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4 MARKUP OF H.R. 2329, THE ENSURING ACCESS TO JUSTICE CLAIMS

5 AGAINST THE UNITED STATES ACT; AND

6 H.R. 2604, THE NEED-BASED EDUCATION AID ACT OF 2015.

7 Wednesday, July 8, 2015

8 House of Representatives

9 Committee on the Judiciary

10 Washington, D.C.

11 The committee met, pursuant to call, at 10:48 a.m., in  
12 Room 2141, Rayburn Office Building, Hon. Bob Goodlatte  
13 [chairman of the committee] presiding.

14 Present: Representatives Goodlatte, Sensenbrenner,  
15 Smith, Issa, Forbes, King, Franks, Gohmert, Jordan, Poe,  
16 Chaffetz, Marino, Labrador, Farenthold, Collins, DeSantis,  
17 Walters, Buck, Ratcliffe, Trott, Bishop, Conyers, Jackson

18 Lee, Johnson, DelBene, Cicilline, and Peters.

19 Staff present: Shelley Husband, Majority Staff  
20 Director; Branden Ritchie, Deputy Majority Staff Director and  
21 Chief Counsel; Zachary Somers, Majority Counsel, Subcommittee  
22 on the Constitution and Civil Justice; Anthony Grossi,  
23 Majority Counsel, Subcommittee on Regulatory Reform,  
24 Commercial and Antitrust Law; Kelsey Williams, Clerk; Susan  
25 Jensen, Minority Counsel; Slade Bond, Minority Counsel;  
26 Danielle Brown, Minority Parliamentarian; Veronica Eligan,  
27 Professional Staff Member; and Maggie Lopatin, Minority  
28 Clerk.

29

30 Chairman Goodlatte. Good morning. The Judiciary  
31 Committee will come to order. Without objection, the chair  
32 is authorized to declare a recess of the committee at any  
33 time.

34 Pursuant to notice, I now call up H.R. 2329 for purposes  
35 of markup, and move that the committee report the bill  
36 favorably to the House.

37 The clerk will report the bill.

38 Ms. Williams. To ensure appropriate judicial review of  
39 Federal government actions by amending the prohibition on the  
40 exercise of jurisdiction by the United States Court of  
41 Federal Claims of certain claims pending in other courts.

42 Chairman Goodlatte. Without objection, the bill is  
43 considered as read and open for amendment at any point.

44 [The bill follows:]

45

46 Chairman Goodlatte. And I will begin by recognizing  
47 myself for an opening statement. I want to thank  
48 Representatives DeSantis and Cicilline for introducing this  
49 important legislation to amend Section 1500 of Title 28. I  
50 would also like to thank Senators Wicker, Leahy, Cornyn, and  
51 Tester for introducing companion legislation in the Senate.

52 In his first annual message to Congress, Abraham Lincoln  
53 admonished that "It is as much the duty of government to  
54 render prompt justice against itself in favor of citizens as  
55 it is to administer the same between private individuals."  
56 This legislation responds to that duty. It does so by  
57 removing unnecessary procedural obstacles that Congress has  
58 placed in the way of the ability of Americans to receive  
59 redress from actions taken by the Federal government that  
60 infringe upon their constitutional, statutory, or contractual  
61 rights.

62 H.R. 2329 will clear the path to justice for a wide  
63 variety of claimants with many different kinds of claims,  
64 including Federal employees, members of the military,  
65 property owners, businesses, local governments, and Indian  
66 tribes. H.R. 2329 does this by amending 28 U.S.C. Section  
67 1500, one of several statutes that govern the jurisdiction of

68 the United States Court of Federal Claims, a Federal court  
69 that adjudicates cases seeking monetary relief from the  
70 United States for actions taken by the Federal government.  
71 Section 1500 is an antiquated statute that was first enacted  
72 by Congress in the aftermath of the Civil War to address a  
73 problem that no longer exists. As Justice Sotomayor has  
74 noted, "Judges and commentators have long called for  
75 constitutional attention to this statute."

76 In many cases, Section 1500 forces plaintiffs to pick  
77 and choose between remedies that would otherwise be available  
78 to them in litigation against the United States. This is  
79 because under the complex jurisdictional scheme Congress  
80 created for lawsuits against the Federal government,  
81 plaintiffs may be barred from pursuing all of their legal  
82 claims against the United States in a single lawsuit before a  
83 single Federal court.

