

How many fires occur specifically in fraternity and sorority housing?

Between 1993 and 1997, an annual average of 154 structure fires occurred in fraternity and sorority houses, resulting in 18 injuries, and \$2.9 million in direct property damage per year.

What are the most common causes of fires at school, college, and university dormitories and fraternity and sorority housing?

The leading cause of fire in these types of occupancies is incendiary or suspicious causes. The second and third causes of these on- and off-campus housing fires are cooking and smoking, respectively.

How often are smoke or fire alarms and fire sprinklers present in dormitory fires?

In 1997, smoke or fire alarms were present in 93% of all dormitory fires, but sprinklers were present in only 28% of these fires. These figures apply only to properties where fires occurred; the overall fraction of properties with these active systems is probably higher. On average, direct property damage per fire is 36% lower in dormitory fires where sprinklers are present compare to those where sprinklers are not present.

H.R. 2145—the Campus Fire Prevention Act is identical to legislation introduced in the Senate by Senator JOHN EDWARDS of North Carolina and designated S. 399.

The bill is intended to supply money for colleges to retrofit sprinklers in dorms and allows fraternities and sororities to access the \$100,000,000 in money each year over 5 years.

The bill provides money in the form of federal matching grants for the installation of fire sprinkler systems and other fire suppression or prevention technologies in college living situations (including sororities and fraternities).

Priority would be given to any organization applying for the money from the bill with an inability to fund the fire suppression without accessing the funds under the bill.

Grants would be administered through the Department of Education in consultation with the U.S. Fire Administration.

The bill does not mandate using fire sprinkler systems in dorms, only provides funds for those who would like to make their residents safer.

Currently there are 43 cosponsors to H.R. 2145 and it has received endorsements from many campus organizations like the College Parents of America and the National Association of Student Personnel Administrators.

Mrs. MCCARTHY of New York. Mr. Speaker, I extend my deepest condolences to the families of John J. Downing, Brian Fahon, and Harry Ford. Each of them will be sorely missed. We are forever in your debt and can never repay your loss. More than just firefighters, these men were husbands, fathers, and upstanding members of their communities. They paid the ultimate sacrifice and taught us a powerful lesson about honor, bravery, and sacrifice. These are traits that all firefighters possess. It is a shame that only through such tragedies we recognize this fact.

They were great firefighters, husbands, and fathers. Since the tragic June 17 event, America learned of the vibrant and rich lives of these three men. In the process, we developed a love for them and cried with their families as they mourned their losses. John J. Downing, an 11-year veteran, husband and father of two; Brian Fahey, a 14-year veteran,

husband and father of three; Harry Ford, a 27-year veteran, husband and father of three will not be forgotten. Mr. Downing became famous for his bravery in the 1992 USAir plane crash into Flushing Bay. Mr. Fahey was considered one of the fire department's elite, he worked in the rescue department. Mr. Ford was cited for bravery ten times during the course of his career, including rescuing a baby from a burning building. It is clear to everyone they were exceptional at their job.

These men did not die in vain. Today, as we recognize their bravery, let us pledge our support to work on behalf of all of the nation's firefighters who risk their lives every day to ensure the safety of all Americans.

Mr. ACKERMAN. Mr. Speaker, I rise today with mixed emotions as we pay tribute to firefighters John J. Downing, Brian Fahey and Harry Ford. As I stand here I cannot help but feel both sadness and admiration, both respect and grief. While this tragedy is unfortunately close-to-home for New Yorkers, people the world over are paying homage to these three men today.

Sadness, Mr. Speaker; that these brave men's lives were tragically taken from their families, friends and communities on June 17, 2001 when they dutifully responded to the call to put out a deadly fire that was destroying the Long Island General Supply Company in Astoria, New York.

Admiration, Mr. Speaker; for these three firefighters who exemplified the word: Heroes. These three heroes woke-up every morning, ready and willing to fight any fire that threatened our community. These three heroes who worked so that the rest of us could enjoy our lives free from worry or concern of a deadly fire.

Respect, Mr. Speaker; for these three heroes who were dedicated to a career as firefighters that required them to work to protect individuals that they may never have known. When they were called on to rescue these people from fires, these three heroes did so with the same commitment that they would feel for protecting their own families.

And grief, Mr. Speaker; for the devoted wives, loving children and proud communities that are without these three heroes as a result of this horrific tragedy.

Mr. Speaker, I rise today in unity with the entire NY Congressional delegation and ask our colleagues in the House of Representatives today to join us in honoring the memory of firefighters John J. Downing, Brian Fahey and Harry Ford.

