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 Americas 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. Gibhart, 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

the *Brown* case in 1954, the U.S. Supreme Court ruled that segregation in the Nation's capital was unconstitutional.

BRIGGS V. R.W. ELLIOTT

In Claredon County, SC, the State NAACP first attempted, unsuccessfully and with a single plaintiff, to take legal action in 1974 against the inferior conditions African American students experienced under South Carolina's racially segregated school system. By 1951, community activists convinced the African American parents to join the NAACP efforts to file a class action suite in U.S. District Court. The court found that the schools designated for African Americans were grossly inadequate in terms of buildings, transportation and teacher's salaries when compared to the schools provided for whites. An order to equalize the facilities was virtually ignored by school officials and the schools were never made equal.

BROWN V. BOARD

In Kansas there were 11 school integration cases dating from 1881 to 1949, prior to *Brown* in 1854. In many instances the schools for African American children were substandard facilities with out-of-date textbooks and often no basic school supplies. 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 education. On February 28, 1951, the NAACP filed their case as Oliver L. Brown et al. vs. The Board of Education of Topeka Kansas, which represented a group of 13 parents and 20 children. The District Court ruled in favor of the school board and the case was appealed to the U.S. Supreme Court. At the Supreme Court level, their case was combined with other NAACP cases from Delaware, South Carolina, Virginia and Washington, D.C., which was later heard separately. The combined cases became known as Oliver L. Brown et. Al. vs. The Board of Education of Topeka, et al.

DAVIS, ET. AL. V. PRINCE EDWARD COUNTY BOARD OF SUPERVISORS

One of the few public high schools available to African Americans in the State of Virginia was Robert Moton High School in Prince Edward County. Built in 1943, it was never large enough to accommodate its student population. The gross inadequacies of these classrooms sparked a student strike in 1951. The NAACP soon joined their struggles and challenged the inferior quality of their school facilities in court. Although the U.S. District Court ordered that the plaintiffs be provided with equal school facilities, they were denied access to the white schools in their area.

I am encouraged and hopeful that the Nation will join with me and celebrate this magnificent achievement in American History.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 102) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 102

Whereas Oliver L. Brown is the namesake of the landmark United States Supreme Court decision of 1954, Brown v. Board of Education (347 U.S. 483, 1954);

Whereas Oliver L. Brown is honored as the lead plaintiff in the Topeka, Kansas case which posed a legal challenge to racial segregation in public education;

Whereas by 1950, African-American parents began to renew their efforts to challenge State laws that only permitted their children to attend certain schools, and as a result, they organized through the National Association for the Advancement of Colored People (the NAACP), an organization founded in 1909 to address the issue of the unequal and discriminatory treatment experienced by African-Americans throughout the country;

Whereas Oliver L. Brown became part of the NAACP strategy led first by Charles Houston and later by Thurgood Marshall, to file suit against various school boards on behalf of such parents and their children;

Whereas Oliver L. Brown was a member of a distinguished group of plaintiffs in cases from Kansas (Brown v. Board of Education), Delaware (Gebhart v. Belton), South Carolina (Briggs v. Elliot), and Virginia (Davis v. County School Board of Prince Edward County) that were combined by the United States Supreme Court in Brown v. Board of Education, and in Washington, D.C. (Bolling v. Sharpe), considered separately by the Supreme Court with respect to the District of Columbia;

Whereas with respect to cases filed in the State of Kansas—

(1) there were 11 school integration cases dating from 1881 to 1949, prior to Brown v. Board of Education in 1954;

(2) in many instances, the schools for African-American children were substandard facilities with out-of-date textbooks and often no basic school supplies;

(3) 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 education;

(4) on February 28, 1951, the NAACP filed their case as Oliver L. Brown et al. v. The Board of Education of Topeka Kansas (which represented a group of 13 parents and 20 children);

(5) the district court ruled in favor of the school board and the case was appealed to the United States Supreme Court;

(6) at the Supreme Court level, the case was combined with other NAACP cases from Delaware, South Carolina, Virginia, and Washington, D.C. (which was later heard separately); and

(7) the combined cases became known as Oliver L. Brown et al. v. The Board of Education of Topeka, et al.;

Whereas with respect to the Virginia case of Davis et al. v. Prince Edward County Board of Supervisors—

(1) one of the few public high schools available to African-Americans in the State of Virginia was Robert Moton High School in Prince Edward County;

(2) built in 1943, it was never large enough to accommodate its student population;

(3) the gross inadequacies of these classrooms sparked a student strike in 1951;

(4) the NAACP soon joined their struggles and challenged the inferior quality of their school facilities in court; and

(5) although the United States District Court ordered that the plaintiffs be provided with equal school facilities, they were denied access to the schools for white students in their area;

Whereas with respect to the South Carolina case of Briggs v. R.W. Elliott—

(1) in Clarendon County, South Carolina, the State NAACP first attempted, unsuccessfully and with a single plaintiff, to take legal action in 1947 against the inferior conditions that African-American students experienced under South Carolina's racially segregated school system;

(2) by 1951, community activists convinced African-American parents to join the NAACP efforts to file a class action suit in United States District Court;

(3) the court found that the schools designated for African-Americans were grossly inadequate in terms of buildings, transportation, and teacher salaries when compared to the schools provided for white students; and

(4) an order to equalize the facilities was virtually ignored by school officials, and the schools were never made equal;

Whereas with respect to the Delaware cases of Belton v. Gebhart and Bulah v. Gebhart—

(1) first petitioned in 1951, these cases challenged the inferior conditions of 2 African-American schools;