84 For example, if the Federal government released water  
85 from a dam flooding private property, the property owner may  
86 be the victim of a common law tort for which suit may be  
87 brought in Federal district court, or alternatively, the  
88 property owner may be the victim of a taking for which suit  
89 must be brought in a Federal claims court. This

90 jurisdictional scheme would be understandable. Different  
91 Federal courts have different specialties and expertise but  
92 for the fact that Section 1500 precludes a plaintiff from  
93 maintaining lawsuits against the United States arising out of  
94 the same incident in both the Court of Federal Claims and  
95 district courts simultaneously, even if the lawsuits seek  
96 different relief. Instead, Section 1500 forces plaintiffs  
97 either to file suit in Federal Claims Court for ongoing  
98 relief in district court, or to file in district court and  
99 risk the statute of limitations expiring before the district  
100 court litigation is over, leaving them unable to file in the  
101 Federal Court of Claims.

102 In short, Section 1500 creates a catch-22 that makes  
103 plaintiffs pick and choose between meritorious claims against  
104 the Federal government. This is not good policy in a  
105 democratic society. As the Federal Circuit Court of Appeals  
106 has observed, "Because this Nation relies in significant  
107 degree on litigation to control the excesses to which  
108 government may from time to time be prone, it would not be  
109 sound policy to force plaintiffs to forego monetary claims in  
110 order to challenge the validity of government action, or to  
111 preclude challenges to the validity of government action in

112 order to protect a constitutional claim for compensation."

113       Although Section 1500 was designed to prevent the United  
114 States from being forced to engage in duplicative litigation,  
115 there are much less drastic ways to avoid this concern. H.R.  
116 5683, through the use of a presumptive stay, provides a  
117 method that both prevents the Federal government from facing  
118 duplicative litigation and preserves plaintiffs' rights to  
119 seek complete redress against the government. A legislative  
120 fix to Section 1500 is long overdue, and I urge my colleagues  
121 to support this legislation.

122       It is my pleasure to recognize the ranking member of the  
123 committee, the gentleman from Michigan, Mr. Conyers, for his  
124 opening statement.

125       Mr. Conyers. Thank you, Chairman Goodlatte. Members of  
126 the committee, I am pleased to speak in support of H.R. 2329,  
127 the Ensuring Access to Justice for Claims Against the United  
128 States Act. There are several reasons why I support the  
129 measure because basically it addresses a longstanding flaw in  
130 current government. The Court of Federal Claims has  
131 exclusive jurisdiction over certain claims against the United  
132 States, such as contract claims. Other types of claims  
133 against the United States -- tort claims -- cannot be heard

134 by the Court of Federal Claims, and must, therefore, be  
135 determined by another court. Thus, a plaintiff seeking  
136 complete relief is sometimes forced to file actions in both  
137 the Court of Federal Claims and another court, such as the  
138 Federal district court, even though the actions are based on  
139 substantially the same facts.

140         Nevertheless, Section 1500 of Title 28 of the United  
141 States Code bars complete relief for a plaintiff if he or she  
142 files suit in another court before filing suit in the Court  
143 of Federal Claims if both suits are based on the same  
144 operative facts. While many Federal courts try to ameliorate  
145 the harsh consequences of Section 1500 by allowing the Court  
146 of Federal Claims to retain jurisdiction if the relief sought  
147 by the plaintiff in the other court was different from the  
148 relief requested from the Court of Federal Claims, the  
149 Supreme Court foreclosed this workaround in 2011.

150         In sum, the Court held that Section 1500's plain  
151 language required dismissal of the Court of Federal Claims  
152 action if the plaintiff had an earlier filed action pending  
153 in another court based on the same operative facts,  
154 regardless of the difference in relief being sought. As a  
155 result of the Court's decision, Section 1500 forecloses

156 meritorious claims against the United States by prohibiting  
157 the Court of Federal Claims from hearing an action against  
158 the United States if the plaintiff has pending in another  
159 Federal court a claim against the Federal government arising  
160 from substantively the same operative facts. In lieu of  
161 dismissal as required by Section 1500, H.R. 2329 would impose  
162 a temporary stay on the later filed action until the first  
163 action is no longer pending, subject to certain exceptions.

