handled by the majority party in a way that is anything but what the title of the bill implies.

So as you can tell, I have been frustrated so far in my attempts to find answers about how the rewritten provisions will be applied, but we will find out soon enough. Because I can assure you I will not give up until I am satisfied the public's business in this Senate is being done in a public way.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I wrote to the Rules Committee and the response I got back.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 24, 2007.

Hon. DIANNE FEINSTEIN,
Chairwoman, Senate Committee on Rules and Administration, Washington, DC.

DEAR CHAIRWOMAN FEINSTEIN: I am seeking clarification of the intent of several changes made to the original Senate-passed provisions on disclosure of Senate holds in S. 1, the Legislative Transparency and Accountability Act. As you know, Senator Wyden and I , along with Senators Lott and Byrd, drafted the original provisions that have previously passed the Senate overwhelmingly. I have contacted the office of the Senate Parliamentarian seeking clarification about how the altered provisions would be interpreted and the initial reaction was that, the legislative intent was not sufficiently clear without more information on the legislative history to determine how the provisions would be applied in many circumstances. This is not surprising given the process by which these provisions were altered behind closed doors and rushed through the Senate without debate or amendments. Ironically, the lack of transparency in the process of considering a bill that is supposed to be about legislative transparency has left no legislative history to assist in interpreting this new language. Therefore, I ask that you provide me with written answers to several questions about the intent of the provisions as rewritten in the final version of the Legislative Transparency and Accountability Act.

New language was added to the original Senate-passed provision stipulating that senators would only be required to disclose their holds, ''following the objection to a unanimous consent (request?) to proceeding to, and, or passage of, a measure or matter on their behalf . . .'' As such, would the disclosure requirements be triggered for a senator who had placed a hold with their leader only if their leader or the leader's designee objects and specifically states that the objection is on behalf of another senator? For instance, if a member of the minority party has previously contacted the minority leader to place a hold, then the majority leader asks unanimous consent to proceed to a matter and the minority leader objects without giving a reason or specifying that the objection was on behalf of someone else, would the minority senator who had placed the hold be required to disclose or remove the hold within six session days? Would the disclosure provisions be triggered if a member of the majority party has previously placed a hold with the majority leader, the minority leader asks unanimous consent to proceed to a matter, and the majority leader objects on his own behalf to protect his prerogative to set the agenda, but also having the effect of honoring the hold of another member of the majority leader's caucus?

Other changes were also made to the original Senate-passed provisions that are more evident in their effect, but where the rationale remains unclear and I would appreciate any insights into the rationale for these changes. For instance, many holds exist for some time without a unanimous consent request and subsequent objection, and they have the effect of dissuading the majority leader from attempting to move to a matter, particularly in the case of hold by members of his own party in which case a unanimous consent request to move to a matter is unlikely ever to be made. Therefore, it isn't clear why a provision was inserted making the disclosure requirements effective only after a unanimous consent request and objection, this allowing holds to remain secret until that time.

The original Senate-passed provision also required that any hold be submitted in writing to the appropriate leader to allow the leaders to distinguish between a formal hold and an offhand comment, as well as to prevent staff holds. However, as currently drafted, a senator is required to submit a hold in writing to his respective party leader only after that leader has already honored the hold by objecting to a unanimous consent request on that senator's behalf, making the requirement irrelevant and even absurd.

Also, while the original Senate-passed provisions included a short time window to give senators a chance to fill out and submit their disclosure forms for the Congressional Record, the intention was never to sanction secrecy for even a short period of time. However, the new language allows six session days before disclosure is required and includes a new provision clarifying that senators never have to disclose holds so long as they are withdrawn within the six day period. I fail to see the justification for sanctioning secret holds for up to six days, which at the end of a session is more than enough time to effectively kill a bill or nominee in complete secrecy.

As I have said repeatedly, the public's business ought to be done in public. Although I believe the altered disclosure requirements for holds are flawed and do not fully eliminate secret holds as I had intended, I hope they will result in some increased transparency. Still, it is not completely clear what is now expected of senators and how these provisions will be interpreted. Therefore, I would appreciate any insights you can provide into the intent of the new, altered language related to disclosure of holds that was inserted into the Legislative Transparency and Accountability Act.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

U.S. SENATE, COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC, September 12, 2007.

Hon. CHUCK GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR CHUCK: I appreciate your concern about the provision on Senate holds in S.1, the Honest Leadership and Open Government Act, and I remain deeply committed to ensuring adequate disclosure of Senators who seek to place holds on bills, nominations and other Senate proceedings.

In terms of building a legislative history, I refer you to the Section by Section Analysis and Legislative History, which I submitted to the Congressional Record along with Chairman Lieberman and Majority Leader Reid, Volume 153, Nos. 125–126, August 2, 2007.

