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Senate

The Senate met at 1 p.m. and was called to order by the Honorable PAT ROBERTS, a Senator from the State of Kansas.

PRAYER

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

Let us pray.

O gracious God, thank You for the gift of this day, with its many opportunities and challenges. Thank You also for leading our lives. Lord, strengthen us to maximize today's possibilities. Save us from living too many days at one time. Keep us from crossing bridges before we reach them. Guide our Senators today. Hold their hands so that they can walk in confidence. Stay by our sides, and we shall fulfill Your purposes for our lives. We pray this in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS 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. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAT ROBERTS, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ROBERTS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, for the information of all Senators, today, following the period of morning business, the Senate will resume debate on the energy and water appropriations bill. The two managers will be here beginning at 2:30 this afternoon, and Senator FEINSTEIN will offer the first amendment. It is hoped that if other Members have amendments to the legislation, they will be available to offer their amendments as well.

As the majority leader stated last week, there will be no rollcall votes during today's session. Any votes ordered will be held over until Tuesday's session of the Senate. Also, under a previous order, the first rollcall vote tomorrow will occur at around 10:30 a.m. That vote will be on the passage of S.J. Res. 17, which is the FCC rule disapproval resolution.

Also, I remind our colleagues that today the Senate will also debate a motion relative to going to conference with the House on the partial-birth abortion ban bill. That agreement calls for up to 8 hours of debate, and it is the understanding that 2 of those hours will be consumed today. Therefore, following the conclusion of any business on the energy and water bill today, the Senate will consider that motion for up to 2 hours.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 2:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes in morning business.

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

RECENT EVENTS ON THE NATIONAL MALL

Mr. BINGAMAN. Mr. President, I take a few minutes today to speak about recent events on The National Mall. The Mall, as Judge Buckley of the U.S. Court of Appeals for the District of Columbia, has written, ''is an area of particular significance in the life of the Capital and the Nation.'' It is a 2-mile green area that stretches from the Capitol in the east to the Lincoln Memorial in the west. It is, as another judge noted, ''the site of monuments marking great figures and events in our Nation's history.'' But it is more than home to these enduring symbols of our nationhood. This judge went on to say: ''Its grassy expanse provides areas for any number of recreational activities. . . .''

The National Mall has also been used, of course, for large-scale events.

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

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It is used for the Fourth of July festivities each year and for the Cherry Blossom Festival. Every 4 years, it is used for our inaugural celebrations. It has been the site of national observances and protests—some of the most famous in our Nation's history. ''It is here,'' as Judge Buckley went on to say, ''that the constitutional right of speech and peaceful assembly find their fullest expression.''

Mr. President, Congress has entrusted the Department of the Interior, and particularly the National Park Service within the Department of the Interior, with preserving and regulating the use of this important part of our national heritage. It has, according to the statute, charged the National Park Service with regulating the use of The Mall so as to ''conform'' such use ''to the fundamental purpose'' of ''conserving the scenery and natural and historic objects . . . and providing for the enjoyment of the same in such manner . . . as will leave them unimpaired for their enjoyment by future generations.''

The Mall, as I have said, serves many purposes. None of those purposes that have been identified by the Congress or in regulation are commercial purposes. Accordingly, the National Park Service regulations provide that demonstrations and special events on The Mall may be held only pursuant to permit issued by the Park Service. The rules prohibit the commercial use of The Mall and specifically provide that ''no sales shall be made . . . and no article may be exposed for sale without a permit. . . .''

Despite the clear prohibitions in its own regulations, the Park Service has now sanctioned a new use for this area. That use, unfortunately, can only be called commercial exploitation.

Earlier this month, to promote the start of the new football season, the National Football League held what the Department of the Interior described as a music and football festival entitled the ''NFL Kickoff Live From The National Mall Presented by Pepsi Vanilla.'' That was the official title of the event. To allow for the setup and removal of infrastructure associated with this concert, the Park Service gave the NFL a permit to use The Mall for 17 days—the period between August 25 and September 10. The main event occurred on September 4. For many of those days, much of The Mall was fenced off and the public was prevented from using it, although it obviously is one of the most popular spaces in our Nation's Capital.

