Madam Speaker, urge my colleagues to support the bill.

Mr. UNDERWOOD. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, I thank the gentleman from Guam (Mr. UNDERWOOD), my friend, for yielding this time to me and for his leadership in moving this legislation, and also the gentleman from Maryland (Mr. GILCHREST), my colleague, in working together to bring forward this very important reauthorization legislation that will help continue the Federal partnership in restoring the Chesapeake Bay, the largest estuary in our Nation.

In 1991, original authorizations for NOAA's participation was passed by this Congress, and since that time, NOAA has been an instrumental partner in our efforts that involve not only the State of Maryland, but our surrounding States; not just State government, but local governments; not just government, but the private sector. We have worked together in partnership and have made tremendous progress in restoring the Chesapeake Bay.

This legislation not only reauthorizes NOAA's participation, but establishes small grant programs to local governments, community organizations, educational institutions to restore fisheries and habitats.

Madam Speaker, I say personally I know the groups that qualify for these funds. They are out there every day helping us restoring the waters and stirring the banks, cleaning up the waters, helping us in a major way. This legislation will mean that there will be additional resources available to these local groups to help them.

The legislation also provides for a 5-year study, which I think is extremely important on the multispecies management plan. For too long, we have been looking at individual species. This legislation will allow us to look at all the species within the bay as to how they interact with each other.

We increase the authorization to $6 million through fiscal year 2006; and in combination, this legislation will increase NOAA's participation in partnership to restore the bay.

Madam Speaker, I congratulate all for moving this legislation so early. It will help us in our efforts not only in Maryland, not only in the communities that surround the Chesapeake Bay, but as a model for our Nation as to the right way to clean up a major body, a multijurisdictional body of water.

Madam Speaker, I urge my colleagues to support the legislation.

Mr. UNDERWOOD. Madam Speaker, I yield myself such time as I may consume to urge everyone to vote aye on this, and also to congratulate the gentleman from Maryland (Mr. GILCHREST) for this very fine piece of legislation.

Madam Speaker, I yield back the balance of my time.

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Guam (Mr. UNDERWOOD) once again, and certainly the gentleman from Maryland (Mr. CARDIN) for helping us with this legislation.

One last very brief comment on the Chesapeake Bay watershed. The Chesapeake Bay itself, about 100 years ago, at the turn of the century, we took out of the bay on an annual basis up to 15 million bushels of oysters, 15 million. It was the engine that drove the economy of the State of Maryland and Virginia and, to some extent, Pennsylvania, for the commercial harvest, for all the spin-off economic resources that depended on the Chesapeake Bay, 15 million bushels the oysters. We are, in a good year now, in a very good year, down to 300,000 bushels of oysters.

With this legislation, we can understand the nature of the mechanics of the ecosytem, how the food web works. Human activity degraded the bay; human ingenuity will restore it.

I urge an aye vote on H.R. 642.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 642, 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.

Mr. GILCHREST. Madam 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.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL FRIDAY, APRIL 20, 2001, TO FILE LEGISLATIVE REPORTS ON H.R. 392, H.R. 503, H.R. 863, H.R. 1209, AND H.J. RES. 41

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that the Committee on the Judiciary have until Friday, April 20, to file legislation reports on the following: H.R. 392, Private Relief Bill for Nancy Wilson; H.R. 503, Unborn Victims of Violence Act of 2001; H.R. 863, Consequence for Juvenile Offenders Act of 2001; H.R. 1209, Child Status Protection Act of 2001; and H.J. Res. 41, Tax Limitation Constitutional Amendment.

This request has been cleared with the minority.

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

There was no objection.

□ 1430

NEED-BASED EDUCATIONAL AID ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 768) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

The Clerk read as follows:

H.R. 768

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 Act of 2001''.

SEC. 2. AMENDMENTS.

Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is repealed.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 768, the bill under consideration.

