

recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(iii).

(C) The Delegate to the House of Representatives from the District of Columbia shall recommend to the President one individual from the District of Columbia.

[(3)] (4) Two representatives of the judicial branch of the Federal Government appointed by the Chief Justice of the United States Supreme Court.

[(4)] (5) Two representatives of the Brown Foundation.

[(5)] (6) Two representatives of the NAACP Legal Defense and Education Fund.

[(6)] (7) One representative of the Brown v. Board of Education National Historic Site.

(b) TERMS.—Members of the Commission shall be appointed for the life of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) QUORUM.—A majority of members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall hold its first meeting not later than 6 months after the date of enactment of this Act. The Commission shall subsequently meet at the call of [the Chair] a Co-chairperson or a majority of its members.

(g) EXECUTIVE DIRECTOR AND STAFF.—The Commission may secure the services of an executive director and staff personnel as it considers appropriate.

SEC. 5. POWERS.

(a) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take under this Act.

(b) GIFTS AND DONATIONS.—

(1) AUTHORITY TO ACCEPT.—The Commission may accept and use gifts or donations of money, property, or personal services.

(2) DISPOSITION OF PROPERTY.—Any books, manuscripts, miscellaneous printed matter, memorabilia, relics, or other materials donated to the Commission which relate to the Brown decision, shall, upon termination of the Commission—

(A) be deposited for preservation in the Brown Foundation Collection at the Spencer Research Library at the University of Kansas in Lawrence, Kansas; or

(B) be disposed of by the Commission in consultation with the Librarian of Congress, and with the express consent of the Brown Foundation and the Brown v. Board of Education National Historic Site.

(c) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 6. REPORTS.

(a) INTERIM REPORTS.—The Commission shall transmit interim reports to the President and the Congress not later than December 31 of each year. Each such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislation or administrative action which the Commission considers appropriate.

(b) FINAL REPORT.—The Commission shall transmit a final report to the President and the Congress not later than December 31,

2004. Such report shall include an accounting of any funds received or expended, and the disposition of any other properties, not previously reported.

SEC. 7. TERMINATION.

(a) DATE.—The Commission shall terminate on such date as the Commission may determine, but not later than February 1, 2005.

(b) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$250,000 for the period encompassing fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the several requests are agreed to.

The committee amendments were agreed to.

The bill (H.R. 2133), as amended, was read the third time and passed.

ESTABLISHING A COMMISSION FOR COMMEMORATION OF 50TH ANNIVERSARY OF SUPREME COURT DECISION IN BROWN V. BOARD OF EDUCATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 119, S. 1046.

The PRESIDENT pro tempore. The clerk will state the title of the bill.

The legislative clerk read as follows:

A bill (S. 1046) to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on the Judiciary with amendments, as follows:

[Omit the parts in black brackets and insert the part printed in italic.]

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that as the Nation approaches May 17, 2004, marking the 50th anniversary of the Supreme Court decision in Oliver L. Brown et al. v. Board of Education of Topeka, Kansas et al., it is appropriate to establish a national commission to plan and coordinate the commemoration of that anniversary.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the “Brown v. Board of Education 50th Anniversary Commission” (referred to in this Act as the “Commission”).

SEC. 3. DUTIES.

In order to commemorate the 50th anniversary of the Brown decision, the Commission shall—

(1) in conjunction with the Department of Education, plan and coordinate public education activities and initiatives, including public lectures, writing contests, and public awareness campaigns, through the Department of Education’s ten regional offices;

(2) in cooperation with the Brown Foundation for Educational Equity, Excellence, and Research in Topeka, Kansas, (referred to in this Act as the “Brown Foundation”) and such other public or private entities as the Commission considers appropriate, encourage, plan, develop, and coordinate observances of the anniversary of the Brown decision; and

(3) submit recommendations to the Congress relating to a joint session of Congress for the purpose of commemorating the anniversary.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed as follows:

(1) Two representatives of the Department of Education appointed by the Secretary of Education, one of whom shall serve as [Chair] one of two Co-chairpersons of the Commission.

