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## Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

O Lord, our Lord, how majestic is Your Name in all the Earth. You are the giver of everlasting life. Thank You that nothing can separate us from Your limitless love. Thank You that You are never disillusioned by us, although You know us better than we know ourselves. How great is Your love toward us, for You call us Your children. We praise You for Your tremendous power inside us that strengthens us to cope with life and to do Your will. Give our Senators today a faith that will not shrink, though pressed by many a foe. Make them more than conquerors of our Nation's challenges. Develop their gifts and enlarge their capacities that with confidence and joy they can do the work of freedom. Be at work in each of us, creating within our spirits both the desire and the power to do Your will. We pray this in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today, we will be in a period of morning business for 1 hour. The first half of that time

will be under the control of the majority leader, with the second half under the control of the minority side. Following that period, the Senate will begin consideration of H.R. 3104, the Afghanistan/Iraq campaign medals bill. Under the agreement, there will be 20 minutes for debate prior to a vote on passage of the bill. Senators can, therefore, expect the first vote of the day to occur sometime around 11 or 11:15 this morning.

Following that vote, we will resume the Defense authorization bill. We began that bill yesterday and made some progress by disposing of the Hutchison amendment regarding cadets and midshipmen. We will continue on that bill throughout the day with rollcall votes expected. I have mentioned our desire to finish the Defense bill this week, and I hope Members will cooperate with the managers of the bill so we may have an orderly consideration of amendments. Senators who intend to offer amendments should be contacting the chairman and ranking member at this time so they may begin scheduling amendments for this week.

Also, we have a cloture vote scheduled for 2:15 p.m. today on the nomination of Marcia Cooke to be U.S. District Judge for the Southern District of Florida. There is still hope we can work out an understanding as to when we will vote on some of the 32 pending judicial nominations and, therefore, there is a chance the cloture vote may be vitiated. We will alert all Members if there is a change with that vote.

Also this week we will continue to look for a way to consider and complete the bioshield bill. I hope we can pass that important measure before we conclude our business this week. The highway bill is another one we need to get to conference, and we will find a way to do that if at all humanly possible this week. I am reminded daily of the importance of this bill and the necessity of going to conference. I was talking to our colleague from Missouri,

Senator BOND, who again underscores the importance of moving this bill forward as soon as possible.

It is going to be a very busy week. As we approach the recess, Senators can expect late nights, if necessary, to complete the legislative and executive items I have mentioned.

### BROWN v. BOARD OF EDUCATION

Mr. FRIST. Mr. President, on leader time, I want to briefly comment on the fact that yesterday was the 50th anniversary of the monumental Brown v. Board of Education Supreme Court decision.

I had the wonderful opportunity of joining my colleagues from Kansas, Senators ROBERTS and BROWNBACK, in Topeka, KS yesterday around noon. As we stood in front of that two-story Monroe Elementary School, which was one of the four segregated schools in Topeka in 1954 which Black children were forced into, you couldn't help but appreciate how far indeed we have come, but also reflect on how far we must continue to go.

It was 50 years ago and 1 day, May 17, 1954, that the Supreme Court struck down the separate but equal doctrine that had been established around 60 years before by Plessy v. Ferguson. The Brown v. Board decision is considered by many to be one of the most, if not the most, important Supreme Court decisions of the last 100 years. It energized the civil rights movement and the victories that would follow, including the Civil Rights Act of 1964. It catalyzed a tectonic shift in our Nation's social consciousness.

The Brown v. Board story begins a little over 50 years ago in the city of Topeka, KS where we were yesterday. It was a third grader named Linda Brown who was barred from attending the neighborhood school because she was black. At that time she was 7 years old. She had to walk six blocks through a rail yard to meet her bus, and then

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



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she would be transported an additional 2 miles across town to the all-Black elementary school. That trip every day took about an hour. It was her dad, Rev. Oliver Leon Brown, for whom the Supreme Court case is named, who decided his child deserved to go to a school closer to home. He joined 13 other families in filing suit to end segregation in America's public schools.

Linda Brown recalls that, using her words:

When the parents involved tried to enroll us in all white schools and we were denied, my mother explained that it was because of the color of our skin. As a child I did not comprehend what difference that could possibly make.

Indeed, as a child Linda knew the truth so many adults refused to recognize, that the color of a person's skin should not make any difference at all.

Despite the Supreme Court's ruling, many States were slow to integrate classrooms. When I look back to my State of Tennessee, initial compliance was mixed. While Nashville public schools, for example, began their first day of integration in 1957, the surrounding county didn't begin until 1960. And even 10 years after that in 1970, 40 metro schools in Nashville were still segregated. But since that point in time, Tennessee, as the rest of the Nation, has made great progress. I think of the Chattanooga School for Arts and Sciences, which is hailed in the State as a model for diversity and academic success. Indeed, 99 percent of its students, who come from all racial backgrounds across the country, go on to college. In 2003, the elementary and middle schools scored above the national average in the Tennessee Comprehensive Assessment Program tests.