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

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today the House considers H.R. 768, the Need-Based Educational Aid Act of 2001. This bill was introduced by the gentleman from Texas (Mr. SMITH), and the gentleman from Massachusetts (Mr. FRANK). It makes permanent an antitrust exemption that allows universities to agree on common standards of need when awarding financial aid.

This exemption has been passed on a temporary basis several times without controversy, and the current version is set to expire at the end of September. It appears to be working well, and I am hopeful that it now can be made permanent.

In a moment the sponsors of the bill, the gentleman from Texas (Mr. SMITH) and the gentleman from Massachusetts (Mr. FRANK), will seek time for a further explanation. I appreciate their work on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume. I wanted to thank the author of the bill, the gentleman from Massachusetts (Mr. FRANK), who was last seen leaving the floor, and I want to yield him some time because I do not think this is going to take long.

What we were doing for many years on need-based educational aid assistance was passing temporary exemptions to the antitrust act. It worked fine. And now we have decided to permanentize it, thanks to the efforts of the gentleman from Massachusetts and as well as the gentleman from Texas.

It is a great piece of legislation, and it represented probably the most vigorous high point of antitrust enforcement during the Bush, Senior, administration on record.

I rise in support of H.R. 768, the ''Need-Based Educational Aid Act of 2001.'' This bipartisan bill would make permanent an exemption in the antitrust laws that permits schools to agree to award financial aid on a need-blind basis and to use common principles of needs analysis in making their determinations.

The exemption also allows for agreement on the use of a common aid application form and the exchange of the student's financial information through a third party.

In 1992, Congress passed a similar temporary exemption, which was extended in 1994, and again extended in 1997. The exemption passed in 1997 expires later this year. During the almost ten years of its operation, we have been able to witness and evaluate the exemption, and we have found that it has worked well.

The need-based financial aid system serves important social goals that the antitrust laws do not adequately address—such as 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.

The result would be that the very top students would get all of the aid available, which would be more than they need. The rest of the applicant pool would get less or none at all. Ultimately, such a system would undermine the principles of need-based aid and need-blind admissions which are so important to achieving educational equality.

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 financial situation of his or her family. H.R. 768 will help protect need-based aid and need-blind admissions and preserve that opportunity.

Madam Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK) for any comments he would like to make.

Mr. FRANK. Madam Speaker, I thank the ranking member for yielding me this time. I want to express my appreciation to the gentleman from Texas (Mr. SMITH) for moving on this so expeditiously and to the chairman of the committee.

For people to understand this, briefly, we had a situation in which the Ivy League schools, MIT and a few others, formed what they called the overlap group. The purpose was, given that they have limited resources to give out in scholarships, and obviously there is not an infinite amount of money for universities, even wealthy ones, to give out scholarships, they wanted to avoid the situation where they competed for desirable students who were not financially in great distress, because that would have taken money away from the pool available to help young people go to school who might not otherwise be able to.

Many of these schools strive to achieve what they call a needs-blind admission policy, or at least they used to the last time I talked. Maybe there is a new euphemism. But what it meant was that they strove to admit young men and women based on their ability to do the work of that school, and then, having admitted them, endeavored to make sure they could afford it financially by some package of financial aid from the university itself, loans, work study, Federal aid, et cetera.

The overlap group was an effort to maximize the resources that could go to the students in need, and I regard that as one of the most socially responsible things universities did. The Justice Department challenged it. Particular credit, in my judgment, goes to Massachusetts Institute of Technology, which declined to go along. Some of the other colleges thought, oh, well, the Justice Department is coming after us, we better just drop this. MIT, to its credit, said, no, we will go to court and litigate this.

During the litigation all parties then agreed to a settlement, and essentially this is the legislation that embodies the settlement, which allows some of what they used to do. It does not allow it all. If it were up to me, I would have restored totally what they were able to do. This is not a complete restoration of the overlap group, but it is a substantial restoration of their legal authority to be socially responsible.