I have spent a great deal of time on The Mall, as I am sure my colleagues have, and I can tell you that currently, even without this kind of extravaganza, it is difficult to walk the length of The Mall from the Capitol to the Lincoln Memorial. Large areas are closed because of construction of the World War II Memorial and also construction of new security features at the Washington Monument. Portions of The Mall are also closed periodically following events, such as the Fourth of July activities or after large public gatherings, to allow for cleanup and restoration of the grassy areas.

In this case—the case of this NFL extravaganza—a large segment of The Mall was essentially closed to the public to allow for what, in my opinion, can only be characterized as commercial use and as advertising by private corporations.

Let me start with this photograph and show that corporate sponsors of the concert that occurred on September 4 were allowed to put up a large fence covered with advertising. This advertising talks about the kickoff of 2003 NFL, live from Washington, DC; AOL for broadband; Pepsi Vanilla; Coors Light, and Verizon. This is advertising, in my view. This is clearly commercial activity.

Apart from keeping the public off The Mall, the clear message to the public was that The Mall had been turned over to these companies for commercial purposes.

The National Park Service has published guidelines to help organizations that want to hold events on The Mall to know what is required. The guidelines state:

> The theme of a special event must be consistent with the mission of the park—

In this case, we are talking about The Mall. These guidelines apply to all of our national parks in the capital region.

They go on to say:

> and appropriate to the park area in which it is to be held, including consideration for possible damage and/or impairment to park property, facilities, plantings and landscape features . . . and park values.

Our Secretary of the Interior, Gale Norton, whose agency approved the permit for this event, maintains today that this was an appropriate use of The Mall because it was undertaken in partnership with the Department's ''Take Pride in America'' slogan promoting voluntarism on public lands and because it was an event honoring members of our Armed Forces.

Clearly, nobody objects to an event celebrating public volunteers or honoring military personnel.

However, Secretary Norton's stated rationale for approving the event is simply not consistent with what actually took place on The Mall. It is not consistent, when you look at the banner surrounding The Mall, to say this has anything to do with voluntarism or recognizing the military.

This is a photograph of the event. Let me show another photograph which I think makes the case rather convincingly. This is a photograph of the event which was published in the Washington Post. This, evidently, is Secretary Norton's vision of an appropriate use of The Mall.

It is impossible to miss the advertisements for Pepsi Vanilla or for Verizon, for Coors, and for its other sponsors, and you certainly cannot miss the huge football promoting the National Football League. It is almost impossible, I suggest, to the untrained eye to find references to the supposed reasons for the event. The ''Take Pride in America'' slogan does appear at the bottom of the advertising banners, and in the other photo it appears at the top of the fence, but I am certain that nobody from any distance—I can barely read it from here—I am sure nobody can read it from any reasonable distance.

This photograph makes the point that the overwhelming image is turning over The Mall for commercial advertising. The event was used as the basis for a commercial television production. Commercials were broadcast to the crowd over large televisions that were located on The Mall itself.

The Secretary of the Interior may view this as business as usual, but, in my view, allowing this type of commercial activity with blatant product advertising is contrary to what the policy is for our national parks, including The Mall. It is also contrary to what responsible public policy should be in this area.

During her confirmation hearing, I expressed concern to Secretary Norton that as Secretary of the Interior she would hold one of the highest positions of public trust in our Nation's Government. The Secretary of the Interior is the principal guardian of our national parks and our most revered historic sites. Certainly, The National Mall is among the most important symbolic spaces in our country.

I was concerned that based on her previous public statements and writings, she had a long record of having championed the interests of corporations in opposition to the Federal Government. At her confirmation hearing, Secretary Norton assured me she would enforce the laws as written, and it is my understanding that in this case the laws and regulations of the Park Service made very clear The National Mall is not to be used as a venue for commercial purposes. It is not to be used as a venue for advertising. I do not see how anyone can look at these photos and believe the Secretary carried out her responsibilities in this instance.

Earlier this year, the Senate passed legislation to authorize construction of an education center near the Vietnam Veterans Memorial, very much along the lines of a similar bill we passed in the Senate during the last Congress. I was involved in negotiating the language for that bill and tried to ensure that the National Park Service retained its ability to approve the site and the design of the center, and at the request of the Park Service we included language stating the center should be built ''consistent with the special nature and sanctity of The Mall.''

