

questions. In order to be able to proceed quickly in the committee following such a meeting, we suggested a joint meeting that Senators could attend at different times based on their individual schedules. We stated that we would have a transcript of the meeting prepared so that we could refer back to the nominees' answers, and that the meeting would be open to the public.

The response from the White House, which has repeatedly offered to have nominees meet with us privately was an immediate "No." The immediate and unqualified refusal to our reasonable request seem to be part of the forced march. The Administration seems to be saying, "We are to going to jam these nominees through, our way, regardless of how reasonable your request is."

So that left us with only one option: To delay the vote on these two nominees until agreement could be reached on a further hearing, or some substitute for it. Some Senators on the Democratic side were simply not prepared to vote on Justice Cook or Mr. Roberts. We did not believe the committee has been given adequate opportunity to assess the qualifications and examine the record of Justice Cook and Mr. Roberts.

So when the chairman of the committee asked for a vote on Justice Cook, we objected. The proper course under our committee's longstanding Rule IV was for the chairman to hold a vote on a motion to end debate on the matter. The Rule provides that debate will be ended if that motion carries by a majority vote, including one member of the minority. In this case, our side was united in opposing ending the debate, so the motion would have failed. It is, in effect, as the chairman of the committee himself recognized in 1997 when the Rule was invoked in connection with the Bill Lann Lee nomination, a kind of filibuster rule in the committee. The vote to end debate is like a cloture vote, and it cannot succeed unless at least one member of the minority votes for it.

Now I have heard the argument, made by the chairman of the committee in a letter to the Democratic leader, that this rule was designed to allow a majority of the committee to force a so-called "rogue chairman" to hold a vote on a matter when he doesn't want to, but not to limit the chairman's ability to call for a vote over the objections of the minority. That is clearly an erroneous interpretation. It conflicts with text of the rule, the practice of the committee for 24 years under five separate chairmen, including the current chairman, and with the history of the rule itself.

The rule was adopted in 1979 when Senator KENNEDY chaired the committee. The committee at that time had 10 Democrats and 7 Republicans. Until that time there was no way to end debate in the committee. Recent years had seen controversial matters such as the Equal Rights Amendment

stalled in committee. The Civil Rights era had seen the committee headed by a segregationist chairman block civil rights legislation by allowing it to be filibustered and never voted on. Chairman KENNEDY sought a new committee rule to allow him to bring a matter to a vote. His original proposal was simply to let a majority vote of the committee end debate. On January 24, 1979, he proposed such a committee rule.

Republicans on the committee, including Senator Thurmond who was the ranking member, and Senators SIMPSON, DOLE, COCHRAN, and HATCH, spoke up to protest that the minority should retain the right to debate a matter for as long as it felt it needed to. The next week, the committee reached agreement and adopted Rule IV, which has been in effect ever since. The compromise ended the ability of one or a few Senators to tie up the committee indefinitely. But it gave the majority the power to end debate if it could convince one member of the minority to agree. That was the compromise reached, and that is the rule we have had for over two decades.

The chairman's argument that the rule places no limit on his ability to end debate is clearly answered by this history. It is clearly wrong. The committee rule was violated when Justice Cook and Mr. Roberts were reported over the objection of some members without a "cloture vote" in the committee. There is simply no question about this.

It is very disappointing to have to discuss and debate committee rules on the floor of this body. This might seem like a petty matter. But it isn't. Honoring the rules of the Senate and the rules of the committees gives credibility and legitimacy to the work we do here. Rules are the hallmark of a democracy. In many ways our rules are analogous to the rule of law in our society. We have to respect those rules or we have nothing left.

In situations like these, I often think of the words of the great philosopher Sir Thomas More as portrayed in the play "A Man for All Seasons." More questions a man named Roper whether he would level the forest of English laws to punish the Devil. "What would you do?" More asks, "Cut a great road through the law to get after the Devil?" Roper affirms, "I'd cut down every law in England to do that." To which More replies:

And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast . . . and if you cut them down . . . d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.

It is clear from the history of Rule IV that it was insisted on by Republican Senators then in the minority to preserve their rights in committee. They should not cut down that forest just to have their way now that they are in the majority. We cannot permit that

kind of results-oriented approach to the rules of the committee or of this body. The rules of this body, like the laws of this country, protect all of us. We must stand up to efforts to ignore them. What happened in the committee last week did not reflect well on this body. I sincerely hope that the chairman will reconsider his rulings and return some comity to our proceedings.