□ 1200

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, House Resolution 172.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MALONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

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

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2133) 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*, as amended.

The Clerk read as follows:

H.R. 2133

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

#### SECTION 1. FINDINGS.

The 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; and

(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.

#### 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 of the Commission.

(2) 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.

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

(4) Two representatives of the Brown Foundation.

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

(6) 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 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

#### GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2133.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2133. It is important legislation introduced by the gentleman from Kansas (Mr. RYUN).

Mr. Speaker, May 17, 2004, will mark the 50th anniversary of the Supreme Court's landmark decision in Brown v. Board of Education in Topeka, Kansas. In recognition of the importance of that decision, this bill will establish the Brown v. Board of Education 50th Anniversary Commission to plan and coordinate the commemoration of that anniversary.

Mr. Speaker, of all the landmark decisions handed down by the Supreme Court, few are as well-known as Brown v. Board of Education, and few have been as important.

In Brown, a unanimous Supreme Court effectively ended the separate but equal doctrine in education, ruling that racially segregated schools violated the equal protection clause of the 14th amendment. Despite the court's ruling, dual school systems were not abolished quickly or smoothly, but in the end, Mr. Speaker, they were abolished, further buttressing our Constitution's promise of equality under the law.

In order to commemorate the 50th anniversary of the Brown decision, the Commission shall hold public education activities and initiatives, including public lectures, writing contests and public awareness campaigns. The Commission will be comprised of representatives from the judicial branch, the Department of Education, the NAACP Legal Defense and Education Fund, and the Brown Foundation, as well as individuals from States in which the cases leading to the Brown decision were filed and the District of Columbia. These States were, incidentally, Delaware, Kansas, South Carolina, and Virginia. There will also be representatives from Massachusetts in recognition that the first legal challenge to segregated schools was filed there in 1849.

The Commission will terminate when its work is done, but not later than February 5, 2005.

Mr. Speaker, the Court's opinion in Brown v. Board of Education has touched the lives of all of us, and I urge all Members to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of this resolution, and I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding me this time.

Today, Mr. Speaker, I rise in support of H.R. 2133 to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the life-changing Supreme Court decision of Brown v. Board of Education.

In Brown v. Board of Education, the Supreme Court Justices called for racial integration of public schools. Public schools were, with struggle, desegregated and, subsequently, African American youth made enormous progress in various areas, such as high school completion, better test scores, greater college enrollment and obtaining college degrees.

As a result of this important decision, African Americans greatly increased our numbers in many occupational fields which, before Brown, had a scarcity of African Americans.

This monumental decision led to gains in equal education opportunities for minority children that were not provided for nor even considered under the Plessy v. Ferguson decision. This cemented African American community leaders' actions against the tragedy of segregation in America's schools.

Chief Justice Warren delivered the Court's opinion on May 17, 1954, stating that "segregated schools are not equal and cannot be made equal, and, hence, they are deprived of the equal protection of the laws." Originally taught using dull strategies and rote learning tools, minority students are now able to gain the tools necessary for future success in college and in the workplace.

While African American educational attainment has improved, the amount of education needed to have a real chance in life has grown even more. Yes, Brown v. Board of Education altered the economic, political and social structure of this great Nation and helped change the face of America. It is for this reason that I strongly urge my colleagues to vote in favor of this very important resolution commemorating this significant decision.

However, I also urge my colleagues to remain committed to the principles of equality in education. As we consider our budget and legislative measures that focus on education, we must be ever mindful of the critical importance of ensuring that all of this Nation's youth be well prepared to face the challenges and become productive members of this great society.

As we reflect on *Brown v. Board of Education*, let us remember that a priority focus on education is key, but equity and parity in education is critical.

Mrs. MORELLA. Mr. Speaker, it is my pleasure to yield 7 minutes to the gentleman from Kansas (Mr. RYUN), the introducer of this very important resolution.

Mr. RYUN of Kansas. Mr. Speaker, today we speak of "no child left behind" in our education system, and providing our children with the highest quality education is a value that we all hold very dear. Unfortunately, for years African American children remained in substandard facilities without updated textbooks and insufficient supplies. These children were denied admission to all-white schools based on the "separate but equal" doctrine entrenched in public education.

Fortunately, the landmark Supreme Court decision of *Oliver L. Brown v. Board of Education of Topeka* would forever change this inequity. On May 17, 1954, the U.S. Supreme Court issued a definitive interpretation of the 14th amendment that would unequivocally change the landscape of American public education. The High 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 decision effectively ended the long-held "separate but equal" doctrine in U.S. education.