If these photographs reflect Secretary Norton's definition of ''the special nature and sanctity of The Mall,'' I have great concern about what, in

fact, we are going to wind up protecting with regard to the Vietnam Veterans Memorial. What can we reasonably tell those who intend to operate the educational center for the Vietnam Veterans Memorial is not permitted if, in fact, all of this is permitted?

The National Park Service regulations generally prohibit commercial advertising on public lands. In addition, the specific permit that was issued related to this event stated no commercial activity was to be conducted. Nevertheless, the Department of the Interior decided the activity we see in this photograph was not commercial activity; that these banners were not advertisements. In the view of the Park Service, these were ''sponsor recognition.'' That is a distinction I was unaware of, between advertising and sponsor recognition. But clearly, the National Park Service believes that distinction needs to be maintained.

Even though the National Football League was the organization that sponsored the concert, it was permitted to solicit other companies to underwrite the event's expenses, and those other companies in turn were permitted to advertise on The Mall or, as the Interior Department put it, to obtain ''sponsor recognition.''

It is not clear where the authority comes from for this decision by the National Park Service to allow such ''sponsor recognition.'' The agency's regulations clearly prohibit the display of commercial notices or advertisements on National Park Service lands except where the park superintendent determines the notices relate to products at that park area and the superintendent determines the notices are ''desirable and necessary for the convenience and guidance of the public.'' I do not see how these banners, these fence advertisements fit in to that requirement.

It would have been one thing if this event had occurred and following it the Interior Department and the National Park Service had admitted a mistake had been made and they would take appropriate steps to prevent this from occurring in the future. But the leadership of the Interior Department and the Park Service, from Secretary Norton on down, makes no such admission. They continue to insist this was entirely appropriate.

Secretary Norton may not care whether this type of event takes place again on The Mall, but I do, and I think many of my colleagues will when they become better informed about this situation.

To better understand the Secretary's reasoning that this was not, in fact, commercial activity, that there was no commercial advertising taking place, I am sending a letter to the Secretary requesting copies of the correspondence and the e-mails and the planning memos and other documents the Secretary relied on in concluding this was not commercial activity.

The Secretary of the Interior and the National Park Service leadership maintain that commercial activity is not allowed on The Mall; what took place here was not commercial. Since there apparently is a disconnect between what they say and the reality of what, in fact, took place, I think the only solution is to change the law to make it clear, even to the Secretary, that this type of use is not appropriate on The Mall.

When the Interior appropriations bill comes to the floor, I intend to offer an amendment to make it clear that future permits to hold special events on The Mall may not include commercial advertising, whether they couch that as ''sponsor recognition'' or not. I want to emphasize The Mall clearly should continue to be available for large-scale events.

If the Secretary had approved a large concert to celebrate our troops or to promote her volunteer program, then there would not have been a public outcry such as we have seen as a result of this situation. It was her decision to allow the concert to be used for commercial purposes, to allow the commercial advertising that occurred here that, in my view, crossed the line.

If the Department of the Interior and National Park Service officials had made any effort to advocate the protection of the resource with which they are charged to manage, then this would not have been a problem. Since they have refused to do so, it seems to me we must change the statute.

Last week, Albert Eisele of the Hill newspaper wrote an excellent article entitled ''Desecration of The Mall.'' I ask unanimous consent that a copy of that article be printed in the RECORD following my remarks.

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

(See exhibit No. 1.)

Mr. BINGAMAN. I ask unanimous consent that the Washington Post editorial entitled ''Marketing the Mall,'' and an article by Tom Shales in the Washington Post entitled ''America, Brought To You by . . . '' be printed in the RECORD following my remarks.

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

(See exhibits 2 and 3.)

Mr. BINGAMAN. Mr. President, The National Mall is more than just an expanse of grass or an undeveloped field. It is a national treasure. By the National Park Service's own account, it is the single most significant public park and open space in our Nation's Capital. It is visited by millions of citizens and visitors from abroad each year.

It provides a formal work of landscape architecture of monumental proportions and provides the unifying element for the carefully placed, diverse architectural symbols, repositories and shrines of the heritage of our democracy on and along its length.