Let me just finally say that I voted Present on both Justice Cook and Mr. Roberts. I have not made a final decision on their nominations. I could very well support one or both of them here on the floor. But I think the committee must hold a proper hearing on them, giving all Senators a better opportunity to be well informed on these nominees before exercising their constitutional responsibilities.

#### THE FARM BILL

Mr. HARKIN. Madam President, I rise today to discuss an issue that has arisen out of a technical problem in the farm bill Congress passed last year.

Section 10806(b) of the Farm Security and Rural Investment Act of 2002 amended the Federal Food, Drug and Cosmetic Act by placing limitations on the use of the term "ginseng" as the common or usual name for plants classified within the genus *Panax*. The purpose of this provision was to address confusion that had arisen from products derived from different plants being labeled as "Siberian ginseng", and the like.

However, I must note that the use of the term "ginseng" for plants classified in a genus other than *Panax* was not illegal under Federal labeling laws in place prior to the passage of the Farm Security and Rural Investment Act of 2002. In these types of situations where a labeling change is proposed, the Food and Drug Administration recognizes that, in order to assure an orderly and economical industry adjustment to new labeling requirements, a sufficient lead time is necessary to permit planning for the use of existing label inventories and the development of new labeling materials.

Unfortunately, the ginseng provision Congress included in the farm bill lacked a specific effective date that would have allowed FDA's typical transition period to occur. As one of the lead authors of the farm bill, and as chair of the Senate Agriculture Committee at the time, I want to be clear this was simply an oversight on the part of the Senate and House in writing that portion of the farm bill that needs to be corrected as soon as possible.

I proposed to correct this omission in the Omnibus Appropriations bill for FY 2003, PL 108-7, and supply an effective date of May 13, 2003 for Section 10806(b) Ginseng Labeling of the Farm Security and Rural Investment Act of 2002. Unfortunately, in the rush to complete work on that bill, the provision was left out even though no one had any objections to it.

Because it is important to address this as soon as possible, I want my colleagues to know that I plan to offer my amendment to supply an effective date for the ginseng provision again, either on the supplemental legislation we are likely to receive soon or other legislation moving on the floor of the Senate. It is my hope we can more quickly to correct this oversight.

#### THE HEINZ AWARDS 2003

Mr. SPECTER. Madam President, after the sudden and untimely death of our colleague—and my friend—Senator John Heinz, in 1991, his wife, Teresa Heinz, set about devising a suitable and characteristic memorial to his memory. As she has said, such a task is especially difficult when the goal is to honor someone as complex and multifaceted as Senator Heinz was. She realized that no static monument or self-serving exercise in sentimentality would do, and that the only tribute befitting Senator Heinz would be one that celebrated his spirit by honoring those who live and work in the same ways he did.

Those of us who had the privilege of knowing Senator Heinz remember, with respect and affection, his tremendous energy and intellectual curiosity; his commitment to improving the lives of people; and his impatience with procedural roadblocks when they stood in the way of necessary progress. For Senator Heinz, excellence was not enough; excellence was taken as a given. What made the difference was the practical—and, yes, pragmatic—application of excellence to the goal of making America a better nation and the world a better place. Although John Heinz thought and worked on a grand scale, he understood that progress is more often made in small increments: one policy, one program, even one person, at a time. We also remember the contagious enthusiasm and palpable joy with which he pursued his goals and lived his life.

Teresa Heinz created the Heinz Awards to celebrate and carry on these qualities and characteristics—five awards in each of five categories in which John was especially interested and active during his legislative and public career: Arts and Humanities; the Environment; the Human Condition; Public Policy; and Technology and the Economy. In each of these areas, the Heinz Awards recognize outstanding achievements. In fact, the annual Heinz Awards are among the largest individual achievement prizes in the world.

The six men and women who are being honored with this year's Heinz Awards—the ninth annual Awards—have just been named and were honored last night. They are a distinguished and accomplished group of men and women whose lives and work have truly made a difference.

This year the Arts and Humanities Heinz Award is being presented to Dr. Bernice Johnson Reagon. Dr. Reagon's

deep commitment to civil rights and song has led her down the path of activism, the arts, and academics. Dr. Reagon's experiences in Albany, Georgia during times of segregation led to her founding the women's vocal ensemble, Sweet Honey in the Rock, which is celebrating 30 years of struggle, action, and triumph. As a curator at the Smithsonian Institution, Dr. Reagon has worked tirelessly to ensure that the tradition and story of African-Americans in the 18th, 19th, and 20th centuries are not forgotten. In addition, Dr. Reagon spearheaded the museum's efforts to preserve the oral history of the Civil Rights Movement culture and African-American sacred music and worship traditions.