Prior to the *Brown v. Board of Education* decision, numerous school integration cases were taken to courts between 1849 and 1949. In Kansas alone there were 11 cases filed between 1881 and 1949. In response to these unsuccessful attempts to ensure equal opportunities for all children, African American community leaders and organizations across the country stepped up their efforts to change the education system. In the 1940s and 1950s, local NAACP leaders spearheaded plans to end the doctrine of "separate but equal." Public schools became the means to that end.

In the fall of 1950, members of the Topeka, Kansas, chapter of the NAACP agreed to again challenge the "separate but equal" doctrine governing public schools. Their plan involved enlisting the support of fellow NAACP members, personal family and friends as plaintiffs in what would be a class action suit filed against the Board of Education of Topeka Public Schools. A group of 13 parents agreed to participate on behalf of their children. Each plaintiff was to watch the paper for enrollment dates and take their child to the school that was nearest to their home. Once the attempt to enroll was denied, they were to report back to the NAACP. This would provide the attorneys with the documentation necessary to file a lawsuit against the Topeka school board.

As we all know, 4 years later, on May 17, 1954, Topeka parents and children received a final victory before the U.S. Supreme Court.

*Brown v. Board of Education* inspired and galvanized human rights struggles in this country and around the world. The national importance of the *Brown* decision had a profound impact on American culture. It has affected families and communities and governments by outlawing racial segregation. Legal scholars and historians agree that this case is among the three most significant judiciary turning points in the development of our country, yet it is largely misunderstood.

For example, many students never learned that the *Brown v. Board of Education* was a combination of cases originally filed in Delaware, South Carolina, Virginia, the District of Columbia, in addition to Kansas, and that the final legal challenge occurred in Massachusetts. None of these original cases succeeded in the district court, and all were appealed to the U.S. Supreme Court. At this juncture, they were combined and became known jointly as the *Oliver L. Brown, et al., v. The Board of Education of Topeka Kansas, et al.* The High Court decided to combine the cases because each sought the same relief from segregated schools for African Americans.

We should also remember that Thurgood Marshall served as a legal strategist and counsel for the school segregation cases. Marshall later became the first African American to serve on the U.S. Supreme Court.

*Brown v. Board of Education* is undoubtedly the most revolutionary case striking down segregation, and as we approach the 50th anniversary of *Brown v. The Board* on May 17, 2004, it is only fitting that we commemorate this decision by ensuring that our Nation fully understands the case and the responding effects that it has had on our Nation.

Mr. Speaker, H.R. 2133 will establish a commission to help education Americans on the history and ramifications of this landmark cases in preparation for the 50th anniversary of the *Brown* decision.

The Commission will work in conjunction with the Department of Education to disseminate print resources to schools, plan and coordinate public education events, including public lectures, writing contests and public awareness campaigns.

Working in cooperation with both the public and private sector, the Commission will be comprised of representatives from the Committee on the Judiciary, the Department of Education, as well as the NAACP Legal Defense and Education Fund, and the *Brown* Foundation. In addition, individuals chosen from the States in which the lawsuits were originally filed, which were Delaware, Kansas, South Carolina, Virginia, and the District of Columbia, and from the first State that had the first legal challenge, Massachusetts, will also serve on this Commission.

Equal opportunity is granted by our Constitution, but making equality a

reality for all Americans requires real struggle and sacrifice. We must not forget the sacrifices made in order to give equality to all Americans.

The U.S. Supreme Court offered us this reflection in the opinion rendered in the *Brown* case, and I quote: "It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity for an education." Education is the metal that holds the framework of our democratic society together. *Brown v. Board of Education* guarantees this opportunity.

Mr. Speaker, I ask my colleague to join me in honoring this historic and far-reaching Supreme Court decision and support H.R. 2133.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me commend and congratulate the gentleman from Kansas for introducing this very important bill. As a matter of fact, I rise in support of this legislation to establish the *Brown v. Board of Education* 50th Anniversary Commission.

The Commission, in conjunction with the Department of Education, is charged with planning and coordinating public education activities and initiatives, writing contests and public awareness campaigns. In cooperation with the *Brown* Foundation for Educational Equity, Excellence and Research, the Commission must submit recommendations to Congress to encourage, plan, develop observances of the anniversary of the *Brown* decision.

The 50th anniversary of the *Brown* decision will take place on May 17, 2004. This Commission is going to need every second of the next 3 years to commemorate the *Brown* decision in a meaningful way.