164 Another reason I support H.R. 2329 is that it will  
165 ensure access to justice for plaintiffs, particularly those  
166 who lack the resources to recognize and avoid a procedural  
167 trap embedded in the current Section 1500. Although Section  
168 1500's jurisdictional bar was intended to prevent duplicative  
169 lawsuits, it can effectively deny access to justice,  
170 especially in instances where a plaintiff makes the  
171 unfortunate choice of filing suit in the Court of Federal  
172 Claims after filing suit in another Federal court.

173 In response to this problem, the Administrative  
174 Conference of the United States, a nonpartisan body of  
175 administrative law experts, issued a recommendation ensuring  
176 access to a complete judicial remedy. This recommendation in  
177 turn was adopted by the American Bar Association last year,

178 and it forms much, if not most, of the substance of H.R.  
179 2329.

180 Finally, the version of the bill that we are considering  
181 today reflects constructive comments that the Department of  
182 Justice provided to the Judiciary Committee when similar  
183 legislation was considered by the committee in the last  
184 Congress. In sum, the Justice Department was concerned that  
185 the prior legislation's interest of justice exception to the  
186 presumptive stay did not adequately protect the government's  
187 interest in avoiding duplicative and wasteful litigation.

188 In response to that concern, this measure, H.R. 2329,  
189 provides greater guidance to the courts as to whether a later  
190 filed action should be stayed. Specifically, the measure  
191 authorizes the court in exceptional circumstances to  
192 terminate or modify the stay if necessary to preserve  
193 material evidence or to prevent irreparable prejudice.

194 In addition, the bill, at the suggestion of the Justice  
195 Department, mandates that the United States Court of Appeals  
196 for the Federal Circuit Court has jurisdiction over an appeal  
197 from an interlocutory order terminating or modifying a stay  
198 to preserve material evidence or to prevent irreparable  
199 prejudice. It is my understanding that the bill, as revised,

200 now largely addresses the Justice Department's principle  
201 concerns.

202 And I commend my chairman and colleagues on both sides  
203 of the aisle for their cooperative efforts to respond to  
204 these concerns. And so, I fully support H.R. 2329, and urge  
205 that my colleagues do so as well. And I thank you, and yield  
206 back my time.

207 Chairman Goodlatte. Thank you, Mr. Conyers. And I  
208 would now like to recognize the vice chairman of the  
209 Subcommittee on the Constitution and Civil Justice and the  
210 chief sponsor of this bill, the gentleman from Florida, Mr.  
211 DeSantis, for his opening statement.

212 Mr. DeSantis. Thank you, Mr. Chairman. Under current  
213 law, military, Federal, and civilian employees, private  
214 property owners, U.S. taxpayers, Indian tribes, and others  
215 face unnecessary procedural barriers when attempting to  
216 defend their rights against the U.S. government in court. In  
217 many cases, Federal law requires a plaintiff with a monetary  
218 and non-monetary claim against the U.S. arising out of a  
219 single incident to file two separate cases, one in the  
220 district court and one in the claims court. However, Federal  
221 law also prevents a plaintiff from simultaneously filing a

222 lawsuit in both district court and Federal Claims Court  
223 arising from the same incident. This represents a procedural  
224 catch-22, which prevents many plaintiffs from obtaining  
225 complete or even partial redress for their injuries.

226 For example, when the Federal government infringes on an  
227 individual's private property rights, the property owner is  
228 currently forced to select between two potentially valid  
229 claims to seek monetary compensation or to challenge the  
230 validity of the government's action. Because there is a 6-  
231 year statute of limitations on pursuing claims in these kinds  
232 of cases and because these types of cases often move slowly,  
233 a bar against filing monetary and non-monetary claims at the  
234 same time can often close one legal avenue or the other to a  
235 plaintiff simply because there is not time within that 6-year  
236 window to pursue both cases back to back. Plaintiffs are  
237 forced into choices they should not have to make.