There has been broad public agreement both in Washington and around the country that allowing the type of activity that occurred at these commercial events is a new low point in the storied history of The Mall. Perhaps this will only be remembered as an unfortunate incident, but we need to make sure that this is not the model for future events on The Mall. We need to act to prohibit increased commercialization in our national parks, and a good place to start is acting to protect The Mall.

When we do get to the actual voting on the issue, I hope my colleagues will support the effort to protect The Mall from further commercial exploitation.

EXHIBIT 1

[From the Hill, September 10, 2003]

DESECRATION OF THE MALL

(By Albert Eisele)

An older colleague who wrote a daily column in the St. Paul Pioneer Press when I worked there many years ago once told me his best columns were those generated by a sense of outrage.

If so, this should be one of my best columns, as few things have offended me more than the disgraceful display of mindless patriotism, insatiable commercialism and sheer bad taste perpetrated last week by the National Football League with its $10 million rock concert extravaganza on the Mall.

I wasn't there and didn't watch it on ABC–TV—thank God—but one photograph in Friday's Washington Post convinced me that aside from the Sept. 11 attack on the Pentagon and subsequent anthrax attacks, last fall's sniper shootings or the 1981 assassination attempt on President Reagan, this was the worst thing that's happened here during my nearly 40 years in the nation's capital.

The spectacle of pop singer Britney Spears being stripped to her black bikini bottoms to just above pubic level by a pair of male dancers wearing Washington Redskins jerseys, with the Capitol shining in the background, was so jarring that it made me want to cringe.

Spear's display of erotic gyrations and lip-synched lyrics may have a place in our appalling, vulgarized popular culture but definitely not in the middle of the nation's most hallowed public space.

It was bad enough that this dreadful promotion designed to kick off the 2003 pro football season—and sell Pepsi Vanilla, AOL and Reeboks—took place just a week after the 40th anniversary of Martin Luther King's immortal ''I Have a Dream'' speech on the steps of the Lincoln Memorial. Or that it took place just before the second anniversary of the awful day when Islamic terrorists crashed a jetliner into the Pentagon and were barely prevented from flying over the Mall to crash another into the White House or the Capitol.

But it was even worse that President Bush and Interior Secretary Gale Norton were persuaded to serve as cheerleaders for a so-called game that celebrates violence—as if we don't have enough already—and that has owners who personify rapacious greed. This was nothing more than the desecration of a sacred space and an insult to the men and women of the U.S. military whom the event's promoters professed to honor.

The president perhaps can be excused from accepting bad advice but not those who persuaded him to lend the dignity of his office to an event that left the rain-soaked Mall trampled and garbage-strewn, both physically and symbolically.

Somebody, ideally the congressman whose committees oversee the Department of Interior and the National Park Service, should

demand an explanation of who was responsible for allowing this travesty to happen.

If they don't, what can we expect to see next? An ad for Viagra on the Washington Monument? A pitch for McDonald's at the Lincoln Memorial or Toyota at the Jefferson Memorial? Or maybe even a banner on the Capitol Dome offering low-interest loans from Citibank to ease the federal deficit?

I have nothing against pro football, and I'm glad the Redskins won their opener, even as I despair of Major League Baseball ever returning to Washington. Nor do I disagree that many in the crowd that the NFL generously estimated at 125,000 thought it was wonderful that Britney and her fellow entertainers were invited to do their thing on the Mall.

Nevertheless, I'm outraged and saddened. This was a low point for a special space that stands for so much in America.

EXHIBIT 2

[From the Washington Post, September 3, 2003]

MARKETING THE MALL

Three days of football activities culminating in a concert bash with celebrities ranks right up there with the Friskies Alpo Canine Frisbee Disc World Finals as the kind of event with a commercial flavor that has been allowed to set up shop on the Mall in recent years. The National Park Service, which oversees the Mall, has in the past permitted other activities to take up space with exhibits, programs and corporate sponsors (including The Washington Post, which has been a sponsor of the Smithsonian Folklife Festival). But the ''NFL Kickoff Live 2003, Presented by Pepsi Vanilla,'' the promotional activity underway on the land between the Capitol grounds and the Washington Monument, is, for sheer space and length of occupancy, in a class by itself when it comes to hawking a commercial sporting event. Is it the last of its kind? Or is this commercialization of the Mall, marketing the National Football League and Pepsi's new soft drink, the start of a new and a fundamental debasement of a national shrine?