''Section 512 relates to the concept of so-called 'secret holds.' Section 512 provides that the Majority Leader or Minority Leader or their designees shall recognize another Senator's notice of intent to object to proceeding to a measure or matter subsequent to the six-day period described below only if that other Senator complies with the provisions of this section. Under the procedure described in section 512, after an objection has been made to a unanimous consent request to proceeding to or passage of a measure on behalf of a Senator, that Senator must submit the notice of intent to object in writing to his or her respective leader, and within 6 session days after that submit a notice of intent to object, to be published in the Congressional Record and on a special calendar entitled 'Notice of Intent to Object to Proceeding.' The Senator may specify the reasons for the objection if the Senator wishes.

''If the Senator notifies the Majority Leader or Minority Leader (as the case may be) that he or she has withdrawn the notice of intent to object prior to the passage of 6 session days, then no notification need be submitted. A notice once filed may be removed after the objecting Senator submits to the Congressional Record a statement that he or she no longer objects to proceeding.''

It is important to note that the revisions in the final bill were based largely on concerns raised by the Senate Parliamentarian and the offices of the Majority and Minority Leader that the original language was not workable, especially since procedures on Senate holds are not written in the Standing Rules of the Senate and are not enforceable by the Parliamentarian.

The final language was developed in consultation with Senator Wyden,the lead sponsor of the provision, and we were not aware of any further objections.

If you have an alternative recommendation, which the Parliamentarian believes is workable and enforceable, I would be interested in reviewing it.

With warm personal regards,

DIANNE FEINSTEIN,
Chairman.

Mr. GRASSLEY. Mr. President, I yield the floor.

HONORING OUR ARMED FORCES

CAPTAIN SCOTT SHIMP

Mr. HAGEL. Mr. President, I wish to express my sympathy over the loss of United States Army CPT Scott Shimp of Nebraska. Captain Shimp was killed in a military helicopter crash during a training exercise in northeastern Alabama on September 11. He was 28 years old.

Captain Shimp grew up in the small town of Bayard, NE. A 1998 graduate and salutatorian of his class at Bayard High School, he also played football, ran track, sang in the choir, and was an Eagle Scout. It was his lifelong dream to serve his country in the U.S. military.

I had the privilege of nominating Captain Shimp to the U.S. Military Academy at West Point. In 2002 he graduated as part of the first post-September 11 class. Captain Shimp served two tours of duty in Iraq and was scheduled to be deployed to Afghanistan in 2009. He was company commander of Company C, 4th Battalion, 101st Aviation Regiment, 159th Combat Aviation Brigade, 101st Airborne Division.

We are proud of Captain Shimp's service to our country, as well as the thousands of brave Americans serving in the Armed Forces.

Our sympathies are with his parents, Curtis and Teri Shimp; his brother Chad; and his sister Misty.

I ask my colleagues to join me and all Americans in honoring CPT Scott Shimp.

NATIONAL PREPAREDNESS MONTH: A TIME TO TAKE STOCK

Mr. AKAKA. Mr. President, this month is National Preparedness Month, and activities are underway that will help educate Americans on actions they can take to safeguard their family and their community. During this time, not only should we be inspired but we should also be mindful that this past August 29 marked the 2-year anniversary of the time in which Hurricane Katrina decimated parts of Louisiana and Mississippi. In addition, we are now in the midst of a record-setting hurricane season, with an unprecedented two hurricanes making landfall simultaneously from the Pacific and Atlantic oceans on the same day. It is also the sixth anniversary of the attack by al-Qaida on our country.

These catastrophic events underscored the need for our country, and each and every one of its citizens, to be prepared for disaster, regardless of its form. Much has been done since these terrible events to do so, but so much more needs to be done. As time separates us from those terrible events, we must not become complacent.

During this month, we should use this time to reflect on how far we have come and how much further we need to go and what should be done to protect ourselves as individuals and as a country. While we may have incident, training, and contingency plans in place to help ensure that certain situations may be appropriately addressed, it is important for us to remember that acts of terror may not always be prevented, and nature continues to show its fury in many ways.

As several reports have indicated, the threats to our homeland have not gone away; they have simply changed form. The July 17, 2007, National Intelligence Estimate, NIE, entitled ''The Terrorist Threat to the U.S. Homeland,'' confirmed that, although many plots to attack the United States after 9/11 have been disrupted, al-Qaida ''is and will remain the most serious terrorist threat to the Homeland'' and that its ''plotting is likely to continue to focus on prominent political, economic, and infrastructure targets with the goal of producing mass casualties . . .'' Furthermore, and of greater concern, the NIE assessed that Hezbollah, which has, until now, only conducted anti-U.S. attacks outside the United States, ''may be more likely to consider attacking the Homeland over the next three years . . .''