*Brown v. Board of Education* is to be commemorated for what it did to address the disparities in the American education system 47 years ago, and to help us address the disparities that we struggle with today. Like in the 1930s and 1950s, the best hope for racial, social and economic equality lay in education. That is why in 1951, *Oliver Brown* and the parents of 12 other black children filed a lawsuit against the Topeka Board of Education protesting the city's segregation of black and white students.

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That is also why, Mr. Speaker, today parents all across America, particularly parents of children of color, are demanding that elected officials improve the American educational system.

In 1997, 93 percent of whites aged 25 to 29 had attained a high school diploma or equivalency degree compared to 87 percent of African Americans and just 62 percent of Hispanics.

Among those with high school degrees, 35 percent of whites had completed a bachelor's degree or higher, compared to just 16 percent of African Americans and 18 percent of Hispanics.

Given the increasing importance of skill in our labor market, these gaps in educational attainment translate into large differences by race and ethnicity in eventual labor market outcomes, such as wages and employment.

American schools are integrated, but they still are not equal. They are not equal because we still do not understand in many places what it takes to make schools effective.

How do we prepare all of our children to meet the challenges of tomorrow? For some people, charter and private schools are the answer. For others, it is school vouchers and class size reduction. One thing is for sure, if we do not break down the disparities in the educational system, the cycle of poverty will continue among children who attend poor and inner-city schools. A good, solid public education system is basic for all Americans.

The historic Brown v. Board of Education was announced on May 7, 1954 by Chief Justice Warren. Justice Warren's words are timeless. He stressed the fact that public education was a right which must be made available to all on equal terms.

I trust that the commission will remember these words when planning for observances of the 50th anniversary of the Brown decision. And even as we discuss this resolution today and prepare for its passage, there is still not equal funding for school districts even in my own State, the land of Lincoln, the State of Illinois, where some school districts receive as much as three times the funding of other districts; and if that is not separate but equal, unequal, then I do not know how to define it.

Mr. Speaker, I hope that we all will remember this as we seek to improve the American educational system. I urge all of my colleagues to join in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me the time.

Mr. Speaker, I rise today in strong support of H.R. 2133. We are soon coming upon the anniversary of the landmark Supreme Court decision. On May 17, 1954, the United States Supreme Court eradicated the separate but equal doctrine and integrated our public school system.

Most Americans have heard about Brown v. Board of Education trial, but few completely understand this very important case.

I commend the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Kansas (Mr. RYUN) for introducing this legislation to establish a commission to help educate Americans on the history and ramifications of Brown v. Board of Education in preparation for the 50th anniversary of this case.

Education is, perhaps, the most important tool for fulfilling one's dreams. The American dream, the wonderful belief that any child in America, any child, regardless of color or economic background, has the ability to make his dream a reality. In order to help children, our children, in the pursuits of their dreams, we need to make sure they have a good education.

Last month, we showed our commitment to this goal by voting on an education plan to Leave No Child Behind. Unfortunately, in 1954, African Americans were denied the chance to have equal access to our public school system.

Their parents, realizing the importance of education, did everything possible they could to properly educate their children while at the same time fighting the segregated system.

They also realized that beyond the 3 R's, it was important for all children to learn respect for all people.

The Brown decision was more than just an end to the practice of segregation in our schools; it was also a wonderful beginning. The beginning of a public school system that could more accurately reflect the belief that all men and women are created equal and should be treated as such.

Integrated schools are beneficial to all students and the Nation as a whole. For this reason, we should make sure that Brown v. Board of Education case is properly taught and understood.

I share the belief of the gentleman from Kansas (Mr. RYUN) that for the 50th anniversary of this landmark case we should help make history come alive for our Nation's school children. In doing so, we can help the newest generation of Americans realize the importance of liberty and democracy.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the dynamic gentleman from Lenexa, Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me the time.

Mr. Speaker, I rise today to speak in strong support of a very important piece of legislation, H.R. 2133. On May 17, 1954, in the case of Brown v. Topeka Board of Education, the United States Supreme Court unanimously declared that separate educational facilities are inherently unequal and, as such, violate the 14th amendment to our United States Constitution, a Constitution which guarantees to all citizens equal protection of the laws.

This was a critical point in time, because it began an era of social responsibility, equity, and justice that this country had not seen since the end of the Civil War.

The legacy of the Brown decision is its impact on the whole of American society and its contribution to the civil rights movement. When you think of the civil rights movement, the 1954 Brown decision is clearly a watershed. Would we have had a Rosa Parks in 1955 without a Reverend Oliver L.

