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Senate

(Legislative day of Wednesday, September 17, 2008)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator of the universe, all loving, all wise, all powerful, move on Capitol Hill today. Your lawmakers need You for such a time as this, and You have promised to supply their needs. Supply their need for wisdom. Illuminate their minds as they seek to do the right thing. Infuse them with supernatural power to make sense out of the riddles that baffle so many. May they be able to look back over today's labors knowing they have glorified You. Lord, astound them with new thoughts and fresh insights they could not conceive without Your blessing.

We pray in the Name of Him who is the truth. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, September 27, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the leaders, if any, the Senate will proceed to the consideration of the House message to accompany H.R. 2638, the continuing resolution. The time until 10 a.m. will be equally divided and controlled between the leaders or their designees. At exactly 10 a.m., the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 2638.

As those of us here have seen, in trying to make entry to the Capitol, there is something of a bicycle race or performance of some kind. It has really slowed things up, so we are not going to terminate the vote in the normal 15-minute time schedule. We are going to make sure people have an opportunity to get here.

I say to all Members, unless something can be resolved by consent, we are going to file cloture today on the Department of Defense authorization bill, which will be a Monday vote. Hopefully, there does not have to be a vote tomorrow. Thirty hours after cloture was invoked on this matter will be sometime tomorrow afternoon. There are a number of ways we can do that. People wanting the extra 30 hours

could waive that or they could let us have a voice vote tomorrow. As I understand it, there is only one Senator holding up this bill now. We will work on that during the next hour or so. It appears we may have to be in session tomorrow, with a vote on Monday. I know there is a holiday on Monday starting at sundown and going to sundown on Tuesday.

The staff worked until about 3 a.m. this morning on the bailout. They made significant progress. There are probably 15 issues still left outstanding. Senators are going to have to get together and resolve those. We hope sometime tomorrow evening we can announce that there has been some kind of an agreement in principle so the only thing that will have to be done is to write the legislation. We are still a long way from completing it, but we have made significant progress, as I just indicated. We will keep Senators advised on a timely basis as well as we can.

CAPITOL VISITOR CENTER ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 611, H.R. 5159.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5159) to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEMINT, Mr. President, I rise to speak on the newest addition to the U.S. Capitol, the U.S. Capitol Visitor Center.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I have been told by the Architect of the Capitol that the CVC is scheduled to open its doors to the public for the first time on December 2 of this year. I have toured this impressive facility, and I believe it will be a vast improvement in the experience visitors will have when touring the Capitol Complex. I look forward to the opening of this long awaited addition; it will be a momentous and historic occasion.

However, in addition to providing security and functionality, the CVC also provides an educational experience designed to tell the story of our Nation's Capitol. I believe it is critical that this history appropriately and accurately reflects the traditions and history of the Capitol.

We want our constituents and visitors from around the world to get an accurate portrayal of the Capitol's history and, as much as possible, to understand the motivations and inspirations of those who have led our branch of Government since its establishment 220 years go.

Tragically, as the CVC exists now, they will get a much different experience.

In touring the CVC, I found the exhibits to be politically correct, left leaning, and secular in nature. The secular aspects were especially surprising because of the deep connection between faith and the Capitol, and our Judeo Christian traditions. But despite this connection and our traditions, the doors to the CVC are flanked with a quote from former Congressman Rufus Choate that says, "We have built no temple but the Capitol. We consult no common oracle but the Constitution." Even a brief reflection on our Nation's history will show this quote is not accurate and, in my opinion, grossly inappropriate.

The first thing you are confronted with once you have entered the CVC is the phrase "E. Pluribus Unum" engraved in stone above a mock of the Capitol dome. A panel next to the dome describes E. Pluribus Unum as our Nation's motto. This is not only completely false but also offensive to the 90 percent of Americans who approve of our Nation's actual motto "In God We Trust," signed into law by President Dwight Eisenhower in 1956.

Unfortunately, nowhere in the CVC will you find the words "In God We Trust" engraved in stone. The acknowledgement of God and our Nation's motto has been left out of the CVC. In fact, the massive replica of the House Chamber omits the "In God We Trust" from above the Speaker's chair.

We are now told they are planning to fix this "mistake," but on my tour 2 days ago, it was still missing. Also missing are the words to our Pledge of Allegiance, the only words spoken each morning by both Chambers of Congress.

There are a few articles in the CVC that reflect elements of faith—two Bibles, a picture of the congressional nondenominational faith space, and the

oath of office—but I believe they grossly understate the prominent role of faith and Judeo Christian values in the history of this great building.

