

Calendar No. 119

107TH CONGRESS
1ST SESSION

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*.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2001

Mr. ROBERTS (for himself and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

AUGUST 2, 2001

Reported by Mr. LEAHY, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

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*.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds that as the Nation approaches May
5 17, 2004, marking the 50th anniversary of the Supreme

1 Court decision in *Oliver L. Brown et al. v. Board of Edu-*
2 *cation of Topeka, Kansas et al.*, it is appropriate to estab-
3 lish a national commission to plan and coordinate the com-
4 memoration of that anniversary.

5 **SEC. 2. ESTABLISHMENT.**

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

9 **SEC. 3. DUTIES.**

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

12 (1) in conjunction with the Department of Edu-
13 cation, plan and coordinate public education activi-
14 ties and initiatives, including public lectures, writing
15 contests, and public awareness campaigns, through
16 the Department of Education’s ten regional offices;

17 (2) in cooperation with the *Brown Foundation*
18 for Educational Equity, Excellence, and Research in
19 *Topeka, Kansas*, (referred to in this Act as the
20 “*Brown Foundation*”) and such other public or pri-
21 vate entities as the Commission considers appro-
22 priate, encourage, plan, develop, and coordinate ob-
23 servances of the anniversary of the *Brown* decision;
24 and

1 (3) submit recommendations to the Congress
 2 relating to a joint session of Congress for the pur-
 3 pose of commemorating the anniversary.

4 **SEC. 4. MEMBERSHIP.**

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

7 (1) Two representatives of the Department of
 8 Education appointed by the Secretary of Education,
 9 one of whom shall serve as ~~Chair~~ *one of two Co-*
 10 *chairpersons* of the Commission.

11 (2) *Two representatives of the Department of*
 12 *Justice appointed by the Attorney General, one of*
 13 *whom shall serve as one of two Co-Chairpersons of the*
 14 *Commission.*

15 ~~(2)~~ (3) Eleven individuals appointed by the
 16 President after receiving recommendations as fol-
 17 lows:

18 ~~(A) Members of the Senate from each of~~
 19 ~~the States in which the lawsuits decided by the~~
 20 ~~Brown decision were originally filed, Delaware,~~
 21 ~~Kansas, South Carolina, and Virginia, and from~~
 22 ~~the State of the first legal challenge, Massachu-~~
 23 ~~setts, shall jointly recommend to the President~~
 24 ~~one individual from their respective States.~~

1 ~~(B)~~ Members of the House of Representa-
2 tives from each of the States referred to in sub-
3 paragraph ~~(A)~~ shall jointly recommend to the
4 President one individual from their respective
5 States.

6 *(A)(i) The Members of the Senate from each*
7 *State described in clause (iii) shall each submit*
8 *the name of 1 individual from the State to the*
9 *majority leader and minority leader of the Sen-*
10 *ate.*

11 *(ii) After review of the submissions made*
12 *under clause (i), the majority leader of the Sen-*
13 *ate, in consultation with the minority leader of*
14 *the Senate, shall recommend to the President 5*
15 *individuals, 1 from each of the States described*
16 *in clause (iii).*

17 *(iii) The States described in this clause are*
18 *the States in which the lawsuits decided by the*
19 *Brown decision were originally filed (Delaware,*
20 *Kansas, South Carolina, and Virginia), and the*
21 *State of the first legal challenge involved (Massa-*
22 *chusetts).*

23 *(B)(i) The Members of the House of Rep-*
24 *resentatives from each State described in sub-*
25 *paragraph (A)(iii) shall each submit the name of*

1 *1 individual from the State to the Speaker of the*
 2 *House of Representatives and the minority lead-*
 3 *er of the House of Representatives.*

4 *(ii) After review of the submissionis made*
 5 *under clause (i), the Speaker of the House of*
 6 *Representatives, in consultation with the minor-*
 7 *ity leader of the House of Representatives, shall*
 8 *recommend to the President 5 individuals, 1*
 9 *from each of the States described in subpara-*
 10 *graph (A)(iii).*

11 (C) The Delegate to the House of Rep-
 12 resentatives from the District of Columbia shall
 13 recommend to the President one individual
 14 from the District of Columbia.

15 ~~(3)~~ (4) Two representatives of the judicial
 16 branch of the Federal Government appointed by the
 17 Chief Justice of the United States Supreme Court.

18 ~~(4)~~ (5) Two representatives of the Brown Foun-
 19 dation.

20 ~~(5)~~ (6) Two representatives of the NAACP
 21 Legal Defense and Education Fund.

22 ~~(6)~~ (7) One representative of the Brown v.
 23 Board of Education National Historic Site.

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

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

3 (d) COMPENSATION.—

4 (1) IN GENERAL.— Members of the Commis-
5 sion shall serve without pay.

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

11 (e) QUORUM.—A majority of members of the Com-
12 mission shall constitute a quorum.

13 (f) MEETINGS.—The Commission shall hold its first
14 meeting not later than 6 months after the date of enact-
15 ment of this Act. The Commission shall subsequently meet
16 at the call of ~~the Chair~~ *a Co-chairperson* or a majority
17 of its members.

18 (g) EXECUTIVE DIRECTOR AND STAFF.— The Com-
19 mission may secure the services of an executive director
20 and staff personnel as it considers appropriate.

21 **SEC. 5. POWERS.**

22 (a) POWERS OF MEMBERS AND AGENTS.—Any mem-
23 ber or agent of the Commission may, if so authorized by
24 the Commission, take any action which the Commission
25 is authorized to take under this Act.

1 (b) GIFTS AND DONATIONS.—

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

5 (2) DISPOSITION OF PROPERTY.—Any books,
6 manuscripts, miscellaneous printed matter, memora-
7 bilia, relics, or other materials donated to the Com-
8 mission which relate to the Brown decision, shall,
9 upon termination of the Commission—

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

14 (B) be disposed of by the Commission in
15 consultation with the Librarian of Congress,
16 and with the express consent of the Brown
17 Foundation and the Brown v. Board of Edu-
18 cation National Historic Site.

19 (c) MAILS.—The Commission may use the United
20 States mails in the same manner and under the same con-
21 ditions as other departments and agencies of the United
22 States.

23 **SEC. 6. REPORTS.**

24 (a) INTERIM REPORTS.—The Commission shall
25 transmit interim reports to the President and Congress

1 not later than December 31 of each year. Each such re-
2 port shall include a description of the activities of the
3 Commission during the year covered by the report, an ac-
4 counting of any funds received or expended by the Com-
5 mission during such year, and recommendations for any
6 legislation or administrative action which the Commission
7 considers appropriate.

8 (b) FINAL REPORT.—The Commission shall transmit
9 a final report to the President and Congress not later than
10 December 31, 2004. Such report shall include an account-
11 ing of any funds received or expended, and the disposition
12 of any other properties, not previously reported.

13 **SEC. 7. TERMINATION.**

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

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

20 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated at total of
22 \$300,000 for fiscal years 2003 and 2004 to carry out this
23 Act, to remain available until expended.

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