Brown fighting for equal education in Topeka, Kansas in 1951. Maybe, but without the definitive court ruling of what was right, what was constitutional, we would not have desegregation in Little Rock, Arkansas.

The Brown decision sliced the issue of inequality wide open, putting it in the morning newspaper and on the evening news. Brown is important for four very basic reasons.

Number one, it was the beginning of the end of racial segregation authorized by law in this country.

Number two, it overturned laws permitting segregated public schools in Kansas and 20 other States.

Number three, it overturned a previous United States Supreme Court decision of 1896, Plessy v. Ferguson. The Plessy decision gave us the infamous doctrine of separate but equal, a legal fiction as we know now.

It defended the sovereign power of the people of the United States to protect their natural rights and their human rights from random restrictions and limits imposed by State and local governments.

These rights are recognized in the Declaration of Independence and guaranteed by the Constitution of the United States. Using the Brown decision as an educational vehicle will teach children and communities alike to respect and honor those who fight for what is right. Creating a commission to commemorate the 50th anniversary of the Brown decision will also make sure that an important event in United States history does not become just a simple footnote.

I would like to thank Cheryl Brown Henderson, the daughter of Reverend Oliver L. Brown, for what she has done in creating the Brown Foundation and what she continues to do in helping her representatives in Kansas draft this bill. It is through people like her and her father, and I would add our colleague here in Congress, the gentleman from Georgia (Mr. LEWIS), that the civil rights movement blossomed.

Mr. Speaker, I would also like to thank my esteemed colleague, the gentleman from Kansas (Mr. RYUN), for his hard work in promoting this legislation.

Mrs. MORELLA. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me the time.

Mr. Speaker, I rise today in support of this legislation that would establish a commission to recognize the 50th anniversary of Brown v. Topeka Board of Education. As we approach this 50th anniversary, which will occur on May 17 of 2004, it is appropriate that Congress demonstrate its concern for the rights of all Americans through the establishment of a Federal commission to encourage and provide for the commemoration of this historic ruling.

It is also appropriate today to recognize one of the leaders of the educational effort that has stemmed from

the Brown case. I would like to acknowledge the dedication and hard work of Cheryl Brown Henderson, a Kansan, who brought to my attention the national importance of this 50th anniversary of the court decision.

Ms. Henderson has been mentioned as the daughter of Oliver L. Brown, the lead plaintiff in this case; and I commend her for her dedication. I commend her father for his courage. Her commitment to human rights has led to her travels across America sharing the lessons of this and other landmark civil rights cases.

My own interest in this historic case began as a student at the University of Kansas. One of my professors, Paul Wilson, was the junior Kansas assistant attorney general assigned to defend Topeka Board of Education. Largely through happenstance, Wilson wound up arguing before the Supreme Court in one of his first cases as an attorney.

Each spring for many years, Professor Wilson spoke at a noon forum on his involvement in Brown v. Topeka Board of Education. Each year, the talk grew more and more popular, attracting an ever larger crowd of students. The stories he told about that experience were fascinating stories of buying his first suit to a trip to Washington, D.C., riding a train for his first time outside the State of Kansas, filling out the paperwork to be admitted to the Supreme Court so he could make his arguments, and how inspiring it felt to watch Thurgood Marshall passionately, yet logically, argue the case, even when Wilson himself was on the other side.

Besides preserving his memories of the facts of the Brown case in his classroom speeches, Professor Wilson had a unique perspective to analyze the issues and the impact of that case. Professor Wilson later wrote a book entitled *A Time to Lose* about his recollections of those times and the politics of that era. In his memoirs, Wilson offers some lessons about the evolution of race relations since that ruling.

Wilson states, quote, "this was the first time segregation was publicly acknowledged as a wrong practice. The decision issued in 1954 caused me, Professor Wilson, and caused America to realize that to argue the policy of separate but equal was to defend the indefensible."

In the Brown case, the Supreme Court was asked to decide one of the important issues facing our country. It was being asked to reverse a trend of law, because up to that point legal decisions had supported the separate but equal policy. Not until Brown were the traditional notions of segregation challenged in a shift toward the public recognition of human equality and the fundamental worth of every person.

The Supreme Court ruling made a monumental impact on human rights struggles worldwide. The laws and policies struck down by this ruling were the products of prejudice and discrimination. Ending the legal practice of

these behaviors caused social and ideological implications we continue to feel in our country today.

We are fast approaching the watershed of 2004. This commission could impact how people learn about the case and would carry the decision's message into the 21st century.