That all leads me to the ultimate hope of the *Brown v. Board* decision: That not only will Black and White students learn together, but that they will succeed together. In this we have a long way to go. As we look ahead and as we celebrate that wonderful decision of 50 years ago, as we were celebrating yesterday in Topeka, we have a long way to go.

Most recently, the President's No Child Left Behind Act is one powerful tool we have in closing the educational gap that exists between White and Black students. It sets rigorous standards for learning and teacher qualifications. It does hold schools accountable for their academic success. No longer will students be passed from grade to grade without mastering those basic learning skills. No longer will schools be able to mask their results in broad averages. They will have to account for every group of students under that schoolhouse roof.

Fifty years on, America has undergone a dramatic transformation. No longer is segregation an accepted, let alone celebrated, way of life. We recoil at the pictures of the Little Rock nine being jeered and threatened by angry White protesters. We hail the courage of those who led us forward. We tell

their story that we will always aspire to America's true purpose, that true purpose which is so powerfully expressed in our founding, that all men are created equal, and that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

I yield the floor.

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#### RESERVATION OF LEADER TIME

Mr. REID. Mr. President, I ask that the Chair reserve the leadership time of Senator DASCHLE.

The PRESIDENT pro tempore. Without objection, under the previous order, the unused leadership time will be reserved.

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#### MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes. The first half of the time will be under the control of the majority leader or his designee, the second half of the time under the control of the Democratic leader or his designee.

Who yields time?

The Senator from Wyoming.

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#### ENERGY

Mr. THOMAS. Mr. President, I appreciate the opportunity to take some time in morning business to talk about one of the things that impacts us all, that we all see as we come to work each day or whatever we do in our day, and that is the cost of energy, particularly gasoline. It has an impact on all of us, certainly, something that affects not only you and me in our cars trying to get to work, but also the cost of other services and merchandise we buy, because there is an additional cost to development of all those things when gas is as high as it is right now.

It is a difficult thing to deal with because it is an item that over time we have expanded in our use, and we have begun to use a good deal more than we have in the past. We have increased our consumption, but we have not done the same thing with the kind of support facilities necessary to meet those increased demands. Again, one of the issues is not only gas or electricity, but it is the whole issue of energy in a broad sense, certainly, and energy policy that has to do with the long-term availability of energy to meet the demands we have.

Again, I point to the fact we have not been able to move an energy policy in the Senate in order to deal with the future. We will hear a lot of complaints, probably today, about something that ought to be done. The real important thing is, we ought to do something about the policy so over time we can make some of the changes that need to be made to change the whole situation

with energy over time. Obviously, there are a number of activities that need to be done.

A lot of factors affect fuel price and supply. One of them, obviously, is the cost of oil. Crude oil is at historic highs right now. In the past, we were accustomed to seeing crude oil at about \$22 a barrel. We talk about it when we make plans. It is now nearly \$41. It has increased a great deal over the last several months. It is very important to understand that the cost of oil represents almost 50 percent of the cost of gas at the pump. There are other costs, of course, but this is the major cost.

Interestingly enough, the cost of crude oil, plus the taxes, represents a little over 70 percent of the cost of gasoline. So when we talk about these costs, of course, that has to be one of the factors.

Also, there are less refined gasoline imports, as gas, not as oil, because of sulfur regulations. Over the years, we have had a reduction in the number of refineries. It seems strange, doesn't it; as demand has gone up substantially, the number of refineries has gone down. It is true that capacity has not changed that much because the refineries have gotten larger, but they have not increased the capacity over time. In the late eighties, we were using about 85 percent of capacity of refineries. Now it is about 94 percent of capacity being used, and the demand, of course, has gone up over that time. There has been a continual closure of refineries over the last 23 years, and so the system is now very tight.

In addition to capacity, we have had a lot of different regulations and different kinds of additions to gasoline in different parts of the country so that refining has been made much more expensive and much more difficult to market in that they have to have this kind of reduction here and another one for this State and so on. It has been very difficult. The reality is that there are a number of components to the price of gasoline. We have to review those in context.

We will be hearing probably soon that the Government ought to be taking oil out of the Strategic Petroleum Reserve, which is there to be a reserve and has been put together over a period of time. The fact is that the daily input into the Strategic Petroleum Reserve is about 170,000 barrels a day, and the consumption in this country is almost 9 million barrels a day. It is a relatively small amount. There may be some merit in diverting the daily input into this reserve, but I certainly think it would not make a lot of sense to extract from it. It will be interesting to see what happens with respect to this issue.

The fact is that the current price, when adjusted for GDP or growth in the economy and inflation, is not at a record high. In the 1980s, as a matter of fact, given the same economics, the price of gas was higher than it is today.