Nearly $10 million bought the NFL and its sponsors the right to take over the large expanse of federal land for 11 days (including setup time), reports Post staff writer David Montgomery. Pepsi is in the deal for $2.5 million, other co-sponsors include a beer company and the New York Stock Exchange. Pepsi is likely to get its money's worth: At every angle of the nationally televised concert to be aired before tomorrow night's Washington Redskins-New York Jets game, cameras will be able to capture Pepsi Vanilla signs. Ten million dollars not only gets the NFL and other businesses a huge claim on public space: For the first time in Mall history, network television will have the right to beam a professional sporting event, complete with commercial advertisements, on America's core promenade.

What next?

We ask this question knowing full well that the participatory events, sports clinics and autograph sessions with famous former NFL stars are great fun and the kind of buildup certainly fitting for the launch of the 2003 season. As a marketing tool, a four-day spectacle, including a concert paying tribute to the U.S. military, is probably good for professional football and the promoters of Pepsi. It certainly will be a nice celebration for the NFL's 2,000 VIP guests invited to the Thursday night concert. The Park Service has given the NFL permission to serve wine and Coors beer to its special Mall guests—Coors being an event sponsor. Regular concertgoers will be screened and no alcohol will be allowed.

And do onto the Mall—a space that, as the National Park Service observes, is as old as the capital city itself, one commissioned by George Washington and planned by Pierre L'Enfant to be an ''ideal stage for national expressions of remembrance, observance and protest—comes now Pepsi Vanilla, the National Football league, and Coors beer. Is this the beginning, or will it be, mercifully, the beginning of the end for a trend out of control?

EXHIBIT 3

[From the Washington Post, September 5, 2003]

AMERICA, BROUGHT TO YOU BY . . .

(By Tom Shales)

American bad taste is the most powerful bad taste in the world. That seems to be what was really being celebrated on the Mall last night at an excruciating 55-minute rock concert ostensibly convened to herald the new pro football season and televised live on the struggling ABC network.

The event was deemed so auspicious that George W. Bush took yet more time off from fighting the war on terrorism to appear, via videotape, at the end of the concert and just before the game, in the manner of a TV huckster. He tried to make some connection between football and ''the spirit that guides the brave men and women'' of the military, much as the concert had done.

He also said pro football ''celebrates the values that make our country so strong.'' Like what, violence and greed?

Then, in intense close-up, the leader of the Free World asked the trademarked rhetorical question, ''Are you ready for some football?''

Some bureaucrat whose thinking cap had blown off authorized lending the once-solemn, or at least dignified, Mall to this very raucous and very commercial event. The show was a collaboration between the NFL, apparently trying to lure younger viewers to football, and, as the announcer said, ''New Pepsi Vanilla and Diet Pepsi Vanilla, the Not-So Vanilla Vanilla.''

The not-so-musical music included a performance by bouncy sex bunny Britney Spears, whose vocalizing was clearly prerecorded and badly lip-synced—but then who knew what the heck she was singing about anyway? Spears depended heavily on elaborate pyrotechnics and on manic aerobic-erotic choreography during her two numbers; dancers hurled themselves, cartwheeled, tumbled and even crawled across the stage.

At one point, she gamboled about amid, literally, great balls of fire—apparently forgetting that Michael Jackson's hair was once set ablaze while he was filming a Pepsi commercial.

There was also, as part of the alleged dancing, what's commonly referred to as ''some girl-on-girl action'' (Spears and Madonna kissed on the lips on a recent MTV special), as well as writhing onstage costume changes. When they weren't being groped or fondled by her, dancers helped Spears strip her pants off, revealing a bikini-like black bottom for the second number. They even helped straighten out the little pixie's shorty shorts so that they didn't reveal too much. Or maybe so that they did.

Spears just kept singing, singing, singing. Or rather syncing, syncing, syncing. But the feeling some of us at home were having would be better described as sinking, sinking, sinking.

Also appearing was a Waldorf-born rock band called Good Charlotte, rock veterans Aerosmith—who did so many numbers they turned it into an Aerosmith concert—and popular supershrieker Mary J. Blige, who apparently prefers a strange squatting position when she wails and screams.