238 As one Federal court observed, "The statute essentially  
239 says to plaintiffs, if you want your job back, you must  
240 forego your back pay, and conversely, if you want your back  
241 pay, you cannot have your job back." This has the effect of  
242 insulating government from the type of accountability that  
243 President Lincoln thought essential when he said that the

244 government must be able to render justice against itself in  
245 favor of citizens, and that was equally as important as  
246 rendering justice between private parties.

247 28 U.S.C. Section 1500 is a statute from the 19th  
248 century designed to handle issues that are dissimilar to  
249 issues that we face in our time. And although Federal courts  
250 have sought to place a judicial gloss on Section 1500 that  
251 would lower the hurdles faced by plaintiffs, the U.S. Supreme  
252 Court rejected this approach, insisting that the statute be  
253 applied as written.

254 I believe the Supreme Court correctly applied the  
255 statute as written. In fact, I would wish they would apply  
256 statutes as written more often. It is the job of Congress,  
257 not the courts, to fix provisions of law that do not serve  
258 the public interest. My bill, Ensuring Access to Justice for  
259 Claims Against the United States Act, will do just that by  
260 allowing plaintiffs to simultaneously pursue both monetary  
261 and non-monetary relief when the government infringes on  
262 their constitutional, statutory, or contractual rights, and  
263 will level the playing field between plaintiffs and the  
264 Federal government.

265 I hope this bill will receive the support of the

266 committee. Thank you, Mr. Chairman, and I yield back.

267 Chairman Goodlatte. Thank you, Mr. DeSantis. And now,  
268 I would like to recognize the lead Democrat co-sponsor of the  
269 bill, Mr. Cicilline of Rhode Island, for his opening  
270 statement.

271 Mr. Cicilline. Thank you, Mr. Chairman. I am proud to  
272 rise in support of Ensuring Access to Justice for Claims  
273 Against the United States Act. This legislation amends  
274 Section 1500 of Title 28 of the U.S. Code, which prohibits  
275 the Court of Federal Claims from exercising jurisdiction over  
276 a claim if the plaintiff has the same claim pending in  
277 another Federal court. It would allow the CFC to issue a  
278 presumptive temporary stay on a later filed action instead of  
279 requiring to dismiss later filed actions, and removes an  
280 obstacle to judicial review for valid claims.

281 It is a common sense reform proposal that enjoys the  
282 support of both the Administrative Conference of the United  
283 States and the American Bar Association. I am proud to  
284 support this legislation as a co-sponsor, and I would like to  
285 thank my colleague and the author of this bill, Congressman  
286 Ron DeSantis, for his leadership and for demonstrating that  
287 we can work together and provide bipartisan solutions that

288 will help everyday Americans access justice.

289 I would also like to acknowledge the good faith efforts  
290 on both sides of the aisle to put the interests of the  
291 American people first and push forward this critical reform.  
292 And while I recognize there will sometimes be disagreements  
293 on how to address major policy issues, our Nation faces  
294 serious challenges that can only be resolved through  
295 sustained dialogue and cooperation. It is my hope that we  
296 can continue to work in this bipartisan and cooperative way  
297 to meet the challenges of the future.

298 I urge my colleagues to join me in supporting this  
299 legislation. I yield back the remainder of my time.

300 Chairman Goodlatte. The chair thanks the gentleman.  
301 Are there any amendments to H.R. 2329?

302 [No response.]

303 Chairman Goodlatte. A reporting quorum being present,  
304 the question is on the motion to report the bill H.R. 2329  
305 favorably to the House.

306 Those in favor, say aye.

307 Those opposed, no.

308 The ayes have it. The bill is ordered reported  
309 favorably. Members will have 2 days to submit views.

310 [The information follows:]

311

312 Chairman Goodlatte. Pursuant to notice, I now call up  
313 H.R. 2604 for purposes of markup, and move that the committee  
314 report the bill favorably to the House.

315 The clerk will report the bill.

316 Ms. Williams. H.R. 2604, to improve and reauthorize  
317 provisions relating to the application of the antitrust laws  
318 to the award of need-based educational aid.

