

a serious problem as a result of porous borders and our unwillingness or inability or a lack of desire to actually create borders with integrity.

I have said this before, and I will say it again. If, God forbid, another event were to occur in this country of the nature of the September 11 events and if those events were perpetrated by people who came across our borders illegally, snuck into the United States, or were here on visas that were extended, overextended, or were here on visas that were violated because they were not doing what they were supposed to do or were here because we let them in because even though they have been associated with terrorist organizations, right now, Mr. Speaker, that by law, by a law we have, that is not enough to keep them out. If they put down on a piece of paper, yes, I am a member of al Qaeda, that does not mean we could keep them out right now. We asked for the ability to do that. The administration sent a bill to the Committee on the Judiciary to ask for the ability to do just that, and it was turned down, it was watered down in order to get bipartisan support.

So we have this problem. We have open borders, essentially. We have right now almost a quarter of a million people living in the United States who have gone through the system and been found guilty of violating their visa, or guilty of some law, the violation of an American law, and they were ordered to be deported, Mr. Speaker, but they are still here. A quarter of a million people have been ordered deported but are simply roaming the country because the INS chooses not to go after them. I will say this again, that if anything else happens and it is the same sort of situation, somebody else coming into this country and doing that and we choose to do nothing about securing our borders, not only are we irresponsible in this body but we are culpable.

We look to do everything we can. We go to country after country asking for support. We look to cut off their money supply. We look to destroy their infrastructure. We look to every single way there is to try and stop terrorists from perpetrating heinous acts, their acts of hatred on this country, but we are afraid to do one thing. We are afraid to actually begin to control our own borders, because there is a political problem here, a political issue. I think that is despicable. No one should care about how these people will eventually vote. No one should care about whose party would be more benefited by the massive numbers of people coming across our borders. What we should care about is the safety of the Americans here of every race, religion, creed, color. We should be concerned about every single Hispanic American here, citizen, every single black American, every Hindu, Muslim, whatever, I do not care what.

That is our main concern, Mr. Speaker. It is not some political need to keep these borders open that we should be

concerned about. And if that concern overrides our major responsibility as a country, as a Federal Government, then I say shame on us, because our responsibility is here clear. The Federal Government has one responsibility, primary responsibility. It is more important than health and human services, it is more important than the Department of Education, the Department of Interior, the Department of Transportation. It is more important than all of that. It is to protect the lives and property of the people in this country. That is it. That is our main goal. Everything else pales in comparison. If we refuse to take that one step that would help in that direction, and I am not suggesting for a moment that even if we seal our borders, we would be absolutely able to be sure, positively, undeniably we will never have another attack of this nature, certainly I cannot say that, but I can say this, we will lessen the chance. And I will dare anyone, I challenge anyone to stand up and explain to me how we can possibly keep open borders under these circumstances. I just simply do not understand it. But we will do it, Mr. Speaker, unless the people of this Nation rise up in a loud voice and let their representatives know that they are concerned, more concerned even than the political problem of closing down the border, the political ramifications of such a thing.

Again I ask my friends in the Hispanic Caucus, please send a message to our friends, if they are friends, in Mexico. We need their help. It is not just our Nation we are trying to protect. It is civilization. It is not just our morality that we are trying to defend, it is the morality of civilized men and women all over the world. And we need their help. The sign of a friend would be to say, we put aside all these regional differences now, we know that there is something bigger, more dangerous that affects us all, and we will help you secure your border, America, and we will do something else: If the Arab nations that control OPEC, if they attempt to blackmail the United States again by raising the cost of oil, we will sell you oil from our state-owned oil company at lower prices, and we will look to see everything we can do in terms of intelligence gathering to help you in your efforts to quash al Qaeda and any of the other organizations that are designed for the purpose of bringing death and destruction to the United States and the Western hemisphere and civilization.

Uruguay, Argentina, Brazil. Can their efforts be any more in common with ours than Mexico? But they understood that there is a moral dimension to this that extends all the way through and across their borders. How could we not expect the same from our, quote, trusted neighbor in the South? It is not just our safety that I plead for their support on, it is their own. It is civilization itself that is threatened, make no bones about this. This is not

just a war between the United States and Osama bin Laden, or al Qaeda or any of the other various individual terrorist groups. This is a war about whether civilization as we know it, where free thought and individual freedom reign, will be overtaken by the darkness of a barbaric time.

So it is in your interest, Mexico, not just ours, to help in this endeavor. Until that happens, I do not believe we can call you a trusted friend.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1992, INTERNET EQUITY AND EDUCATION ACT OF 2001

Mr. LINDER (during the Special Order of Mr. TANCREDO), from the Committee on Rules, submitted a privileged report (Rept. No. 107-232) on the resolution (H. Res. 256) providing for consideration of the bill (H.R. 1992) to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 1992, INTERNET EQUITY AND EDUCATION ACT OF 2001

OCTOBER 9, 2001.—REFERRED TO THE HOUSE CALENDAR AND ORDERED TO BE PRINTED

Mr. LINDER, from the Committee on Rules submitted the following report to accompany H. Res. 256.

The Committee on Rules, having had under consideration House Resolution 256, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

#### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1992, the Internet Equity and Education Act of 2001, under a modified closed rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides that the amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The rule waives all points of order against consideration of the bill.

The rule provides for consideration of an amendment in the nature of a substitute printed in this report, if offered by Representative MINK or a designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment in the nature of a substitute.

Finally, the rule provides one motion to recommit with or without instructions.

#### SUMMARY OF AMENDMENT MADE IN ORDER UNDER THE RULE

(SUMMARY DERIVED FROM INFORMATION PROVIDED BY SPONSOR)

Mink amendment in the nature of a substitute. Allows institutions of higher education that meet a high standard of financial responsibility by having default rates lower than 10% to be exempt from the 50% provisions which restrict the number of courses offered through distance education and the number of students who may enroll in distance education courses.

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