

United States Senate

WASHINGTON, DC 20510

Secret Holds Reform – How It Works

Dear Colleague:

On January 27, the Senate voted overwhelmingly to pass Senate Resolution 28 ending secret holds and creating a new requirement that Senators makes their holds public within two session days after the hold is placed. As authors of Senate Resolution 28, we would like to make clear how and when holds should be made public.

What is a Hold? – Any notice of intent to object to proceeding to legislation or a nomination that is communicated to a senator’s party leader in the Senate.

How is a Hold Placed? – The resolution states that the leaders shall only recognize holds that meet the following two conditions:

1. The Senator submits the notice of intent to object in writing to the appropriate leader. This notice will grant either the leader or a designee permission to object in the Senator's name and,
2. No later than two session days after submitting the notice of intent to object, a copy of the notice will be submitted to the Congressional Record and to the legislative clerk for inclusion in the applicable calendar section.

Senators can no longer place holds by simply calling the cloakroom or by having an informal conversation with the Senator’s leader. For a hold to be honored, a senator must submit a notice of intent to object in writing and publicly disclose the hold in the form specified in the resolution. And, under the resolution, the leader would not be able to object on the floor on behalf of another senator unless the required notice of intent had previously been filed with that leader.

When is a Hold Placed? – A hold is placed when a senator submits to the senator’s leader a notice of intent to object to proceeding to any legislation or nomination.

When does a Hold have to be Public? – Under Section 1(a)(2) of Senate Resolution 28, a notice of intent to object will only be honored by a senator’s leader if the senator “not later than two session days after submitting the notice of intent to object to the appropriate leader submits a copy of the notice of intent to object to the Congressional Record and to the Legislative Clerk for inclusion in the applicable calendar section.” It is clear from the text of the resolution that the requirement to make a hold public is triggered when a senator submits the notice of intent to the senator’s leader, even if there has not yet been an objection on the Senate floor.

What happens if a Senator does not comply with the disclosure requirements and the leader honors the hold anyway? – Once an objection has been made, making it apparent that a hold has existed, the expectation is that the leader (or the leader’s designee) will object in the

senator's name. However, if that doesn't happen and no senator comes forward within 2 session days of the objection, the leader (or designee) who made the objection will be recorded as having the hold.

We hope that this information is helpful to colleagues in complying with the spirit and letter of Senate Resolution 28. If you have any further questions, please contact either of us or have your staff contact Josh Sheinkman in Senator Wyden's office or James Rice in Senator Grassley's office.

Sincerely,



RON WYDEN



CHUCK GRASSLEY