319 Chairman Goodlatte. Without objection, the bill is  
320 considered as read and open for amendment at any point.

321 [The bill follows:]

322

323 Chairman Goodlatte. And I will begin by recognizing  
324 myself for an opening statement.

325 H.R. 2604, the Need-Based Educational Aid Act of 2015,  
326 continues an antitrust exemption that is set to expire on  
327 September 30, 2015. The exemption allows participating  
328 colleges and universities to collaborate on a set of criteria  
329 to determine applicants' needs for private financial aid. To  
330 be clear, this exemption does not apply to Federal financial  
331 aid, only to aid directly provided by the participating  
332 colleges and universities.

333 The Antitrust Modernization Commission generally  
334 cautioned against antitrust exemptions and recommended that  
335 Congress closely examine any proposed antitrust immunities.  
336 The antitrust exemption continued by H.R. 2604 has been in  
337 place since 1992. Over the past 23 years, Congress has  
338 extended the antitrust exemption on three separate occasions,  
339 each time with broad bipartisan support.

340 Additionally, the Government Accountability Office  
341 conducted a study to determine whether the exemption  
342 adversely impacted the affordability of college, and  
343 concluded that it did not. While H.R. 2604 continues the  
344 existing antitrust exemption, it also narrows it in

345 recognition of the fact that one of the practices allowed by  
346 that exemption has not been utilized by participating  
347 colleges and universities. Accordingly, the legislation  
348 narrows the scope of the antitrust exemption to those  
349 activities that colleges and universities truly need and use.

350       Given the lengthy legislative record, the narrowed scope  
351 of the exemption, the GAO study on the effects of the bill,  
352 and the 7-year sunset included in the bill, I believe that  
353 H.R. 2604 proposes a safe extension of a reasonable and  
354 worthwhile antitrust exemption. I thank former Chairman  
355 Smith for introducing this legislation, and I urge all of my  
356 colleagues to support the bill.

357       And I now recognize the ranking member of the committee,  
358 Mr. Conyers, for his opening statement.

359       Mr. Conyers. Thank you, Chairman Goodlatte. H.R. 2604,  
360 the Need-Based Educational Aid Act of this year, would extend  
361 for 7 years an exemption to the Federal antitrust laws that  
362 permits certain college and universities to, among other  
363 things, agree to award financial aid based on need.

364       I support this bill for a number of reasons. To begin  
365 with, I believe there is a strong policy reason to extend the  
366 current exemption. As a general principle, I am deeply

367 skeptical of antitrust exemptions, and will only support them  
368 when there are strong policy reasons to do so. For example,  
369 I have long opposed the antitrust exemption for health  
370 insurance companies under the McCarran-Ferguson Act, and have  
371 introduced legislation for several Congresses to repeal this  
372 exemption. My legislation, H.R. 99, would ensure greater  
373 competition among health insurance companies by repealing  
374 their exemption for the most egregious anti-competitive  
375 behavior, like price fixing and bid rigging.

376       Nonetheless, there are limited circumstances where  
377 strong policy justifications support narrow exemptions to the  
378 antitrust laws. For example, labor unions enjoy a limited  
379 exemption so they organize, strike, and collectively bargain.  
380 These exemptions are necessary to allow unions to form in the  
381 first place and to effectively carry out their critical  
382 mission of protecting workers' rights.

383       2604's limited antitrust exemption for colleges and  
384 universities, like the ones for unions, also serves an  
385 important policy goal. Congress first enacted this exemption  
386 to assure that financial aid is made available to the  
387 broadest number of students solely on the basis of  
388 demonstrated financial need. Colleges and universities are

389 concerned that without this exemption, they would be required  
390 to compete for the very top students through the use of  
391 financial aid awards. This situation could result in a  
392 system in which only a few receive an excess of the available  
393 aid, while the rest of the applicant pool receives less or  
394 more likely none at all. Ultimately, such a system could  
395 undermine the principles of need-based aid and need-blind  
396 admissions.

397       Extending this exemption also makes sense because we  
398 know that it will not have anti-competitive consequences. In  
399 1992, Congress first passed a temporary antitrust exemption  
400 similar to the one in H.R. 2604, and has since extended  
401 against in 1994, 1997, 2001, and again in 2008. During these  
402 more than 20 years, we have been able to witness and evaluate  
403 the exemption and have found no evidence of any adverse  
404 impact.

