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[(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services, Tommy Thompson, announced "America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observatory status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it".

[(14) The Government of the Republic of China on Taiwan, in response to an appeal from the United Nations and the United States for resources to control the spread of HIV/AIDS, donated \$1,000,000 to the Global Fund to Fight AIDS, Tuberculosis and Malaria in December 2002.

[(15) In 2003, the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 73 deaths in Taiwan.

[(16) Avian influenza, commonly known as bird flu, has reemerged in Asia with strains of the influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos.

[(17) The SARS and avian influenza outbreaks illustrate that disease knows no boundaries and emphasize the importance of allowing all people access to the WHO.

[(18) As the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO.

[(19) The Secretary of Health and Human Services acknowledged during the 2003 World Health Assembly meeting that "[t]he need for effective public health exists among all peoples".

[(b) PLAN.—The Secretary of State is authorized to—

[(1) initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly in May 2004 in Geneva, Switzerland;

[(2) instruct the United States delegation to the World Health Assembly in Geneva to implement that plan; and

[(3) introduce a resolution in support of observer status for Taiwan at the summit of the World Health Assembly.

[(c) REPORT.—Not later than 14 days after the date of enactment of this Act, the Secretary of State shall submit a report to Congress in unclassified form describing the action taken to carry out the plan described in subsection (b).]

#### SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

(3) Taiwan's population of 23,500,000 people is greater than that of ¾ of the member states already in the World Health Organization (WHO).

(4) Taiwan's achievements in the field of health are substantial, including—

(A) attaining—

(i) 1 of the highest life expectancy levels in Asia; and

(ii) maternal and infant mortality rates comparable to those of western countries;

(B) eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

(C) providing children with hepatitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of public health issues.

(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese Government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated \$200,000 in relief aid to the Salvadoran Government.

(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950's.

(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(10) Public Law 106–137 required the Secretary of State to submit a report to Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

(12) On May 11, 2001, President Bush stated in a letter to Senator Murkowski that the United States "should find opportunities for Taiwan's voice to be heard in international organizations in order to make a contribution, even if membership is not possible", further stating that the administration "has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO".

(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services Tommy Thompson announced "America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observatory status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it".

(14) The Government of the Republic of China on Taiwan, in response to an appeal from the United Nations and the United States for resources to control the spread of HIV/AIDS, donated \$1,000,000 to the Global Fund to Fight AIDS, Tuberculosis, and Malaria in December 2002.

(15) In 2003, the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 84 deaths in Taiwan.

(16) Avian influenza, commonly known as bird flu, has reemerged in Asia, with strains of the influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos.

(17) The SARS and avian influenza outbreaks illustrate that disease knows no boundaries and emphasize the importance of allowing all people access to the WHO.

(18) As the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO.

(19) The Secretary of Health and Human Services acknowledged during the 2003 World Health Assembly meeting that "[t]he need for effective public health exists among all peoples".

(b) PLAN.—The Secretary of State is authorized to—

(1) initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly each year in Geneva, Switzerland;

(2) instruct the United States delegation to the World Health Assembly in Geneva to implement that plan; and

(3) introduce a resolution in support of observer status for Taiwan at the summit of the World Health Assembly.

(c) REPORT CONCERNING OBSERVER STATUS FOR TAIWAN AT THE SUMMIT OF THE WORLD HEALTH ASSEMBLY.—Not later than 30 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary of State shall submit a report to the Congress, in unclassified form, describing the United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. Each report shall include the following:

(1) An account of the efforts the Secretary of State has made, following the last meeting of the World Health Assembly, to encourage WHO member states to promote Taiwan's bid to obtain observer status.

(2) The steps the Secretary of State will take to endorse and obtain observer status at the next annual meeting of the World Health Assembly in Geneva, Switzerland.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee substitute amendment be adopted, the bill, as amended, be read a 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 PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 2092), as amended, was read the third time and passed.

#### RECOGNIZING AND HONORING THE 50TH ANNIVERSARY OF THE SUPREME COURT DECISION IN BROWN V. BOARD OF EDUCATION OF TOPEKA

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 349, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 349) recognizing and honoring May 17, 2004, as the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 349) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 349

Whereas May 17, 2004, marks the 50th anniversary of the Supreme Court decision in the case of *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954);

Whereas in the 1896 case of *Plessy v. Ferguson*, 163 U.S. 537 (1896), the Supreme Court upheld the doctrine of "separate but equal", which allowed the continued segregation of common carriers, and, by extension, of public schools, in the United States based on race;

Whereas racial segregation and the doctrine of "separate but equal" resulted in separate schools, housing, and public accommodations that were inferior and unequal for African-Americans and many other minorities, severely limited the educational opportunities of generations of racial minorities, negatively impacted the lives of the people of the United States, and inflicted severe harm on American society;