The only really respectable musical performance, also clearly recorded in advance, was the majestic Aretha Franklin's overblown yet effective rendition of the national anthem. Of course on the line ''rockets' red glare,'' red fireworks were set off at the back of the stage. The show, directed and co-produced by Joel Gallen, was a never-let-well-enough-alone production.

A closed credit, ''Paid for by the NFL,'' suggested the football league bought the time outright from ABC and then sold the commercial minutes. Many of the ads were, of course, for new Pepsi Vanilla and Diet Pepsi Vanilla, the Not-So-Vanilla Vanilla (when will they come out with not-so-chocolate chocolate?), but there was also a super-kinetic blitz of a commercial for Reebok Vector shoes, scored to the opening chorus from Carl Orff's ''Carmina Burana,'' one of the most frequently appropriated pieces of 20th-century classical music.

When Italian filmmaker Pier Paolo Pasolini included a bit of ''Carmina Burana'' in his borderline-obscene film ''Salo,'' he explained he did so because he considered it ''fascist music.'' We just note that in passing.

Each musical act was introduced by a former NFL star—Joe Theismann and Joe Namath opened the show together—teamed with a member of the armed forces. Theismann said of the concert, ''It's a national moment of remembrance,'' which really seems preposterous in light of what followed. A woman representing the Coast Guard said, ''I'm proud to be an American'' before introducing Aerosmith.

During a brief cutaway to FedEx Field in Landover, game announcer John Madden and Al Michaels argued briefly over which player seemed more ''juiced'' for the Redskins-Jets game that was soon—they promised—to follow. Then back to the Mall for more eardrum-shattering rock.

While the sun still shone, the beautiful U.S. Capitol provided an unlikely and, it seemed, reluctant backdrop for the acts. When night came, and the dome was lit up, it appeared to recede a bit into the distance, as if in shame.

Perhaps the Mall will be available now to every American for weddings, birthday parties and bar mitzvahs. No, probably not. You'll have to be a giant corporation to take over this precious public space and, in effect, spill a ton of garbage all over it.

Mr. BINGAMAN. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his suggestion of the absence of a quorum?

Mr. BINGAMAN. I am glad to withhold that request.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ALEXANDER. I ask unanimous consent that I be allowed to speak for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the submission of S. Con. Res. 68 are located in today's RECORD

under ''Submission of Concurrent and Senate Resolutions.'')

Mr. ALEXANDER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. ROBERTS. I ask to speak for 5 minutes under the morning business provision under which we are now operating.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator from Tennessee for his very eloquent speech in regard to the life and contributions of Johnny Cash. I suppose some might wonder why people in the Senate would stand up and choose basically to praise an individual who some might think was a simple country western star. Simple is right. But, perhaps, they would ignore the fact that this was a unique star in the horizon of stars that means a lot to Americans.

The Senator from Tennessee called him ''the poet for the working poor.'' I might call him the minstrel for the working poor.

I came across Johnny Cash when I was in Phoenix, AR trying to be the William Allen White of Arizona with a career in journalism. Up to that point, I had not been a country-and-western aficionado, if you will, or even a fan. Then, in a place called South Phoenix, which is certainly history now, the performers would perform in California, stop in Phoenix and go on their way to Texas. I am trying to think of the various performers who came in there, along with Johnny Cash. He was part of that show. I think it was before Waylon Jennings and Willie Nelson. I really can't think of other performers. It doesn't make much difference. But people wanted to come and see Johnny Cash. Other performers finished—and the South Phoenix ballroom was not exactly the Metropolitan Opera in terms of demeanor and what went on there. People used to see the shows and then stay and watch the fights.

But anyway, the lights went off and then the spotlight went on. And here was this tall man in black, who said, ''Hello. I am Johnny Cash.'' And the place erupted. He went through the repertoire of his famous hits at that particular time. He was magnetic in his appeal. He had a special appeal for the people who could really identify with what he was singing in terms of their daily life, their pocketbooks, and the challenges they went through.

The second time I had an opportunity to hear him was when he came to Washington at the Merriweather Post Pavilion. The place was packed. At that time, he was married to June Carter. I think that was probably the top act in show business, at least on the western and country side.

