and I have been at this for a long time. We've made progress at times, and we have also had many disappointments where things didn't work out like we had hoped. It's also been good to have Senator McCaskill join us in helping push this issue to the forefront recently.

Ending secret holds seems like a simple matter, but that hasn't proven to be the case. Because secret holds are an informal process, it is easier said than done to push them out into the open using formal Senate procedures. It's kind of like trying to wrestle down a greased hog. However, after a lot of thought and effort, two committee hearings, and many careful revisions, I think this resolution does a pretty good job of accomplishing our simple goal.

That goal is really just to bring some more transparency into how the Senate does business. This isn't the only proposal we are considering today related to Senate procedure, and I don't want there to be any confusion. This proposal is not about altering the balance of power between the majority and minority party; neither does our resolution alter the rights of individual senators.

Over the time I've been working on this issue, I have occasionally encountered arguments purporting to defend the need for secret holds. However, the arguments invariably focus on the legitimacy of holds, not secrecy. I want to be clear that secrecy is my only target and the only thing that this resolution eliminates.

I fully support the fundamental right of an individual senator to withhold his or her consent when unanimous consent is requested. Senators are not obligated to give their consent to anything they don't want to, and no senator is entitled to get any other senator's consent to their motion.

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I think the best way to describe what we seek to do with this resolution is to explain historically how holds came into being, as senators have heard me do before. In the old days, when senators conducted much of their daily business from their desk on the Senate floor, it was a simple matter to stand up and say, "I object" when necessary. These days, most senators spend most of their time off the Senate floor. We are required to spend time in committee hearings, meeting with constituents, and attending to other duties that keep us away from the Senate chamber. As a result, we rely on our respective party's leaders here in the Senate to protect our rights and prerogatives as individual senators by asking them to object on our behalf.

Just as any senator has the right to stand up on the Senate floor and publicly say, "I object," it is perfectly legitimate to ask another senator to object on our behalf if we cannot make it to the floor when consent is requested. By the same token, Senators have no inherent right to have others object on their behalf while keeping their identity secret.

If a senator has a legitimate reason to object to proceeding to a bill or nominee, then he or she ought to have the guts to do so publicly. We need have no fear of being held accountable by our constituents if we are acting in their interest as we are elected to do.

Transparency is essential for accountability, and accountability is an essential component of our Constitutional system. Transparency and accountability are also vital for the public to have faith in their government.

As I've said many times, the people's business ought to be done in public. In my view, that's the principle at stake here.