But from time to time, policymakers ought to review and contemplate proposals for change. I am told the particular section of the code this bill would amend has not been altered or subjected to a congressional review in a quarter of a century. And yet the bill before us proposes far-reaching and significant changes in terms of expanded appellate rights for servicemembers convicted of wrongdoing.

I would support consideration of this measure in the regular order. But the regular order requires a review and consideration of the relative merits of the legislation by subcommittee and committee members with subject matter expertise; a hearing with witnesses who can present expert testimony and offer guidance as to the necessity, effect and scope of any proposals in the bill; a markup or markups after notice to the public and the stakeholders most likely to be impacted by changes; and a committee report that is written and made available to the public and future Congresses that explains the intent and rationale of the proposed changes.

Regrettably, the committee and House leadership have decided to short-circuit the process and dispense with every single one of these steps. This is despite the fact that the bill was introduced by its sponsors and referred to the Courts Subcommittee, with no action, more than a year ago.

The regular order did not fare any better in the other body where the committee of jurisdiction took up the measure just 2 weeks ago and reported it without a hearing, a report, or any other substantial process or record.

Because of the haste with which this proposal is being considered, one might infer there are no questions that ought to be addressed or there are questions that might expose this bill as bad policy if Congress wasn't rushing to judgment.

The truth is when a similar measure was introduced last Congress, the general counsel of the Department of Defense raised major questions about the wisdom and necessity of that bill, as well as its likely impact on the department.

In a letter dated February 6, 2006, General Counsel William J. Haynes, II, wrote that the Department of Defense ''opposes the proposed legislation.''

He noted the department's view that ''there is demonstrable inequity that needs to be rectified''; that ''opening this additional avenue of Supreme Court appeal will require legal reviews and briefs from numerous counsel on the military departments' Government and Defense Appellate Divisions, the Department of Defense Office of General Counsel, as well as within the Office of the Solicitor General and the Supreme Court,'' and that the legislation provides no ''clear safeguards'' to preclude the possible abuse by petitioners of this new avenue for appellate review.

□ 1845

I am particularly concerned by this last point as well as the fact that the bill is written to permit an appellant to repeal the case to the Supreme Court even when the Court of Appeals for the Armed Forces has declined to review it on the merits, let alone to issue a final decision.

Unfortunately, by refusing to permit the subcommittee and committee members to study the issues and properly discharge their responsibilities, the House leadership is forcing Members to make assumptions without any evidence. Just as a court should not convict someone of an offense without due process and evidence beyond a reasonable doubt, Members of Congress should not be placed in the position of changing long-standing policies without some formal process and actual consideration of the evidence for and against the proposal.

The Democratic leadership increasingly has resorted to extraordinary tactics to move legislation. In so doing, they do a disservice to the Members of the House and of the people we represent.

In closing, Mr. Speaker, the unasked questions and lack of process compel me for the time being to oppose this legislation.

I yield back the balance of my time.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3174.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed and agreed to without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1157. An act to amend the Public Health Service Act to authorize the director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

H.R. 1532. An act to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

H.R. 6946. An act to make a technical correction in the NET 911 Improvement Act of 2008.

H. Con. Res. 195. Concurrent resolution expressing the sense of the Congress that a National Dysphagia Awareness Month should be established.

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 2162) ''An Act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.''.

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 3023) ''An Act to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.''.

NEED-BASED EDUCATIONAL AID ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1777) 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 the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 2, strike lines 5 and 6 and insert the following: *''Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking '2008' and inserting '2015'.''*.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

The Need-Based Educational Aid Act, sponsored by our colleagues BILL DELAHUNT of Massachusetts and Ranking Member LAMAR SMITH of Texas, extends an antitrust exemption that permits colleges to agree to award financial aid on a need-blind basis and to use common principles of needs analysis in making their determinations. This exemption also permits the use of a common aid application form in exchange of student financial information through a third party.

In 1992, Congress passed the first exemption. It has expired several times, and it is now set to expire in 4 days. We hope to avoid that by passing this bipartisan legislation.

I reserve the balance of my time.

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

With the current antitrust exemption for need-based educational aid expiring on September 30, our timely action is necessary. Congressman DELAHUNT, the sponsor of this bill, has successfully guided it through Congress, and without his efforts, we might not have extended this extension before it expired.

I appreciate Mr. DELAHUNT's leadership because this issue has long been of interest to me. I was a sponsor of the bill that extended the exemption in 1997 and in 2001, and I am pleased to be a cosponsor of this bill as well.

The bills in 1997 and 2001 were like the bill that passed the House last April, a permanent extension of the moratorium. Both times, the Senate amended those bills, as they did again this year, to a term of years. This exemption originated because Congress disagreed with a suit brought by the Department of Justice against nine colleges for their efforts to use common criteria to assess each student's financial need. Twenty-seven colleges and universities currently are members of the 568 Presidents' Group, which utilizes this antitrust exemption.