This year the Heinz Award in the Environment is being shared by Dr. Mario, J. Molina and Dr. John D. Spengler. Dr. Molina, an expert on ozone depletion at the Massachusetts Institute of Technology, shared the 1995 Nobel Prize in Chemistry for his work on the effects of chlorofluorocarbons (CFCs) and was one of the most vocal scientists that led the charge to have CFCs banned in 1979. He is currently one of the most influential and respected voices in environmental policy.

Dr. Spengler of Harvard University's School of Public Health is being commended for his efforts in understanding the consequences of indoor and outdoor air pollution on public health. His findings that indoor air quality had a tremendous impact on overall health guided the focus of air quality standards toward a holistic approach, as opposed to a singular focus on outdoor air pollution. As the vice chairman of a National Research Committee that ultimately recommended the 1986 airliner smoking ban, Dr. Spengler solidified his reputation as an expert in his field as well as a dedicated advocate for public health. Dr. Spengler currently serves as an adviser to the Environmental Protection Agency and the World Health Organization.

Dr. Paul Farmer receives the Heinz Award for the Human Condition. As a physician and medical anthropologist, Dr. Farmer, of Harvard Medical School, has unfailingly committed himself to the study of HIV and tuberculosis treatment around the world. Dr. Farmer has spent the better part of his career opening the world's eyes to the abject inequalities in public health as well as developing practical programs that deliver life-saving services. His efforts in public health have led the World Health Organization to reconsider its position on treating HIV/AIDS and tuberculosis.

The Heinz Award for Public Policy is being awarded to Ms. Geraldine Jensen of Toledo, Ohio. Ms. Jensen founded the Association for Children for Enforcement of Support (ACES), the largest child support enforcement organization in the United States with over 50,000 members nationwide. After a divorce that left her and her children with very few opportunities, Ms. Jen-

sen rallied single parents experiencing the same hardships to stand up for themselves and their children and demand justice. A committed advocate for children and families, Ms. Jensen's work has resulted in the passage of three federal laws on child support and safeguards to ensure that fewer children will become victims of poverty.

Dr. Paul MacCready receives the Heinz Award for Technology, the Economy and Employment. Named the "Engineer of the Century" in 1980 by the American Society of Mechanical Engineers, Dr. MacCready invented and built the first flying machine powered solely by a human, the Gossamer Condor. Dr. MacCready, however, did not stop there. He also helped to create non-fossil fuel automobiles, the first solar powered car, and the first viable mass-market electric car, among his many other inventions. A generation later, Dr. MacCready's ideas on the relationship between advancing technology and preserving the earth's resources continue to impact the field of engineering and will not doubt continue to do so for years to come.

I know that every Member of this body joins me in saluting Teresa Heinz for creating such an apt and appropriate way of honoring the memory of our late colleague; and also in congratulating these distinguished Americans, recipients of the ninth annual Heinz Awards, for the way their lives and contributions have—and continue to—carry on the spirit and the work of Senator John Heinz.

#### ADDITIONAL STATEMENTS

##### BLACK HISTORY MONTH 2003

• Mr. DURBIN. Madam President, I rise today in honor and recognition of Black History Month. Inspired by an Illinois native, Dr. Carter G. Woodson, the month of February allows Americans an opportunity to honor and celebrate the achievements African Americans have made to our country.

Earning his bachelors and master's degrees from the University of Chicago, Dr. Woodson feared that the history of African Americans was quickly fading into obscurity. Realizing that past contributions by African Americans needed to be documented and taught, Dr. Woodson devoted his time popularizing Black history amongst the masses. He concluded, "if a race had no recorded history, its achievements would be forgotten and, in time, claimed by other groups." In 1915, Dr. Woodson founded the Association for the Study of Afro-American Life and History, ASNLH, and in 1916 they released the first publication of the Journal of Negro History, a publication for which Dr. Woodson served as editor and director until his death in 1950.

In 1926, Dr. Woodson established Negro History Week, which expanded to Black History Month in 1976. Thanks to the efforts and achievements of Dr.