

country through three wars. I hope he knows we are taking care of this as much as we can."

And most recently, on May 18, vandalism estimated at \$10,000 darkened the sky of the 133-year-old Beverly, New Jersey National Cemetery where Veterans of Foreign War posts from throughout the State have come together on each Memorial Day for 52 years. Vandals tore down flagpoles, pulled memorial benches from their cement foundations and ruined the entrance garden. Here again veterans groups have posted reward moneys for information leading to the apprehension of the vandals as well as money to repair the damages to the cemetery.

I am pleased to inform my colleagues on both sides of the aisle that because of the efforts of a number of individuals and groups, the last of the hate messages and graffiti was removed just prior to Memorial Day at Punchbowl with the help of the \$21,000 donated thus far to the cleanup. Vandals can never "tarnish what our heroes have left us," Honolulu Mayor Jeremy Harris said during the Memorial Day ceremony.

Today we are responding to the call to keep our heroes untarnished with the introduction of this act. Our Constitution provides many freedoms and rights. It does not provide us the right to physically destroy what is not ours, even if it is to send a message. With rights come responsibilities, and it is our responsibility today as Members of Congress to ensure the right to be laid to rest in hallowed ground, like those men and women who have made the ultimate sacrifice for our Nation, is not compromised or profaned.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume before yielding to the gentleman from Arizona [Mr. STUMP] simply to say that while we are on the subject of the Punchbowl Cemetery, which is one of the most beautiful places in the world, it seems to me we ought to have at the grave sites crucifixes and Stars of David and other appropriate markers. They have a flat marker on the ground, and if one stands there and look, they would not know it was a cemetery because they cannot see the graves. One has to walk up and look at each marker.

Mr. Speaker, if we go to Normandy or we go out here to Arlington, we know that we are in a very special place and the emotions that are reached by looking at the proper grave markers; I think the people buried at Punchbowl ought to have those too.

Mr. Speaker, I look forward to the day when whoever is in charge of that agrees with me, and instead of flat, unseeable grave stones we will see either a cross or a Star of David or whatever is appropriate.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I would certainly take that issue up with

Mr. Gene Castenetti, who is the director at Punchbowl, and would be delighted to work with you and the gentleman from Arizona [Mr. STUMP] and anyone else who is interested in seeing to it that we might make those kinds of improvements.

Mr. HYDE. I hope more than I am interested in that because the impact, the emotional impact on seeing it at Normandy or in Arlington is powerful, and it ought to be reproduced, in my opinion, in Punchbowl.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Arizona [Mr. STUMP].

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Mr. Speaker, I rise in strong support of H.R. 1532, the Veterans Vandalism Act of 1997.

At the end of the 50th anniversary celebration of World War II, I had the privilege of visiting this cemetery along with the gentleman from Illinois [Mr. HYDE] and the gentleman from Hawaii [Mr. ABERCROMBIE], and it truly is one of the most beautiful in our system, and I would like to associate myself with the remarks he made as far as proper markings on these headstones.

This cemetery is the final resting place for more than 39,000 members of our armed services and their families. The cemetery also has a wall inscribed with the names of more than 28,000 servicemen, both men and women, who are missing in action, lost, or buried at sea during World War II, the Korean war, and the Vietnam war.

Mr. Speaker, these veterans' cemeteries are national shrines. The appalling acts of one of America's most significant cemeteries in Hawaii defies comprehension. Surviving members of the families and the other 5 million annual visitors should not be subjected to such disrespectful acts.

I would like to especially thank the gentleman from Illinois [Mr. HYDE], chairman of the committee, for bringing this bill to the floor and all of his work, the gentleman from California [Mr. CALVERT] for introducing the bill, and also to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. CANADY of Florida. Mr. Speaker, I rise today in support of the Veterans' Cemeteries Protection Act of 1997.

I was deeply concerned when I learned that vandals had cruelly defaced the graves of our Nation's fallen heroes in five veterans' cemeteries in Hawaii. These were despicable acts of cowardice that desecrated the memory of great Americans who gave their lives for our country.

The most severe damage was done to the National Memorial Cemetery of the Pacific, where hundreds of men and women who lost their lives in the bombing of Pearl Harbor were laid to rest. A group of vandals scrawled messages in red paint on hundreds of tombstones and walls in five separate cemeteries. We must send a message that this type of behavior cannot be tolerated.

Mr. Speaker, today I urge my colleagues to support the Veterans' Cemeteries Protection

Act, which would create specific criminal penalties for acts of vandalism at national cemeteries.

It is only because of the sacrifice of American's veterans that we enjoy the blessings of liberty today. It is now our duty to honor their memory by swiftly and severely punishing those who deface their graves.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 1532, as amended.

The question was taken.

Mr. DICKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### NEED-BASED EDUCATIONAL AID ANTITRUST PROTECTION ACT OF 1997

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1866) to continue favorable treatment for need-based educational aid under the antitrust laws.

The Clerk read as follows:

H.R. 1866

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Need-Based Educational Aid Antitrust Protection Act of 1997".

