

TEXT OF AMENDMENT MADE IN ORDER UNDER  
THE RULE

An amendment to be offered by Representative MINK of Hawaii, or a Designee. Debatable for 60 minutes:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Internet Equity and Education Act of 2001".

**SEC. 2. EXCEPTION TO 50 PERCENT CORRESPONDENCE COURSE LIMITATIONS.**

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR TITLE IV PURPOSES.—Section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)) is amended by adding at the end the following new paragraph:

"(7) EXCEPTION TO LIMITATION BASED ON COURSE OF STUDY.—Courses offered via telecommunications (as defined in section 484(d)(4)) shall not be considered to be correspondence courses for purposes of subparagraph (A) or (B) of paragraph (3) for any institution that—

"(A) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001;

"(B) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent; and

"(C)(i) has notified the Secretary, in a form and manner prescribed by the Secretary (including such information as the Secretary may require to meet the requirements of clause (ii)), of the election by such institution to qualify as an institution of higher education by means of the provisions of this paragraph; and

"(ii) the Secretary has not, within 90 days after such notice, and the receipt of any information required under clause (i), notified the institution that the election by such institution would pose a significant risk to Federal funds and the integrity of programs under title IV.".

(b) DEFINITION OF ELIGIBLE STUDENT.—Section 484(l)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(l)(1)) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION TO 50 PERCENT LIMITATION.—Notwithstanding the 50 percent limitation in subparagraph (A), a student enrolled in a course of instruction described in such subparagraph shall not be considered to be enrolled in correspondence courses if the student is enrolled in an institution that—

"(i) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001;

"(ii) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent; and

"(iii)(I) has notified the Secretary, in form and manner prescribed by the Secretary (including such information as the Secretary may require to meet the requirements of subclause (II)), of the election by such institution to qualify its students as eligible students by means of the provisions of this subparagraph; and

"(II) the Secretary has not, within 90 days after such notice, and the receipt of any information required under subclause (I), notified the institution that the election by such institution would pose a significant risk to Federal funds and the integrity of programs under title IV.".

**SEC. 3. EVALUATION AND REPORT.**

(a) INFORMATION FROM INSTITUTIONS.—

(1) INSTITUTIONS COVERED BY REQUIREMENT.—The requirements of paragraph (2)

apply to any institution of higher education that—

(A) has notified the Secretary of Education of an election to qualify for the exception to limitation based on course of study in section 102(a)(7) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(7)) or the exception to the 50 percent limitation in section 484(l)(1)(C) of such Act (20 U.S.C. 1091(l)(1)(C));

(B) has notified the Secretary under section 481(a)(3) of such Act (20 U.S.C. 1088(a)(3)); or

(C) contracts with outside parties for—

(i) the delivery of distance education programs;

(ii) the delivery of programs offered in non-traditional formats; or

(iii) the purpose of securing the enrollment of students.

(2) REQUIREMENTS.—Any institution of higher education to which this paragraph applies shall comply, on a timely basis, with the Secretary of Education's reasonable requests for information on changes in—

(A) the amount or method of instruction offered;

(B) the types of programs or courses offered;

(C) enrollment by type of program or course;

(D) the amount and types of grant, loan, or work assistance provided under title IV of the Higher Education Act of 1965 that is received by students enrolled in programs conducted in nontraditional formats; and

(E) outcomes for students enrolled in such courses or programs.

(b) REPORT BY SECRETARY REQUIRED.—The Secretary of Education shall conduct by grant or contract a study of, and by March 31, 2003, submit to the Congress, a report on—

(1) the effect that the amendments made by this Act have had on—

(A) the ability of institutions of higher education to provide distance learning opportunities to students; and

(B) program integrity;

(2) with respect to distance education or correspondence education courses at institutions of higher education to which the information requirements of subsection (a)(2) apply, changes from year-to-year in—

(A) the amount or method of instruction offered and the types of programs or courses offered;

(B) the number and type of students enrolled in distance education or correspondence education courses;

(C) the amount of student aid provided to such students, in total and as a percentage of the institution's revenue; and

(D) outcomes for students enrolled in distance education or correspondence education courses, including graduation rates, job placement rates, and loan delinquencies and defaults;

(3) any reported and verified claim of inducement to participate in the student financial aid programs and any violation of the Higher Education Act of 1965, including any actions taken by the Department of Education against the violator; and

(4) any further improvements that should be made to the provisions amended by this Act (and related provisions), in order to accommodate nontraditional educational opportunities in the Federal student assistance programs while ensuring the integrity of those programs.