I have worked with the Senator BENNETT, the ranking member of the Rules Committee, this week to address some of my concerns. After several conversations, he and Senator FEINSTEIN, the chairman of the Rules Committee, sent me a letter formalizing an agreement to make some changes. Our agreement includes engraving "In God We Trust" in stone in a prominent location within the CVC; engraving "The Pledge of Allegiance" in stone in a prominent location within the CVC; removing the words "Our Nation's motto" from the Unity panel on the Wall of Aspirations and replacing it with a new panel.

I will ask unanimous consent to have a copy of this letter be printed in the RECORD.

In addition, I have a verbal agreement with Senator BENNETT that the Architect of the Capitol will be instructed to consider the rich faith heritage of our Nation when considering the content of any future display. I would like to thank my friend for his help on this issue, and I look forward to working with him in the future.

I am very pleased with this progress in improving the accuracy of the CVC. However, I am still distressed by what remains or, rather, what is missing.

There seems to be a trend of whitewashing God out of our history. The last two major memorials in Washington—the FDR and World War II Memorials—left out references to God and persons of faith, the first time a memorial or monument in Washington has not had a quote, reference, or inscription referencing God or the faith of those we are memorializing.

Now it can be said these are not intentional omissions, but consider this: last year the Architect of the Capitol censored God from a certificate accompanying a flag flown over the Capitol by a Boy Scout for his grandfather; a national cemetery director stopped an honor guard from performing the traditional burial ceremony because it mentioned God; "In God We Trust" was removed from the front of our currency; schools have been sued over having the pledge of allegiance every morning; and the list goes on.

It appears that many would prefer to ignore the role and prominence of God and faith in our Nation's history and the lives of the American people today. But I want to make sure unelected bureaucrats are not removing these references just because they are afraid of offending a vocal minority, despite the overwhelming will of the American people. I can assure you, this is something that I will continue to fight against.

I would like to take just a moment to detail a few of the many examples of our faith heritage that could be included in future displays: the Aitken Bible of 1782, the only Bible ever printed by an act of Congress; church serv-

ices held in the Capitol for over 70 years while Congress was in session, becoming the largest church in Washington in 1867; pictures of National Day of Prayer events or the March for Life, both of which are attended by hundreds of thousands of citizens each year; the text of President Lincoln's second Inaugural and his Bible to go with the table from which he delivered his address, which is already in the CVC; a description of all the paintings in the Rotunda on the virtual tour monitors found in the CVC; and a picture of Members of Congress gathering spontaneously on the Capitol steps to sing "God Bless America" on September 11.

In the words of Benjamin Franklin: "We have been assured in the sacred writings that except the Lord build the house, they labor in vain that build it. I firmly believe this and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel."

I also firmly believe this. And while I firmly believe every person has the right to their own opinion and the blessing of religious freedom, that freedom is the freedom of religion, not freedom from religion. We don't have to agree with our Founding Fathers and the history of our country, but that doesn't mean we can change it. Daniel Webster said in this very building, "God grants liberty only to those who love it, and are always ready to guard and defend it." We must remember our history and the faith of our fathers; it is what formed us into the great Nation we are today.

Mr. President, I ask unanimous consent to have a copy of the letter to which I referred printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON RULES
AND ADMINISTRATION,
Washington, DC, September 26, 2008.

Hon. JIM DEMINT,
Russell Senate Office Building,
Washington, DC.

DEAR JIM, After many years of anticipation the Architect of the Capitol is preparing for the opening of the new Capitol Visitor Center (CVC) on December 2, 2008.

Delaying the opening of the CVC has serious security implications. The CVC was designed so that public visitors will be screened at one secure location, improving security in the U.S. Capitol for constituents, staff and Members.

Delaying the opening of the CVC also has significant financial consequences. As you are aware, the CVC has already cost \$621 million for construction. The Architect is currently paying the cost of salaries and benefits for staff preparing to open and operate the facility for the American public. Every day the CVC is closed to the public, it will cost the taxpayer \$72,040 in unused staff resources.

In response to your letter dated September 25, 2008, we agree in principle to support engraving "In God We Trust" in stone in a prominent location within the CVC; engraving "The Pledge of Allegiance" in stone in a prominent location within the CVC; and removing the words "Our Nation's Motto" from the Unity panel on the Wall of Aspirations of the Exhibition Hall in the CVC, and replacing it with a new panel.

We recognize that one of your suggestions (renaming "Our Nation's Motto") is a correction, and the "Pledge" and "In God We Trust" are additions. The approximate cost of doing all three projects, according to the Architect of the Capitol, is \$150,000.