Mr. Speaker, I urge its passage.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us remember what the Brown v. Board of Education decision was all about. It was all about blacks exercising their citizenship and rights as a people, one Nation under God. Given our dark history concerning slavery and the citizenship rights of blacks and others in this country, we remember the Dred Scott decision. The question in the Dred Scott v. Sanford case where a black slave from Missouri claimed his freedom on the basis of 7 years of residency in a free State.

On March 6, 1857, nine justices filed in the basement of the U.S. Capitol, led by Chief Justice Taney, and they asked the question then, "can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, privileges and immunities guaranteed by that instrument to the citizen?"

The Supreme Court decision then did not serve justice to Dred Scott.

Thirty-nine years later, the answer to this question became much more resounding in the Supreme Court case of Plessy v. Ferguson as a sad chapter in the pages of history. In this landmark decision of 1896, the court found that the doctrine of separate but equal concerning segregation of public facilities did not violate the Constitution. Separate schools for whites and blacks became a basic rule in southern society, legitimized in this doctrine that legalized segregation known as "Jim Crow." For years, this decision affected many black boys and girls and kept them from achieving an equitable education that was entitled to them under the Constitution of the United States.

In the midwest town of Topeka, Kansas, a little girl named Linda Brown had to ride the bus five miles to school each day, although a public school was located only four blocks from her house.

□ 1230

The school was not full, and the little girl met all the requirements to attend, all but one that is. Linda Brown was black, and blacks were not allowed to go to white children's schools.

In an attempt to gain equal educational opportunities for their children, 13 parents with the aid of the local chapter of the NAACP filed a class action suit against the Board of Education of Topeka Schools.

Prior to becoming our first African American Justice of the Supreme Court of the United States, Thurgood Marshall presented a legal argument that resulted in the 1954 Supreme Court decision that separate but equal was unconstitutional because it violated the children's 14th amendment rights by separating them solely on the classification of the color of their skin. This ruling in favor of integration was one of the most significant strides America has taken in favor of civil rights.

So we come today, Mr. Speaker, in support of a resolution to commemorate that day and to commemorate that time and to commemorate the exciting events that took place then as we look forward to events taking place even now.

So I would urge all of my colleagues to join in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I associate myself with the remarks of the gentleman from Illinois (Mr. DAVIS).

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. FORBES), our newest Representative over here on this side.

Mr. FORBES. Mr. Speaker, it is an honor and privilege to speak for the first time as a Member of the House of Representatives on an issue of great importance to me and my constituents, a quality public education available to all that leaves no child behind.

The legislation before us today prepares for the commemoration of the historic 1954 Supreme Court decision Brown v. Board of Education. It establishes and funds a commission that will plan and coordinate activities for the 50th anniversary of the case just 3 years away.

Mr. Speaker, children should not have an inferior education because of the color of their skin. But before the Brown decision, textbooks, classrooms and buildings were second-class for black students as compared to the rest of our Nation. This was wrong.

In May 1954, the Supreme Court sided with citizens in Topeka, Kansas, and said that it is not lawful to separate school children because of their race. When the Topeka case made its way to the United States Supreme Court, it was combined with the other cases from Delaware, South Carolina, Washington, D.C., and my home, the Commonwealth of Virginia. This comprehensive case became known as *Oliver L. Brown, et al., v. Board of Education of Topeka*.

I thank the gentleman from Kansas (Mr. RYUN) for his leadership on this bill as well as the entire Kansas delegation. Let us work tirelessly to strengthen the educational system in our country through ideas and technology with accountability, proper funding, and reform.

From the finest towns in America to the worst neighborhoods in our inner cities, we must never lose sight of the

unconditional commitment to our children. We must never forget that barriers were broken and hurdles were overcome to get to where we are now.

Education is first, last, and always about our children. They need and deserve an equal opportunity to excel, to achieve and be the best they can be. *Brown v. Board of Education* opened the doors for all of our children to learn on a level playing field. We should be thankful, remember our past, learn from our history, and plan for our future.

I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me this time. I urge passage of the legislation.

Mr. DAVIS of Illinois. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Illinois (Mr. DAVIS) has 5 minutes remaining.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding me this time. I thank the gentlewoman from Maryland (Mrs. MORELLA) for her leadership. I thank the members of the committee and the gentleman from Illinois (Mr. DAVIS), the ranking member, and I thank the authors and cosponsors of this legislation.

This legislation resulted in a different education for many of us who stand on the floor of the House today. To acknowledge and to organize a commission to celebrate the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education* reminds us of those heroes like Thurgood Marshall and Constance Baker Motley and others who pursued the rights of children to be educated fairly and justly in the courts of the United States. How different our education and our lives would have been had we not had the opportunity to fight against segregated and unequal schools.