They include Amherst College, Boston College, Brown University, Claremont McKenna College, Columbia University, Cornell University, Dartmouth College, Davidson College, Duke University, Emory University, Georgetown University, Grinnell College, Haverford College, MIT, Middlebury College, Northwestern University, Pomona College, Rice University, Swarthmore College, the University of Chicago, the University of Notre Dame, the University of Pennsylvania, Vanderbilt University, Wake Forest University, Wellesley College, Wesleyan University, and Williams College.

Several other colleges, including Yale and Harvard, participate as advisory members of this group.

To my knowledge, there are no complaints about the existing exemption. In fact, a recent GAO study of the exemption found that there has been no abuse of the exemption, and it stated that there has not been an increase in the cost of tuition as a result of the exemption.

This bill, as amended by the Senate, would extend the exemption for another 7 years. It would not make any change to the substance of the exemption. I had hoped that Congress would have been able to extend the exemption permanently, but I'm aware that some in the Senate objected.

The need-based financial aid system serves a worthy goal that the antitrust laws do not adequately address—making financial aid available to the broadest number of students solely on the basis of demonstrated need.

No students who are otherwise qualified should be denied the opportunity to go to one of these schools because of the limited financial means of their families. This bill helps protect need-based aid and need-blind admissions. It has been noncontroversial in the past, and it is supported by a number of higher educational groups. I urge my colleagues to support this bill.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, the exemption that we are renewing today has worked well. It makes sure that schools don't have to compete for the very top students, which could result in some students, the top students, getting excess aid while the rest of the applicant pool receives less or, in some cases, none at all.

As mentioned by Mr. SMITH, it was sent back to us by the Senate. The exemption is extended to 2015. Enacting this today protects need-based aid and need-blind admissions, and it will help preserve the opportunity for all students to attend one of the Nation's most prestigious schools. As Mr. SMITH has noted, we hope someday to have a permanent extension, but for now, we need to pass this bill. I urge my colleagues to support the legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1777, the "Need-Based Educational Aid Act of 2007." This bill is co-sponsored by Representative DELAHUNT. This bill makes sense and it should be supported. I urge my colleagues to support this very important bill.

H.R. 1777 would make permanent an exemption to the antitrust laws that permits the Ivy League 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. Without this legislation, the exemption will expire on September 30, 2008. I support this bill.

Beginning in the mid–1950s, a number of prestigious private colleges and universities agreed to award institutional financial aid, i.e., 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 the same financial aid award to students admitted to more than one member of the group. This practice remained undisturbed until the late 1980s.

In 1989, the Antitrust Division of the Department of Justice brought suit against the nine Ivy League schools to enjoin this practice. In 1991, the eight Ivy Leagues, except MIT, agreed to a consent decree that ended this practice.

In 1992, Congress passed a temporary antitrust exemption to allow the schools to agree to award financial aid on a need-blind basis and to use common principles of needs analysis. This temporary exemption prohibited any agreement as to the terms of a financial aid award to any specific student. It was to expire on September 30, 1994.

In 1994, Congress passed another temporary exemption from the antitrust laws. This exemption, similar to the 1992 exemption, allowed agreements to provide aid on the basis of need only and to use common principles of needs analysis. It also prohibited agreements on awards to specific students. Unlike the 1992 exemption, it allowed agreement on the use of a common aid application form and the exchange of the student's financial information through a third party. The exemption was to expire on September 30, 1997.

In 1997, Congress passed a law to extend the expiration date until September 30, 2001. In 2001, the exemption was extended to September 30, 2008.

H.R. 1777, introduced by Representative BILL DELAHUNT and Ranking Member LAMAR SMITH, would make the exemption passed in 1994 permanent. It would not make any other change to the substance of the exemption.

This is a good bill because need-based financial aid 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.

But for the existence of financial aid, and laws like this one, many of us today in Congress and in America, generally, would not have benefited from a post-secondary school education. We must pass this bill today to ensure that Americans continue to benefit from need-based financial aid at institutions of higher learning.

Ms. ZOE LOFGREN of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1777.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM ACT

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3606) to extend the special immigrant nonminister religious worker program and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3606

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 ''Special Immigrant Nonminister Religious Worker Program Act''.

SEC. 2. SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.

(a) EXTENSION.—Subclause (II) and subclause (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are amended by striking ''October 1, 2008,'' both places such term appears and inserting ''March 6, 2009,''.

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) issue final regulations to eliminate or reduce fraud related to the granting of special immigrant status for special immigrants described in subclause (II) or (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)); and

(2) submit a certification to Congress and publish notice in the Federal Register that