Whereas in 1945, Mexican-American students in California successfully challenged the constitutionality of their segregation on the basis of national origin in *Westminster School District of Orange County v. Mendez* (161 F.2d 774 (9th Cir. 1947));

Whereas in 1951, Oliver Brown, on behalf of his daughter Linda Brown, an African-American third grader, filed suit against the Board of Education of Topeka after Linda was denied admission to an all-white public school in Topeka, Kansas;

Whereas in 1952, the Supreme Court combined Oliver Brown's case (*Brown v. Board of Education of Topeka*, 98 F. Supp. 797 (D. Kan. 1951)) with similar cases from Delaware (*Gebhart v. Belton*, 91 A.2d 137 (Del. 1952)), South Carolina (*Briggs v. Elliott*, 98 F. Supp. 529 (E.D.S.C. 1951)), and Virginia (*Davis v. County School Board of Prince Edward County*, 103 F. Supp. 337 (E.D. Va. 1952)) challenging racial segregation in education and determined that the constitutionality of segregation in public schools in the District of Columbia would be considered separately in *Bolling v. Sharpe*, 347 U.S. 497 (1954);

Whereas the students in these cases argued that the inequality caused by the segregation of public schools was a violation of their right to equal protection under the law;

Whereas on May 17, 1954, in *Brown v. Board of Education of Topeka*, the Supreme Court overturned the decision of *Plessy v. Ferguson*, concluding that "in the field of public education, the doctrine of 'separate but equal' has no place" and, on that same date, in *Bolling v. Sharpe*, held that the doctrine of "separate but equal" also violated the fifth amendment to the Constitution; and

Whereas the decision in *Brown v. Board of Education of Topeka* is of national importance and profoundly affected all people of the United States by outlawing racial segregation in education and providing a foundation on which to build greater equality: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors May 17, 2004, as the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka*;

(2) encourages all people of the United States to recognize the importance of the Supreme Court decision in *Brown v. Board of Education of Topeka*; and

(3) acknowledges the need for the Nation to recommit to the goals and purposes of this landmark decision to finally realize the dream of equal educational opportunity for all children of the United States.

#### 50TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 102 and the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 102) to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka*.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, it gives me great pleasure to speak on behalf of the passage of S. Con. Res. 102, which honours the 50th anniversary of the landmark Supreme Court decision, *Brown et al. v. Board of Education of Topeka*, Kansas et al.

As you may know, the history of desegregating our public school system started before *Brown* with such cases as *Murray v. Maryland* and *Sweatt v. Painter*. But it was *Brown v. Board of Education* that caught fire 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 held and enforced racially segregated laws enforced, which was an atrocious practice. Many individuals cited the 1896 *Plessy v. Ferguson* case, which sanctioned the separate but equal doctrine, as the grounds for keeping school segregation legal.

Oliver Brown, a citizen of Topeka, KS, along with other individuals, 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 from where she lived—even though a school for white children was located only a few blocks from her home.

There were many notable African Americans who helped to bring this case to the United States Supreme Court; however, none so famous as Supreme Court Justice Thurgood Marshall, who valiantly defended the

rights of not only Linda Brown and the other defendants in the case, but of an entire race of individuals who were treated as second class citizens.

On May 17, 1954, the Supreme Court rendered its decision to rule racial segregation in schools unconstitutional. Further, the Supreme Court found the "separate but equal" doctrine to be in violation of 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.

I would like to take this opportunity to thank the many individuals who worked tirelessly to ensure that the 50th anniversary celebration of this case is recognized world wide. Most notably, I would like to thank Cheryl Brown Henderson, the Brown Foundation and the Brown v. Board of Education National Historic Site for their steadfast and unwavering commitment to the legacy established by the *Brown* decision. I would also like to thank and commend the work of the Brown v. Board of Education 50th Anniversary Commission. Finally I would like to recognize all of the cases that comprise the *Brown* decision.

BELTON V. GEBHART (BULAH V. GIBHART)—  
DELAWARE

First petitioned in 1951, the local cases, *Belton v. Gebhart* and *Bulah v. Gebhart*, challenged the inferior conditions of two African American schools. In the suburb of Claymont, DE, African American children were prohibited from attending the area's local high school. In the rural community of Hockessin, Delaware, African American students were forced to attend a dilapidated one-room schoolhouse and were not provided transportation to the school, while white children in the area were provided transportation and a better school facility. Both cases were represented by a local NAACP attorney. Though the State Supreme Court ruled in favor of the plaintiffs, the decision did not apply to all schools in Delaware.

BOLLING, ET. AL. V. C. MELVIN SHARPE,  
ET. AL.—DISTRICT OF COLUMBIA

Eleven African American Junior high School students were taken on a field trip to Washington, D.C.'s new John Phillip Sousa School for whites only. The African American students were denied admittance to the school and ordered to return to their inadequate school. In 1951, a suite was filed on behalf of the students. After review with