The process that was designed in the 1800s that, in fact, you could be educated unequally was finally eliminated by this case to ensure that we would have an equal education. It is our challenge to keep the spirit of this Supreme Court decision alive. It is our challenge to ensure that school districts are not unequally funded and that there is not inequity in the Federal funding that goes to help public schools. It is our challenge to ensure that public schools are at their very best, and that those children who sit in our public schools today, those who are special needs children, those who are at-risk children, can experience the kind of education that Thurgood Marshall intended, and that was, of course, that we take away the unequalness of education and promote equality.

Secondly, I would say that, over the years, we have had an attack on affirmative action. That is affirmatively reaching out to help education and to help promote equality.

The *Brown v. Board of Education* was a symbol of fighting for equality and affirmatively seeking to create an opportunity for children to be educated together. I think our message now is to thank those who organized and well knew that they had to fight for justice, to thank those youngsters prepared to be the plaintiffs in the case, and to thank those lawyers.

This Commission will be a commission that will be well-respected, giving us the structure and the ability to honor those and celebrate the 50th anniversary of this enormous decision that changed the lives of so many of us as well as changed the life and the values of the American society to believe truly in the equality of education.

Mrs. MORELLA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise today to lend my support to H.R. 2133. This legislation commemorates through the establishment of a commission the 50th anniversary of the *Brown v. Board of Education* Supreme Court decision, which sparked the end of school segregation based on race in this country.

It goes without saying that school segregation and desegregation were among America's most controversial social issues during the last half of the 20th century. Along with many Americans, I can clearly recall scenes of violence and upheaval that took place in the 1950s, 1960s and 1970s in places as diverse as Boston and Little Rock as our Nation's public schools made the transition to integration.

We have much to be thankful for as a result of the Supreme Court's decision some 50 years ago. Today our children and our children's children find themselves interacting daily in the school setting with other boys and girls of different colors and backgrounds, broadening their perspectives and expanding their horizons in ways that were not experienced by previous generations.

Today we no longer see the blatant and blanket denial of educational opportunities to children based solely on the color of their skin. As a result of the *Brown* decision, we as a society no longer accept the flawed doctrine outlined in the earlier case of *Plessy v. Ferguson* that separate meant equal.

These are all things that should be rightly celebrated and commemorated, but before we go patting ourselves on the back while claiming that education segregation is dead, we may first want to take a closer look at our public schools. What we will find is that, while race is no longer the basis for segregation in some States, homelessness is the basis for segregation. Some 47 years after the historic *Brown v. Board of Education* ruling, Congress may inadvertently be endorsing de facto segregation of homeless children.

Mr. Speaker H.R. 1, passed in May by this body, contains a grandfather clause permitting school districts that

currently receive Federal dollars that segregate homeless children in separate schools or classrooms may continue to do so. This is contrary to what the Federal law currently says. It is also contrary to the spirit of *Brown v. Board of Education* that we commemorate today.

I am hopeful that this body will reconsider this provision in conference before we send it to the President for his signature. Now, that would be a fitting tribute to the decision made by the U.S. Supreme Court on May 17, 1954.

Mr. Speaker, I congratulate the gentleman from Kansas (Mr. RYUN) on this legislation, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to associate myself with the remarks made by the gentlewoman from Illinois (Mrs. BIGGERT) regarding homelessness and homeless children and where they fit in the school systems that we have to today.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, first of all, I would like to commend my colleagues, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Maryland (Mrs. MORELLA) for their work on this particular piece of legislation.

Mr. Speaker, I rise today in support of this bill which would establish a commission to commemorate the 1954 *Brown v. Board of Education* decision. Back on May 17, 1954, the Supreme Court unanimously declared that separate educational facilities are inherently unequal and, therefore, violate the 14th amendment to the United States Constitution.

Back on May 17, 1954, I was 5 years old, attending the Cleveland Public Schools, which, at that time, was one of the best public school systems in the Nation. I rise in support of this Commission and speak to the issue that, even though we have done a lot since *Brown v. Board of Education*, many of our school systems are still segregated. That school system that I loved and enjoyed as a child is now a predominantly African American school system; and the funding for schools, public schools is no longer as high or as good as it used to be back when I was in elementary school.

On May 8 in Cleveland, however, we worked and passed a \$3.7 million bond issue for school construction. It would raise \$335 million, which would be matched by \$500 million from the State of Ohio. They are greatly needed in the city of Cleveland, as I am confident they are needed across this country, to bring those crumbling public school systems and buildings back to the level that we wish that all of our children would enjoy in public schools.