We are not talking now about government money, now, but their private funds. What this does is allow them to try better to target the private scholarship money available to them so that it goes to help bright students who are capable of doing the work at these first-rate universities, but unable to finance it and attend the universities.

I think that is a goal all of us in this Chamber agree with, and I am, therefore, glad to be in support of this legislation.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume to add that the previous speaker went to Harvard, and the cosponsor of the bill went to Yale, and so their contributions are very important, and they did not participate in any of this funding.

Mr. FRANK. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. FRANK. It was MIT that was the real hero of this, and to whom I think credit should be given.

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

Mr. SENSENBRENNER. Madam Speaker, as one who went to the University of Wisconsin, Madison, that has much better football and basketball teams than either Harvard or Yale, I yield 4 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Speaker, I thank the chairman of the full committee for yielding me this time, and, Madam Speaker, I am going to go in a little more detail about the history of this bill and the necessity for it.

Beginning in the mid-1950s, a number of private colleges and universities agreed to award financial aid solely on the basis of demonstrated need. These schools also agreed to use common criteria to assess each student's financial need and to give the same financial aid award to students admitted to more than one member of that group of schools. From the 1950s to the late 1980s, the practice continued undisturbed.

In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges involved that engaged in this practice. After extensive litigation, the parties reached a settlement in 1993. In 1994, and again in 1997, Congress passed a temporary exemption from the antitrust laws that codified that settlement. It allowed agreements to provide aid on the basis of need only, to use common criteria, to use a common financial aid application form, and to allow the exchange of the student's financial information through a third party. It also prohibited agreements on awards to specific students. This exemption expires on September 30, 2001.

Common treatment of these types of issues makes sense, and to my knowledge there are no complaints about the existing exemption. H.R. 768 would make the exemption passed in 1994 and 1997 permanent. It would not make any change to the substance of the exemption.

The need-based financial aid system serves worthy 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. No student who is otherwise qualified should be denied the opportunity to go to one of these schools because of the limited financial means of his or her family. H.R. 768 would help protect need-based aid and need-blind admissions.

Madam Speaker, this legislation passed the Committee on the Judiciary with no opposition, and I urge my colleagues to support this bill as well.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 768.

The question was taken.

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

Mr. SENSENBRENNER. Madam 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.

EXPRESSING SENSE OF CONGRESS REGARDING ESTABLISHMENT OF NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. PLATTS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 59) expressing the sense of Congress regarding the establishment of National Shaken Baby Syndrome Awareness Week, as amended.

The Clerk read as follows:

H. CON. RES. 59

Whereas more than 1,000,000 children were abused or neglected in the United States during the most recent year for which Government data is available regarding child abuse and neglect;

Whereas more than 3 children die from abuse or neglect each day in the United States;

Whereas, in 1998, 37.9 percent of all fatalities of children under the age of 1 were caused by child abuse or neglect, and 77.5 percent of all fatalities of children under the age of 5 were caused by child abuse or neglect;

Whereas head trauma, including the trauma known as shaken baby syndrome, is the leading cause of death of abused children;

Whereas shaken baby syndrome is the loss of vision, brain damage, paralysis, seizures, or death that is caused by severely or violently shaking a baby;

Whereas an estimated 3,000 babies, usually younger than 1 year of age, are diagnosed with shaken baby syndrome every year, with thousands more misdiagnosed or undetected;

Whereas shaken baby syndrome often results in permanent, irreparable brain damage or death;

Whereas the medical costs associated with caring for a baby suffering from shaken baby syndrome often exceed $1,000,000 in the first few years of the life of the baby;

Whereas the most effective method for ending the occurrence of shaken baby syndrome is to prevent the abuse which causes it;

Whereas educational and prevention programs regarding shaken baby syndrome may prevent enormous medical costs and unquantifiable grief at minimal cost;