In addition to these threats, it is important to note that there are significant number of vulnerabilities at home. Even as memories of the massive August 14, 2003, North American power outage fade, the tragic August 1, 2007, bridge collapse in Minneapolis has provided yet another reminder that the Federal Government can no longer ignore our aging infrastructure. In the words of author Stephen Flynn, ''we depend on complex infrastructure built by the hard labor, capital, and ingenuity of our forbears, but . . . it is aging—and not very gracefully.'' In this regard, we must be focused on training, resources, and contingency plans to ensure that our Nation is prepared.

Another point of concern is the impact severe acute respiratory syndrome, SARS, had on the health infrastructure in Ontario, Canada, that revealed a vulnerable system unable to cope with an epidemic that originated outside its borders. The World Health Organization, WHO, predicted that the deadly H5N1 avian influenza would likely be the source of the next global pandemic. In the United States, a new study published by researchers from the Fred Hutchinson Cancer Research Center and the University of Washington has confirmed the first incidence of human-to-human transmission of H5N1 avian influenza, a beginning step in its becoming a human pandemic. The impact of such a pandemic would be enormous. A February 2006 study by the Lowy Institute for International Policy at the Australian National University concluded that, in a worst-case scenario, a global influenza pandemic would result in 142.2 million deaths and a $4.4 trillion loss in GDP. Given these studies and cases, it is imperative that United States be prepared for such a pandemic. We should not wait for another disaster to hit the United States—we must prepare now.

I commend the Department of Homeland Security for conducting its National Preparedness Month campaign and am pleased that more than 1,700 State- and local-level organizations will be participating in preparedness activities around the country. I urge all Americans to take responsibility for their own preparedness, for that of their families, their businesses, and their schools. As the chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia under the Homeland Security Committee, I am committed to making sure that the Federal, State and local governments are properly organized for the next natural or manmade disaster and to holding these agencies responsible when they are not. The passage of time since Katrina and 9/11 has done nothing to lessen the threat to the United States either from outside or within. It is not a matter of if such an event will occur but when it will occur. We must take the necessary precautions to be better able to deal with the disasters or incidents that will occur.

ANNOUNCING THE BIRTH OF CHARLES McDONALD LUGAR

Mr. LUGAR. Mr. President, I am pleased to share the news of the birth of Charles McDonald ''Mac'' Lugar on September 5, 2007, at Sibley Memorial Hospital in Washington, DC. Mac was a healthy 8 pounds 6 ounces at birth. His parents are David Riley Lugar, son of Richard and Charlene Lugar, and his wife Katherine Graham Lugar, daughter of Lawrence and Jane Graham. Mac was born at 4:50 p.m. and in the next few hours was joined in the hospital delivery room by Jane Graham, Richard and Charlene Lugar. We shared together a wonderful experience. On the next day, Mac met his sisters, Elizabeth Merrell Lugar, who was born at Sibley Memorial Hospital on May 25, 2004, and Katherine Riley Lugar, born on December 28, 2005, at Sibley Memorial Hospital. Mac and his sisters are now safe and healthy with their parents in their McLean, VA, residence.

Katherine and David were married on June 3, 2000, in St. David's Episcopal Church in Austin, TX. Katherine, a graduate of the University of Colorado, is senior vice president of government affairs for the Retail Industry Leaders Association. David Lugar, who came with us to Washington, along with his three brothers, 30 years ago, graduated from Langley High School in McLean, VA, and Indiana University. He is a partner of Quinn Gillespie & Associates. Both Katherine and David are well known to many of our colleagues and their staff members. We know that you will understand our excitement and our joy that they and we have been given this divine blessing and responsibility for a glorious new chapter in our lives.

ADDITIONAL STATEMENTS

RECOGNITION OF MARINE CORPS LOGISTICS COMMAND MAINTENANCE CENTER

• Mr. CHAMBLISS. Mr. President, today I congratulate the Marine Corps Logistics Command Maintenance Center at the Marine Corps Logistics Base in Albany, GA. The Maintenance Center Albany was the 2007 winner of the Robert T. Mason Depot Maintenance Award, and was also named Marine Logistics Unit of the Year.

This prestigious award, established in 2004, commemorates the former Assistant Deputy Secretary of Defense for Maintenance Policy, Programs, and Resources, Robert T. Mason, a staunch supporter of excellence in organic depot maintenance operations throughout his three decades of Government service. In winning this award, the Maintenance Center Albany has exemplified responsive and effective depot level support to operating units.

The Maintenance Center Albany's Dedicated Design and Prototype Effort Team was singled out for its outstanding support to our men and