The thing I wanted to mention is we had the Bicentennial ceremonies here on The Mall in 1976. The Senator from New Mexico indicated The Mall is sacred ground—until we had our Bicentennial ceremonies. We went through quite a bit of activity in getting the Capitol spruced up. A lot of artwork was redone at that particular time.

Guess who the master of ceremonies was on The Mall celebrating our Nation's 200th anniversary. Johnny Cash. Guess who performed at a Joint Session of Congress with his rendition of Our Flag. I think I have that right. I may have it wrong. But there is a beautiful rendition—a historic rendition—of the Flag. He sang, I believe, a medley of patriotic songs before the Senate and the House.

I thought to myself: Here is someone who came from the Depression, who had a rough time in show business, and then was a great entertainer. And who else would be more appropriate to head up the Bicentennial ceremonies than Johnny Cash?

The third time I had an opportunity to meet him was at the Kennedy Center Honors where he was being honored along with great performers of our day. His health was none too good. But I stood in line with everybody else shaking his hand. I said to him, ''I wanted to see the man in black. I saw you in Phoenix way back in 1962. I was very proud of you in 1976 when you headed up the Bicentennial, and it is a real pleasure and a privilege to make your acquaintance as of today.''

He was a very down-home man, very humble, and said it was a privilege. He asked my name. We had a very nice conversation. I can't think of any other entertainer who represents American talent better than Johnny Cash.

I have, by the way, I tell the Presiding Officer, about eight albums—not CDs, albums. If we could just find a turntable, we could go back to Johnny Cash and the Tennessee Trio, and later we could ''Walk The Line'' together.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT AGENCY RUN AMOK

Mr. DORGAN. Mr. President, I brought with me to the floor a picture of a woman named Joan Slote. Joan, as you can see, is a bicyclist, standing there with a bicycle helmet and a bicycling outfit. She is a senior olympian. She is a 74-year-old grandmother of six and a champion cyclist. She rides about 100 miles a week, and has pedaled her bicycle through 21 countries.

I am showing a picture of Joan Slote on the Senate floor because she is in trouble with the Federal Government. Joan Slote never sought to deceive the U.S. Federal Government. She responded to a Toronto-based adventure catalog for a bicycle trip to Cuba. It intrigued her. It said, incorrectly, in the advertisement that U.S. law does not bar citizens from visiting Cuba as long as they fly there through Canada. So Joan Slote, this grandmother cyclist, joined a cycling trip through Cuba.

When she returned to the United States through Canada, they asked her where she had been. She said she had been in Canada and prior to that had been in Cuba. So she was not attempting to deceive anyone.

Guess what happened to this grandmother? She went from her home on the west coast to Europe on a bicycling trip. While she was gone, she learned her son had a brain tumor. She rushed back, packed some clothes in her place in Oregon, and rushed to her son's side. He died of this brain tumor. She finally got back home and she saw letters from OFAC, the Office of Foreign Assets Control, at the U.S. Department of Treasury. OFAC was upset because Joan Slote had been to Cuba. They told this 74-year-old grandmother the Feds were hot on her trail and that the Feds wanted a $7,600 fine from her. The Feds wanted $7,600 dollars from this grandmother because she violated American laws by travelling to Cuba.

We have people down here at the Department of Treasury looking after Joan Slote and people like her.

They fined her $7,600 because she visited Cuba and spent $38 there. Since that time, OFAC added penalties and interest until the total was almost $10,000. Then a few months ago in July, Joan Slote received a collection letter saying she would pay up in 10 days or they would start attaching her Social Security payments. They say, we are slapping you with a big fine; you are obviously a problem for this country.

Let me remind listeners, this is the Office of Foreign Assets Control. This is the office that is supposed to be tracking terrorism in the Department of Treasury. This is the office that ought to be busy full time tracking the movement of terrorist funds across this world. As a matter of fact that is what most of the employees in the Office of Foreign Assets Control do. But not all of them.

Some of them are taken off those duties to make sure Joan Slote does not undermine this country's interests by visiting Cuba. They are chasing a retired schoolteacher riding a bicycle in Cuba trying to slap her with a fine. They cannot find Osama bin Laden but they can sure find this retired grandmother. They are determined to levy a fine on this grandmother.

I learned about that. They wanted to take it out of her Social Security payments if she did not pay the fine. Her