I thank my colleagues for giving me the chance to commemorate *Brown v. Board of Education*.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Court's opinion in *Brown v. Board of Education* has touched the lives of all of us. I urge all Members to support this legislation.

I just want to comment on the fact that my first teaching assignment in Maryland was during the early transitional years of integration in Poolesville, Maryland.

This year I delivered the high school commencement address at that same place, a caring community which has as its slogan, "Where everyone knows your name."

My thanks to the gentleman from Illinois (Mr. DAVIS) for handling the important resolution across the aisle. I also want to thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, the gentleman from Florida (Mr. SCARBOROUGH), Subcommittee on Civil Service chairman, the gentleman from California (Mr. WAXMAN), and the gentleman from Illinois (Mr. DAVIS), the ranking members respectively of the Committee on Government Reform and Oversight and Subcommittee on Civil Service, for expediting the consideration of this measure.

Again, I encourage all Members to support this resolution.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support for H.R. 2133, which establishes a commission to encourage and provide for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka, Kansas*. This unanimous landmark decision marked the beginning of the end for de jure racial segregation in public facilities. On May 17, 1954, the Supreme Court declared that separate educational facilities are inherently unequal and, as such, violate the 14th amendment to the U.S. Constitution, which guarantees all citizens equal protection of the laws.

The *Brown v. Board of Education* 50th Anniversary Commission will work with the U.S. Department of Education to plan and coordinate public education activities and coordinate observances of the anniversary.

It is important that we revisit our history to see how far our nation has evolved. I am sure that it is hard for young people today to believe that only 50 years ago children were prohibited from attending certain public schools simply because of their race. The blatant racism behind the disingenuous claim of providing "separate but equal" facilities for African American children was recognized and repudiated by the Supreme Court.

The Supreme Court decision did not mean the end of segregation, however. Many states and localities continued to fight efforts to integrate the schools for many years. And today, economic inequalities mean that many of our schools remain effectively segregated. Nonetheless, *Brown v. Board of Education* was a major turning point in eliminating Jim Crow laws and practices that sought to marginalize and isolate minorities.

It is fitting that our nation begin preparations to commemorate this important anniversary in 2004. We need to look back at where we started, celebrate the progress we have made thus far, and rededicate ourselves to creating that more perfect union that will truly deliver on the promise of equal opportunity for all Americans.

Mr. WATTS of Oklahoma. Mr. Speaker, On May 17, 1954, in the landmark case aimed at ending segregation in public schools—*Brown versus the Board of Education*—the United States Supreme Court issued a unanimous decision that "separate educational facilities are inherently unequal", and as such, violate the 14th Amendment to the United States Constitution, which guarantees all citizens, "equal protection of the laws." This decision effectively denied the legal basis for segregation in Kansas and other states with segregated classrooms and would forever change race relations in the United States.

The United States Constitution guarantees liberty and equal opportunity to the people of the United States. Historically, however, these fundamental rights have not always been provided. America's educational system is one such example.

In the early beginnings of U.S. history, education was withheld from people of African descent. In some states it was against the law for African Americans to even learn to read and write. Later, throughout America's history, the educational system mandated separate schools for children based solely on race. In many instances, the schools for African American children were substandard facilities with out-of-date textbooks and insufficient supplies.

In an effort to ensure equal opportunities for all children, African American community leaders and organizations across the country utilized the court system in order to change the educational system. The *Brown* decision initiated educational reform throughout the United States and brought all Americans one step closer to attaining equal educational opportunities.

As the great abolitionist and orator Frederick Douglas once said, some people know the value of an education because they have one, but I know the value of an education because I did not have one. Therefore, we must continue working to make sure that all of America's children receive the very best education imaginable.

I urge all of my colleagues to join me today in supporting the establishment of a commission to encourage and provide for the commemoration of the 50th anniversary of the *Brown versus Board of Education* Supreme Court decision.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2133, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1245

PROVIDING FOR CONSIDERATION OF H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 180 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 180

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the Bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except section 308. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), our newest member of the Committee on Rules, and I would welcome him to the floor for what I think is his first rule that he will be managing, and I appreciate his being here and working with us on this; pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 180 is an open rule and waives all points of order against consideration of the bill. It provides for 1 hour of general debate divided equally and controlled by the chairman and ranking minority member of the Committee on Appropriations.

It also provides that the amendment printed in the Committee on Rules report accompanying the rule shall be considered as adopted.