(2) Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

[(2)] (3) Eleven individuals appointed by the President after receiving recommendations as follows:

[(A)] Members of the Senate from each of the States in which the lawsuits decided by the Brown decision were originally filed, Delaware, Kansas, South Carolina, and Virginia, and from the State of the first legal challenge, Massachusetts, shall jointly recommend to the President one individual from their respective States.

[(B)] Members of the House of Representatives from each of the States referred to in subparagraph (A) shall jointly recommend to the President one individual from their respective States.]

(A)(i) The Members of the Senate from each State described in clause (iii) shall each submit the name of 1 individual from the State to the majority leader and minority leader of the Senate.

(ii) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (iii).

(iii) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originally filed (Delaware, Kansas, South Carolina, and Virginia), and the State of the first legal challenge involved (Massachusetts).

(B)(i) The Members of the House of Representatives from each State described in subparagraph (A)(iii) shall each submit the name of 1 individual from the State to the Speaker of the House of Representatives and the minority leader of the House of Representatives.

(ii) After review of the submissions made under clause (i), the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives, shall recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(iii).

(C) The Delegate to the House of Representatives from the District of Columbia shall recommend to the President one individual from the District of Columbia.

[(3)] (4) Two representatives of the judicial branch of the Federal Government appointed by the Chief Justice of the United States Supreme Court.

[(4)] (5) Two representatives of the Brown Foundation.

[(5)](6) Two representatives of the NAACP Legal Defense and Education Fund.

[(6)](7) One representative of the Brown v. Board of Education National Historic Site.

(b) TERMS.—Members of the Commission shall be appointed for the life of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) QUORUM.—A majority of members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall hold its first meeting not later than 6 months after the date of enactment of this Act. The Commission shall subsequently meet at the call of [the Chair] a Co-chairperson or a majority of its members.

(g) EXECUTIVE DIRECTOR AND STAFF.—The Commission may secure the services of an executive director and staff personnel as it considers appropriate.

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(A) be deposited for preservation in the Brown Foundation Collection at the Spencer Research Library at the University of Kansas in Lawrence, Kansas; or

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SEC. 7. TERMINATION.

(a) DATE.—The Commission shall terminate on such date as the Commission may determine, but not later than February 1, 2005.

(b) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated at total of \$300,000 for fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

Mr. ROBERTS. Mr. President, today I rise in support of S. 1046, the Brown v. Board of Education 50th Anniversary Commission bill, which Senator BROWNBACK and I introduced. 2004 marks the 50th anniversary of this landmark Supreme Court decision which found the doctrine of “separate but equal” to be patently unconstitutional. In 2004, it will have been half a century since Oliver Brown of Topeka, Kansas, on behalf of his daughter, Linda, fought the menace of racism and won. This watershed case is an important victory in the civil rights movement, and this Congressional Commission will allow us to fully celebrate and reflect on what this decision has meant to our nation.

On May 17, 1954, in the *Brown v. the Board of Education* decision, the high court issued a definitive interpretation of the 14th Amendment to the United States Constitution. The Court stated that the discriminatory nature of racial segregation “. . . violates the 14th Amendment to the U.S. Constitution, which guarantees all citizens equal protection of the laws.” This case brought relief not only to the families from four states and the District of Columbia who were combined under the Brown case, but to individuals throughout our country as it marked a turning point in our Nation’s history.

This bill, S. 1046, allows for the establishment of a Congressional Commission to celebrate this historical occasion, by developing public education initiatives and coordinating observances in conjunction with the Brown Foundation for Educational Equality, Excellence and Research in Topeka. The Brown Foundation is concurrently working with the National Park Service in order to convert Linda Brown’s former all-black elementary school into a historic site in time for the 50th anniversary.

I’d like to thank Chairman LEAHY and Ranking Member HATCH for their expeditious consideration of this important legislation. I’d also like to thank the Kansas Congressional Delegation for all their work on this issue as well. Finally, I’d like to thank Cheryl Brown Henderson, Linda’s sister, who is the Executive Director of the Brown Foundation. Her untiring work has furthered the legacy of the Brown decision and allowed the vision of a Congressional Commission to become closer to a reality.

