

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
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Today, we have 3 judicial nominees on the agenda and two pieces of legislation, the Need-Based Educational Aid Act and the Adoptive Family Relief Act.

First on today's agenda is S. 1482, the Need-Based Educational Aid Act of 2015. This bill provides a 7-year extension of the section 568 antitrust exemption for higher education institutions. I want to thank the Ranking Member and Senator Lee for cosponsoring this bill.

Let me provide a little background on this non-controversial bill. The section 568 antitrust exemption enables colleges and universities to collaborate on need-blind financial aid policies. By permitting certain specific activities, institutions are able to collaborate on a common formula for calculating a family's ability to pay for college.

The exemption has been on the books since 1994 and has worked well – in fact, Congress has reauthorized this exemption on three separate occasions since the exemption was enacted in 1994. Further, a 2006 GAO report found that the activities permitted by section 568 did not result in harm to competition.

Currently, section 568 allows four specific joint practices. One, schools can agree to award financial aid to students only on the basis of demonstrated financial need. Two, schools can agree to use common principles of analysis to determine financial need, so long as the agreement doesn't restrict the independent professional judgment of financial aid officers.

Three, schools can agree to use common aid application forms. And four, schools can engage in a one-time exchange, through an independent third party, of certain financial information submitted by students and their families.

We consulted with the Justice Department and higher education institutions on the use of section 568 to determine whether it was being used appropriately. While we heard that the exemption was functioning well, we also determined that schools had never availed themselves of the fourth prong of the exemption. So we eliminated the fourth prong, again because no higher education institution has ever used it. This change is supported by the Justice Department and the member institutions. We are not aware of any opposition to this change.

By allowing financial aid professionals to work together in these ways, section 568 provides increased access to higher education to low-income students, while preventing needless litigation over the development of principles for determining financial need.

S. 1482 is an important bill, which will ensure these benefits remain available to students and will encourage access to higher education for years to come. I ask that members vote to support this bill.

The Committee will report out S. 1300, the Adoptive Family Relief Act sponsored by Senator Feinstein. This bill will provide meaningful economic relief to parents who are trying to adopt internationally and who are having trouble, because of matters out of their control, to bring their children home.

Many of us have constituents who are suffering because of the Democratic Republic of the Congo's decision to halt all adoptions and to suspend the issuance of exit permits. This decision by the Congolese government means that children who are formally adopted cannot leave. Families have been forced to travel extensively to be with their children, and in some cases, move there temporarily to care for their children. The price for fees, medical care, child care, and travel are a lot for these families to bear.

So, this bill will grant relief for a limited number of families. It will give the State Department the flexibility to waive their visa renewal fees when there are extraordinary circumstances, like those in the Democratic Republic of the Congo.

The judicial nominees on the agenda are ripe for a vote today. They are:

- Luis Restrepo: Circuit Judge for the Third Circuit
- Travis McDonough: District Judge for the Eastern District of Tennessee
- Waverly Crenshaw: District Judge for the Middle District of Tennessee

I believe that we can do all the nominees by voice vote. I'm glad that we're able to vote on them today and continue to process nominees.

There seems to be some confusion by some on the outside about why Judge Restrepo wasn't voted on at our last meeting. At our last markup there was a request to hold his nomination over. We had only received his answers to our written questions a couple of days before markup, and we had a request to hold the nominees over. Under our rules, any Member has that right and I honor the requests, just as Senator Leahy always did when he was Chairman.

We continue to make good progress moving nominees out of Committee. This year, the Senate has held six nominations hearings for 17 nominees, including hearings for the Attorney General and the Deputy Attorney General. At this point in 2007, the Senate had also held hearings for 17 nominees. So the Committee is moving at the same pace it was in 2007.

Furthermore, we'll have another Nominations hearing later this month which will include more district court nominees and an executive nominee. So, we're moving at least as fast as the pace set in 2007 at that point.