#### SEC. 2. CONTINUATION OF FAVORABLE TREATMENT FOR NEED-BASED EDUCATIONAL AID UNDER THE ANTITRUST LAWS.

(a) AMENDMENTS.—Section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended—

(1) in the heading of subsection (a) by striking "TEMPORARY";

(2) by striking subsection (d), and

(3) by redesignating subsection (e) as subsection (d).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately before September 30, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers H.R. 1866, the Need-based Financial Aid Antitrust Protection Act of 1997. Beginning in the mid-1950's, a number of private colleges and universities agreed to award institutional financial aid; that is, aid from the school's own funds, solely on the basis of demonstrated financial need. These schools also agreed to use common principles to assess each student's financial need and to give essentially the same financial aid award to students admitted to more than one member of the group.

From the 1950's through the late 1980's the practice continued undisturbed. In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges that engaged in this practice. After extensive litigation the parties reached a settlement in 1993. In 1994, Congress passed a temporary exemption from the antitrust laws that basically codified that settlement. It allowed agreements to provide aid on the basis of need only, to use common principles of needs analysis, to use a common financial aid application form, and to allow the exchange of the student's financial information through a third party.

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It also prohibited agreements on awards to specific students. It provided for this exemption to expire on September 30, 1997.

Under this exemption, the affected schools have recently adopted a set of general principles to determine eligibility for institutional aid. These principles address issues like expected contributions from noncustodial parents, treatment of depreciation expense which may reduce a parent's income, evaluation of rental properties, and unusually high medical expenses. Common treatment of these types of issues makes sense and, to my knowledge, there are no complaints about the existing exemption. H.R. 1866 would make the exemption passed in 1994 permanent. It would not make any change to the substance of the exemption.

The need-based financial aid system serves social goals that the antitrust laws do not adequately address, namely making financial aid available to the broadest number of students solely on the basis of demonstrated need. Without it the schools would be required to compete, through financial aid awards, for the very top students. Those very top students would get all of the aid available, which would be more than they need. The rest would get less or none at all. Ultimately such a system would serve to undermine the principles of need-based aid and need-blinded missions.

No student who is otherwise qualified ought to be denied the opportunity to go to one of the Nation's most prestigious schools because of the limited

financial institution of his or her family. H.R. 1866 will help protect need-based aid and need-blinded missions and preserve that opportunity.

Mr. Speaker, I urge the House to suspend the rules and pass this bill.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I express my appreciation to the gentleman from Texas [Mr. SMITH]. I think this is a mistake on the part of the Justice Department, and I am glad that Congress is appropriately stepping in to let universities do as they think best with the funds they have. We should note that this is twice today that we have legislated to say that antitrust rules should not be used in effect to interfere with charity. We did it earlier on the annuity question. Universities that are trying to maximize the extent to which they can help people go to school who could not otherwise afford it deserve a lot of credit.

Mr. Speaker, I admire the willingness of the universities to persevere. I want to particularly say the Massachusetts Institute of Technology it seems to me showed a good deal of courage in this whole incident by not simply bucking under when they were sued. All the universities here, we should understand, the ones involved are fighting on behalf of themselves and other universities for the right to try to address the economic problems of people who could not afford to go to these schools. This is an effort by them to maximize the extent to which they give scholarship aid to people who genuinely need it and for whom it would be a necessity in going to school. They deserve credit for that. What they basically said is they will take on this fight and come to Congress for the right to be charitable in the best sense. So I am glad we are acting.

Mr. Speaker, I appreciate the leadership that the gentleman from Texas [Mr. SMITH], a member of the majority took, in making sure we could bring this forward. I am delighted this is going forward now.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I want to commend Mr. SMITH and Mr. FRANK for their diligent work in bringing this bill to our attention. H.R. 1866 simply makes permanent a limited antitrust exemption for educational institutions.

Congress acted to provide the exemption after court decisions in 1991 and 1994 found that Ivy League schools who were sharing aid information concerning applicants were violating the antitrust laws. The 1994 law is scheduled to expire on September 30 of this year unless Congress first acts to extend it.

Under the terms of the current antitrust exemption, universities are permitted to develop common aid forms and exchange student financial data through a third party so long as they agree to admit students on a need-blind basis. This means that participating schools are able to make maximum use of their avail-

able funds and ensure that the largest number of students are able to receive some form of aid. The law specifically prohibits schools from comparing the amount or terms of specific aid offers made to students.

The 1994 law has worked well. Because of the law, financial aid officers have been able to develop a common set of principles for awarding aid and a common aid form. This has simplified the financial aid procedures for both students and their families as well as the colleges. In part, as a result, last year colleges and universities provided an estimated \$8.6 billion in grants from their own funds, or 30 percent more than the \$6.6 billion in aid provided by the Federal Government. This aid is absolutely vital at a time of ever diminishing Federal resources.

The exemption is narrowly drafted—allowing antitrust enforcers to pursue anticompetitive conduct while protecting socially beneficial activities by colleges—and deserves to be made permanent. I understand that the Justice Department has expressed no concerns with the bill, and I urge the Members to join me in supporting this well-intended legislation.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. FRANK], for his generous comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 1866.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### REAUTHORIZING PROGRAM RELATING TO ARBITRATION

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1581) to reauthorize the program established under chapter 44 of title 28, United States Code, relating to arbitration.

The Clerk read as follows:

H.R. 1581

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note; Public Law 100-702) is amended in the first sentence by striking "for each of the fiscal years 1994 through 1997" and inserting "for each fiscal year".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE], and the gentleman from Massachusetts [Mr. FRANK], each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. 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. 1581.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?