405       Finally, I support the legislation because it further  
406 narrows the existing exemption to ensure that it best meets  
407 its public policy goal, in addition to allowing schools to  
408 agree on need-based financial aid awards, use common  
409 principles for analyzing financial need, and use a common  
410 application for exemption currently allows schools to

411 exchange a student's financial information through a third  
412 party. The bill eliminates this latter provision based on  
413 technical feedback and based on the fact that schools have  
414 not relied on that provision.

415 And in closing, I appreciate the thoughtfulness with  
416 which H.R. 2604 has been drafted. It will continue to  
417 protect need-based aid and need-blind admissions, and at the  
418 same time preserve the opportunity for all students to attend  
419 the school of their choice based solely on their talents and  
420 drive. And for those reasons I urge my colleagues to support  
421 this bipartisan legislation.

422 I thank the chair and yield back the balance of any  
423 time.

424 Chairman Goodlatte. Thank you, Mr. Conyers. I would  
425 like to now recognize the former chairman of the committee  
426 and the chief sponsor of the bill, the gentleman from Texas,  
427 Mr. Smith for his opening statement.

428 Mr. Smith. Thank you, Mr. Chairman. Mr. Chairman, I  
429 also appreciate your willingness to bring this bill to markup  
430 today, and this is H.R. 2604, the Need-Based Educational Act.  
431 And I also want to thank the ranking member, Mr. Conyers, for  
432 his support as well.

433 Mr. Chairman, the bill extends the current antitrust  
434 exemptions that are set to expire on September 30th for  
435 another 7 years. The Need-Based Educational Aid Act allows a  
436 limited number of private colleges and universities that  
437 admit students on a need-blind basis to award financial aid  
438 from the school's own funds based entirely on students'  
439 demonstrated financial need.

440 H.R. 2604 authorizes these institutions of higher  
441 education to use common principles to assess students'  
442 financial need, and it allows the school to use a common  
443 financial aid application form. It also permits multiple  
444 schools that have accepted the same student to award the same  
445 assistance. This ensures that the student selects the  
446 college that is the best fit rather than the school that  
447 offered the most financial aid.

448 This issue has long been of interest to me having worked  
449 on the three previous extensions. Common treatment of this  
450 narrow category of educational aid makes sense. A Government  
451 Accountability Office study that resulted from a previous  
452 extension found that there has been no abuse of the antitrust  
453 exemption. It also determined that there has been no  
454 increase in the cost of tuition as a result of the exemption.

455           The Need-Based Educational Aid Act helps ensure that  
456 financial aid is available to the broadest number of students  
457 solely on the basis of demonstrated need. Students who  
458 otherwise qualify should not be denied the opportunity to  
459 access higher education due to limited financial means. H.R.  
460 2604 protects this need-based aid and need-blind admissions.  
461 Finally, let me thank my colleague from the Georgia and the  
462 co-author of this bill, Mr. Johnson, for his efforts to  
463 advance this legislation.

464           I urge my colleagues to support the Need-Based  
465 Educational Aid Act, and I yield back the balance of my time.  
466 Thank you again, Mr. Chairman.

467           Chairman Goodlatte. Thank you, Mr. Smith. And it is  
468 now my pleasure to recognize the ranking member on the  
469 Subcommittee on Regulatory Reform, Commercial and Antitrust  
470 Law, the gentleman from Georgia, Mr. Johnson, for his opening  
471 statement.

472           Mr. Johnson. Thank you, Mr. Chairman. H.R. 2604, the  
473 Need-Based Educational Act or Aid Act of 2015, would extend  
474 an exemption to the Federal antitrust laws that permit some  
475 of our Nation's most prestigious colleges and universities to  
476 agree to admit students on a need-blind basis and award

477 financial aid to students with the most demonstrated need. I  
478 am pleased to serve as the lead Democratic co-sponsor of this  
479 bipartisan legislation. I thank my colleague, Congressman  
480 Lamar Smith, for his steadfast leadership on this bill since  
481 the 105th Congress and also during this particular Congress.