(2) in the suburb of Claymont, Delaware, African-American children were prohibited from attending the area's local high school, and in the rural community of Hockessin, Delaware, African-American students were forced to attend a dilapidated 1-room schoolhouse, and were not provided transportation to the school, while white children in the area were provided transportation and a better school facility;

(3) both plaintiffs were represented by local NAACP attorneys; and

(4) though the State Supreme Court ruled in favor of the plaintiffs, the decision did not apply to all schools in Delaware;

Whereas with respect to the District of Columbia case of Bolling, et al. v. C. Melvin Sharpe, et al.—

(1) 11 African-American junior high school students were taken on a field trip to Washington, D.C.'s new John Philip Sousa School for white students only;

(2) the African-American students were denied admittance to the school and ordered to return to their inadequate school; and

(3) in 1951, a suit was filed on behalf of the students, and after review with the Brown case in 1954, the United States Supreme Court ruled that segregation in the Nation's capital was unconstitutional;

Whereas on May 17, 1954, at 12:52 p.m., the United States Supreme Court ruled that the discriminatory nature of racial segregation ''violates the 14th Amendment to the Constitution, which guarantees all citizens equal protection of the laws'';

Whereas the decision in Brown v. Board of Education set the stage for dismantling racial segregation throughout the country;

Whereas the quiet courage of Oliver L. Brown and his fellow plaintiffs asserted the right of African-American people to have equal access to social, political, and communal structures;

Whereas our country is indebted to the work of the NAACP Legal Defense and Educational Fund, Inc., Howard University Law School, the NAACP, and the individual plaintiffs in the cases considered by the Supreme Court;

Whereas Reverend Oliver L. Brown died in 1961, and because the landmark United States Supreme Court decision bears his name, he is remembered as an icon for justice, freedom, and equal rights; and

Whereas the national importance of the Brown v. Board of Education decision had a profound impact on American culture, affecting families, communities, and governments by outlawing racial segregation in public education, resulting in the abolition of legal discrimination on any basis: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress recognizes and honors the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka;

(2) the Congress 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) by celebrating the 50th anniversary of the Brown v. Board of Education of Topeka, the Nation will be able to refresh and renew the importance of equality in society.

AUTHORIZING DOCUMENT PRODUCTION BY COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 355 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 355) to authorize the production of records by the Committee on Commerce, Science, and Transportation.

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

Mr. FRIST. Mr. President, the Committee on Commerce, Science, and Transportation has been conducting an oversight inquiry triggered by press reports and court records suggesting that United States Olympic sport athletes may have used banned performance-enhancing drugs without detection. As part of its inquiry, the committee obtained by subpoena documents from a federal criminal investigation regarding the alleged sale and distribution of such drugs to U.S. Olympic sport athletes.

After conducting a confidential review of the subpoenaed records, the committee held a closed hearing on May 5, 2004, to explore whether current U.S. Olympic sport athlete drug-testing policies, resources, and authority are sufficient to deter such athletes from using banned performance-enhancing drugs. The committee specifically considered the implications of the potential participation in this summer's Olympic Games of U.S. Olympic sport athletes who may have used banned performance-enhancing drugs. Representatives of the United States Olympic Committee and of the United States Anti-Doping Agency testified at the committee's hearing.

Both organizations have requested that the committee share the confidential records it received in the course of its inquiry with the U.S. Anti-Doping Agency, which is the independent agency that enforces anti-doping rules for the U.S. Olympic Committee and the Olympic sport federations. Both organizations have advised the committee that they view it as critical to the credibility and reputation of American sport that the U.S. Anti-Doping Agency obtain timely access to these records to enable it to use them as evidence, if justified, in disciplinary proceedings prior to the selection of the U.S. Olympic team that will compete in the 2004 Summer Olympic Games in Athens, Greece.

This resolution would authorize the chairman and ranking member of the Commerce Committee, acting jointly, to provide documents from the committee's inquiry to the U.S. Anti-Doping Agency in response to these requests.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 355) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 355

Whereas, the Committee on Commerce, Science, and Transportation has been conducting an inquiry into the potential use of banned performance-enhancing drugs by U.S. Olympic sport athletes;

Whereas, the Committee has received requests from both the U.S. Olympic Committee and the U.S. Anti-Doping Agency that the latter gain access to records of the Committee's inquiry;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to the U.S. Anti-Doping Agency the documents subpoenaed by the Committee regarding the potential use of banned performance-enhancing drugs by U.S. Olympic sport athletes.

CELEBRATING MOTHERHOOD

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 348 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 assistant legislative clerk read as follows:

A resolution (S. Res. 348) to protect, promote, and celebrate motherhood.

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, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 348) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 348

Whereas the second Sunday of May is observed as Mother's Day;

Whereas motherhood and childhood are entitled to special assistance;

Whereas mothers have a unique bond with their children;

Whereas the work of mothers is of paramount importance, but often undervalued and demeaned;

Whereas mothers' concerns about their children and their education should be supported by the national agenda;

Whereas a child's healthy relationship with the mother predicts higher self-esteem and resiliency in dealing with life events;

Whereas the complementary roles and contributions of fathers and mothers should be recognized and encouraged;

Whereas mothers have an indispensable role in building and transforming society to build a culture of life; and

Whereas mothers along with their husbands, form an emotional template for a child's future relationships: Now therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of mothers to a healthy society; and

(2) calls on the people of the United States to observe Mother's Day by considering how society can better respect and support motherhood.

ORDERS FOR FRIDAY, MAY 7, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, May 7. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, we have had a number of discussions as to how we might go about finishing the FSC/ETI JOBS bill. Unfortunately, we have