Whereas programs to prevent shaken baby syndrome have been shown to raise awareness and provide critically important information about shaken baby syndrome to parents, caregivers, day care workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas programs and techniques to prevent child abuse and shaken baby syndrome are supported by the Shaken Baby Alliance, Children's Defense Fund, National Children's Alliance, American Humane Association, Prevent Child Abuse America, National Exchange Club Foundation, Child Welfare League of America, National Association of Children's Hospitals and Related Institutions, Center for Child Protection and Family Support, Inc., American Academy of Pediatrics, and American Medical Association; and

Whereas increased awareness of shaken baby syndrome and of the techniques to prevent it would help end the abuse that causes shaken baby syndrome: Now, therefore, be it

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

(1) strongly supports efforts to protect children from abuse and neglect; and

(2) encourages the people of the United States to educate themselves regarding shaken baby syndrome and the techniques to prevent it.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PLATTS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PLATTS).

GENERAL LEAVE

Mr. PLATTS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 59, as amended.

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

There was no objection.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have the House consider House Concurrent Resolution 59, legislation introduced by the gentleman from California (Mr. MCKEON), my esteemed colleague. This resolution expresses the sense of Congress regarding the prevention of shaken baby syndrome. Shaken baby syndrome is a medical term used to describe the violent shaking and resulting injury sustained from shaking a young child. Often there are no external signs of injury to a baby or young child's body, but there is injury inside, particularly in the head or behind the eyes. The term was first discussed in medical literature in 1972, but knowledge about the syndrome continues to develop today.

Shaken baby syndrome can occur when children are violently shaken, either as part of a pattern of abuse, or simply because an adult or young caretaker has momentarily succumbed to the challenges of responding to a crying baby. Violent shaking is especially dangerous to infants and young children because their neck muscles are underdeveloped, and their brain tissue is exceptionally fragile. Their small size further adds to the risk of injury. Vigorous shaking repeatedly pitches the brain in different directions.

Shaken baby syndrome can have disastrous consequences for the victim, the family, and society in total. If the child survives the syndrome, medical bills can be enormous. The victim may require lifelong care for injuries such as mental retardation and cerebral palsy. The child may even require institutionalization or other types of long-term care.

Madam Speaker, this resolution expresses Congress' support to protect children from abuse and neglect. I encourage all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I am pleased to rise in support of this resolution, a very important resolution which seeks to protect the most innocent among us, children; children who are a few days to 5 years old. These children often need protection from parents and caregivers who shake their babies beyond control. Shaken baby syndrome is caused by vigorous shaking of an infant or young child by the arms, legs, chest or shoulders. Forceful shaking will result in brain damage, leading to mental retardation, speech and learning disabilities, paralysis, seizures, hearing loss and even deafness. It may cause bleeding around the brain and eyes, resulting in blindness.

An estimated 50,000 cases of shaken baby syndrome occur each year. One shaken baby in four dies as a result of this abuse. Some studies estimate that 15 percent of children's deaths are due to battering or shaking. The average victim is 6 to 8 months old.

Madam Speaker, we ask ourselves why babies are being shaken, and how can this resolution help. Crying is the most common trigger for shaking a baby. The normal crying infant spends 2 to 3 hours each day crying. Crying becomes particularly problematic during the 6-week to 4-month age bracket, an age period that coincides with the peak incidence of shaken baby syndrome.

□ 1445

The shaking of the infant is often repeated because the infant stops crying but only because the infant has been injured by the shaking. Shaking often occurs when a frustrated caregiver loses control with an inconsolable crying baby. Parents and caregivers must be made aware of how to deal with a crying infant and that shaking an infant is abusive and criminal. By making Americans more aware of shaken baby syndrome, we can save more of America's children. I urge my colleagues to support this resolution and help save the babies.

Madam Speaker, I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Speaker, I rise today as the proud sponsor of this legislation. This bill expresses the sense that Congress strongly supports shaken