482 H.R. 2604 allows colleges and universities that admit  
483 students on a need-blind basis to collaborate on the formula  
484 they use to determine how much families can pay for college.  
485 This exemption was first enacted in 1994, and since then  
486 Congress has reauthorized it three times without opposition,  
487 most recently in 2008. In addition to allowing collaboration  
488 on a common formula for calculating ability to pay for  
489 college, the exemption also allows academic institutions to  
490 agree to award aid only on the basis of financial need. In  
491 other words, this exemption ensures that the most qualified  
492 students may attend some of our Nation's most prestigious  
493 schools, regardless of family income. This is especially  
494 important for low income students who should not be forced to  
495 choose between the academic institutions on the basis of  
496 financial aid alone.

497 While I think we could do more to empower students  
498 through better funding of higher education, this legislation

499 is critical to preserving a level playing field for students  
500 at these institutions through a need-blind admissions  
501 process. The 568 Presidents Group, which is a coalition of  
502 23 prestigious colleges and universities that support need-  
503 based financial aid, strongly supports this bill, stating in  
504 a letter to the committee that it allows these institutions  
505 to maximize the allocation of financial aid to "ensure that  
506 those funds are targeted to benefit the students with the  
507 greatest financial need, and to reduce or, in some cases,  
508 eliminate debt loads on graduation." Similarly, the  
509 presidents of Duke and Cornell have written in support of  
510 H.R. 2604, that it "makes a real difference for our  
511 students," and is essential to developing the "best practices  
512 to calculate institutional aid awards."

513 I ask unanimous consent that these letters be made a  
514 part of the record. And in closing, I thank the chair for  
515 holding today's markup, and I encourage my colleagues to  
516 support H.R. 2604. And with that, I yield back.

517 Chairman Goodlatte. The chair thanks the gentleman.  
518 Without objection, the document will be made a part of the  
519 record.

520 [The information follows:]

521

522 Chairman Goodlatte. Are there any amendments to H.R.  
523 2604?

524 [No response.]

525 Chairman Goodlatte. A reporting quorum being present,  
526 the question --

527 Mr. Jackson Lee. Mr. Chairman? Mr. Chairman?

528 Chairman Goodlatte. For what purpose does the  
529 gentlewoman from Texas seek recognition?

530 Mr. Jackson Lee. I would like to strike the last word.

531 Chairman Goodlatte. The gentlewoman is recognized for 5  
532 minutes.

533 Mr. Jackson Lee. I know that this legislation has drawn  
534 enormous bipartisan support, Mr. Chairman. I do not have an  
535 amendment, but I would like to indicate as a representative  
536 of a city with multiple numbers of colleges and universities,  
537 and for fear of offending any of them, I hesitate to call  
538 names, but I will mention the University of Houston, Texas  
539 Southern University, Rice University, Houston Baptist, and  
540 then a huge number of community colleges in which I engage  
541 in. This is a very important initiative for those colleges,  
542 as Mr. Johnson has indicated. It is the idea of combining  
543 resources or understanding resources and how they can best

544 distribute them to our students.

545       We know that the higher education, whether it is  
546 community college or 4-year colleges, are the doors of the  
547 opportunity to our students. Just 2 days ago in my district  
548 I had a town hall meeting on the Houston Community College  
549 and a more effective way of serving its constituents and my  
550 community. And, therefore, this legislation to provide for  
551 an open opportunity to collaborate on need basis for  
552 admission and as well for resources is vital to the future of  
553 America.

554       And I would like to add my support to H.R. 2604, Need-  
555 Based Educational Aid of 2015. And I would like to get this  
556 bill signed by the President's because I think this is  
557 another step toward the doors of opportunity that the Nation  
558 needs, and it is another step toward competitiveness which we  
559 face every day to make our population more competitive.

560       With that, I yield back my time.

561       Chairman Goodlatte. Are there any further members  
562 seeking recognition on H.R. 2604?

563       [No response.]

564       Chairman Goodlatte. A reporting quorum being present,  
565 the question is on the motion to report the bill, H.R. 2604,

566 favorably to the House.

567 Those in favor will say aye.

568 Those opposed, no.

569 The ayes have it, and the bill is ordered reported

570 favorably. Members will have 2 days to submit views.

571 [The information follows:]

572

573 Chairman Goodlatte. This completes the business for  
574 today. I thank all the members for their participation.

575 The meeting is adjourned.

576 [Whereupon, at 11:20 a.m., the committee was adjourned.]