We are pleased that you have agreed to Senate consideration of the CVC legislation. Sincerely,

DIANNE FEINSTEIN,
Chairman.

ROBERT F. BENNETT,
Ranking Member.

Mr. REID. Mr. President, I ask unanimous consent that the amendment that is at the desk be considered and agreed to; the bill, as amended, be read three times, passed; the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD, as if given, with the above occurring with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 5674) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5159), as amended, was read the third time, and passed.

Mr. REID. Mr. President, I appreciate the bipartisan working relationship on the Rules Committee. Senators FEINSTEIN and BENNETT work so well together, and this is an example of that working relationship.

Again, for all Senators, we are going to vote at 10 o'clock this morning.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONSOLIDATED SECURITY, DISTASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. REID. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2638, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 2638, the Department of Homeland Security Appropriations Act/Continuing Resolution for 2009.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask that the time be charged against both the majority and the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2638, the Department of Homeland Security Appropriations Act/Continuing Resolution for Fiscal Year 2009.

Evan Bayh, Debbie Stabenow, Benjamin L. Cardin, Byron L. Dorgan, Barbara A. Mikulski, Jeff Bingaman, John F. Kerry, Herb Kohl, Sherrod Brown, Jon Tester, Benjamin Nelson, Richard Durbin, Patrick J. Leahy, Amy Klobuchar, Robert P. Casey, Jr., Claire McCaskill, Bernard Sanders.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the amendment of the House to the amendment of the Senate to H.R. 2638, the Department of Homeland Security Appropriations Act/Continuing Resolution for Fiscal Year 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 83, nays 12, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—83

Akaka	Dorgan	Murkowski
Alexander	Durbin	Murray
Allard	Enzi	Nelson (FL)
Barrasso	Feinstein	Nelson (NE)
Baucus	Grassley	Pryor
Bennett	Gregg	Reed
Bingaman	Hagel	Reid
Bond	Harkin	Roberts
Boxer	Hatch	Rockefeller
Brown	Hutchison	Salazar
Brownback	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Smith
Cardin	Johnson	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Stevens
Clinton	Lautenberg	Sununu
Cochran	Leahy	Tester
Coleman	Levin	Thune
Collins	Lieberman	Vitter
Conrad	Lincoln	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	Webb
Crapo	McCaskill	Whitehouse
Dodd	McConnell	Wicker
Dole	Menendez	Wyden
Domenici	Mikulski	

NAYS—12

Bunning	DeMint	Kyl
Burr	Ensign	Landrieu
Coburn	Feingold	Sessions
Corker	Graham	Shelby

NOT VOTING—5

Bayh	Kennedy	Obama
Biden	McCain	

The PRESIDING OFFICER (Ms. KLOBUCHAR). On this vote, the yeas are 83; the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Madam President, we are now working our way through postcloture time. Everyone has been very courteous and agreeable. We will probably have to spend 2½ hours before we have the final vote on this CR. It will probably be around 1 o'clock. We would hope that we can condense the time. That would be 1 o'clock today rather than 4 o'clock or 5 o'clock tomorrow afternoon. That being the case, the only matter that is left that we have to be concerned about is the Department of Defense authorization. My plan, as I have explained to the Republican leader, is to file cloture on that today for a Monday cloture vote. We can't wait until Wednesday to do that, for obvious reasons. Now it appears our goal is to try to complete everything next week.

For the information of all Members, staff worked until 3 o'clock this morning on the rescue plan for the financial problems we have in America today.

There are a number of issues that need to be resolved by Members. Chairman DODD has indicated he is going to get people together sometime today when appropriate. Staff has to move down the road a little bit longer. The goal is to try to come up with a final agreement by tomorrow. Now, we may not be able to do that, but we are trying very hard. It is something I think shows how we can work together. It is an issue on which none of us would like to be working, but we have to work on it.

If we are going to be able to do what it appears we can do, it will resolve a lot of the questions people have around the country because it is not the proposal we got from Secretary Paulson. It is one where Democrats and Republicans in the House and the Senate are working to get an end product.

Without getting into the details—I do not think we should do that now, and I talked to Chairman DODD earlier today, and he also agrees we should not get into the details right now. But if we can do that, at least announce sometime tomorrow that we have the beginning of an agreement—we are told it is very important we do that—if we could do it by 6 o'clock tomorrow, it would be important because that is when the Asian markets open, and everyone is waiting for this thing to tip a little bit too far, that we may not have another day. But if we can announce an agreement, then it is going to take