**SEC. 4. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.**

Section 420J of the Higher Education Act of 1965 (20 U.S.C. 1070f-6) is amended by adding at the end the following new sentence: "If for any fiscal year funds are not appropriated pursuant to this section, funds avail-

able under part B of title VII, relating to the Fund for the Improvement of Postsecondary Education, may be made available for continuation grants for any grant recipient under this subpart."

**SEC. 5. IMPLEMENTATION.**

(a) NO DELAY IN EFFECTIVE DATE.—Section 482(c) of the Higher Education Act of 1965 (20 U.S.C. 1089(c)) shall not apply to the amendments made by this Act.

(b) IMPLEMENTING REGULATIONS.—Section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a) shall not apply to the amendments made by section 2 of this Act.

H. RES. 256

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1992) to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Mink of Hawaii or her designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

Mr. BEREUTER (at the request of Mr. ARMEY) for today on account of official business.

Mrs. WILSON (at the request of Mr. ARMEY) for today on account of attending a funeral.

**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REYES) to revise and extend their remarks and include extraneous material:)

Ms. MCKINNEY, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. DEMINT, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

**BILLS PRESENTED TO THE  
PRESIDENT**

Jeff Trandahl, Clerk of the House reports that on October 9, 2001 he presented to the President of the United

States, for his approval, the following bills.

H.J. Res. 42. Memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

H.J. Res. 51. Approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

#### ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 10, 2001, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4162. A communication from the President of the United States, transmitting Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States; (H. Doc. No. 107-130); to the Committee on Appropriations and ordered to be printed.

4163. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7765] received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4164. A letter from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Calculation of Average Weekly Trading Volume under Rule 144 and Termination of a Rule 10b5-1 Trading Plan [Release Nos. 33-8005; 34-44820; FR-58] received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4165. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 01F-0142] received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4166. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Exemption From Pre-market Notification Requirements; Class I Devices [Docket No. 01N-0073] received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4167. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution and Public Law 107-40, to help ensure that the Congress is kept informed on military actions taken to respond to the threat of terrorism; (H. Doc. No. 107-131); to the Committee on International Relations and ordered to be printed.

4168. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wild-

life and Plants; Determination of Endangered Status for *Astragalus holmgreniorum* (Holmgren milk-vetch) and *Astragalus ampullarioides* (Shivwits milk-vetch) (RIN: 1018-AG02) received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4169. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule To List *Silene spaldingii* (Spalding's Catchfly) as Threatened (RIN: 1018-AF79) received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4170. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Kootenai River Population of the White Sturgeon (RIN: 1018-AH06) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4171. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Definition of Length Overall of a Vessel [Docket No. 010510121-1210-02; I.D. 012601B] (RIN: 0648-AN23) received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4172. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Antarctic Marine Living Resources; Harvesting and Dealer Permits, and Catch Documentation [Docket No. 010719181-1181-01; I.D. 062501A] (RIN: 0648-AP35) received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Lafourche, LA [CGD08-01-032] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4174. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Pittsburgh, PA [Airspace Docket No. 01-AEA-08FR] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Highbridge Road Drawbridge, Atlantic Intracoastal Waterway, Volusia County, Florida [CGD07-01-094] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4176. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Mullica River [CGD05-01-018] (RIN: 2115-AE47) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4177. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Lafourche, LA [CGD08-01-031] received September 21, 2001, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4178. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Old River, California [CGD11-01-015] (RIN: 2115-AE47) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4179. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Napa River, California [CGD11-01-014] (RIN: 2115-AE47) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4180. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Shaw Cove, CT [CGD01-01-147] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4181. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Annisquam River, MA [CGD01-01-137] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4182. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-01-146] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4183. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001-49] received September 20, 2001; to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REGULA: Committee on Appropriations. H.R. 3061. A bill making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-229). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Sub-allocation of Budget Allocations for Fiscal Year 2002 (Rept. 107-230). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3016. A bill to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strengthen security at certain