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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.

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 seven 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.

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.

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.

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.

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)

A week later:

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:

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 Congress³

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.

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

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.

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.

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 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

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.'

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.

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.

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)

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)