Mr. BROWNBACK. Mr. President, I rise today to express my thanks to my Senate colleagues for passing S. 1046, a bill that creates a commission to commemorate the 40th anniversary of *Brown v. Board*. I would especially like to thank Senator PAT ROBERTS of Kansas who introduced this bill into the Senate and Senator PATRICK LEAHY of Vermont for his leadership in helping

me to move this legislation through his committee.

I thank Cheryl Brown Henderson of the Brown Foundation, whose father, Oliver Brown brought the suit against the Topeka Board of Education on behalf of his daughter, Linda Brown. Cheryl has been a steadfast leader in ensuring that the *Brown* decision and legacy continues not only in the State of Kansas but throughout the nation, and she has been very instrumental in creating this legislation that was passed in the Senate today.

I stand before the Senate today proud that Kansas has played an intricate role in shaping our Nation. From “Bleeding Kansas” to the “Exodus to Kansas” to *Brown v. Board*, Kansas has been one State in this nation that has led our country in addressing race relations in this country. And I am very proud of that history and legacy.

As you know, the history of desegregating our public school system started before *Brown v. Board* with such cases as *Murray v. Maryland* and *Sweatt v. Painter*. But it was *Brown v. Board* that set the fire of the public outrage and changed the course of America’s history and the way in which we view equality in the eyes of the law.

Before *Brown*, many States in the United States enforced racially segregated laws—this was an atrocious practice. Many individuals claimed that as a direct result of the 1896 *Plessy v. Ferguson* case, which sanctioned the separate but equal doctrine, school segregation was, in fact, legal and culturally acceptable. Oliver Brown, a citizen of Topeka, Kansas joined with other individuals and filed a lawsuit against the Topeka School Board on behalf of his 7-year-old daughter, Linda.

Like other young African Americans, Linda had to cross a set of railroad tracks and board a bus to take her to the “colored” school on the other side of the city where she lived—even though a school for white children was located only a few blocks from her home. This was the basis for the landmark case. There were many notable African Americans who helped to bring this case to the Supreme Court of the United States, however, none so famous as Supreme Court Justice Thurgood Marshall who valiantly defended the rights of not only Linda Brown, but of an entire race of individuals who were treated as second-class citizens.

On May 17, 1954, the Supreme Court rendered its decision that ruled racial segregation in schools in unconstitutional, violating the 14th Amendment of the United States Constitution, which states among other things that, “no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

When the Court ruled in 1954 that school segregation laws were unconstitutional, the Supreme Court demolished the legal foundation on which racial segregation stood. The Court's opinion, written and delivered by Chief Justice Earl Warren, also served as a stirring moral indictment of racial segregation, and an eloquent challenge to America to cast off its prejudices and extend its promises of life, liberty, and the pursuit of happiness to all citizens, regardless of race or color.

This Commission will comprise individuals representing the states that were involved in the Brown case originally filed, Delaware, Kansas, South Carolina, and Virginia, and from the first legal challenge, Massachusetts. The Commission will be charged with planning and coordinating public education activities and initiatives, including public lectures, writing contests, and public awareness campaigns throughout the nation.

In addition, the Commission will work with the Brown Foundation for Educational Equity, Excellence and Research (located in Topeka, Kansas) to plan, develop and coordinate observances of the anniversary of the Brown decision. And finally, the Commission will submit recommendations to the United States Congress relating to a joint session of Congress to commemorate the Brown v. Board anniversary.

I am proud that we were able to pass this legislation today that will honor this historic case—one that set the pace for racial equality in the 20th century, and caused a nation to rethink the meaning of racial equality and tolerance for the betterment of our country.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered. The several requests are agreed to en bloc.

The committee amendments were agreed to.

The bill (S. 1046), as amended, was read the third time and passed, as follows:

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There are authorized to be appropriated at total of \$300,000 for fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

NATIONAL VETERANS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed