

116TH CONGRESS
1ST SESSION

S. 3058

To amend the Higher Education Act of 1965 to establish fair and consistent eligibility requirements for graduate medical schools operating outside the United States and Canada.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2019

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to establish fair and consistent eligibility requirements for graduate medical schools operating outside the United States and Canada.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Medical School
5 Accountability Fairness Act of 2019”.

6 **SEC. 2. PURPOSE.**

7 To establish consistent eligibility requirements for
8 graduate medical schools operating outside of the United

1 States and Canada in order to increase accountability and
2 protect American students and taxpayer dollars.

3 **SEC. 3. FINDINGS.**

4 Congress finds the following:

5 (1) Three for-profit schools in the Caribbean
6 have historically received nearly $\frac{3}{4}$ of all Federal
7 funding under title IV of the Higher Education Act
8 of 1965 (20 U.S.C. 1070 et seq.) that goes to stu-
9 dents enrolled at foreign graduate medical schools,
10 despite those three schools being exempt from meet-
11 ing the same eligibility requirements as the majority
12 of graduate medical schools located outside of the
13 United States and Canada.

14 (2) The National Committee on Foreign Med-
15 ical Education and Accreditation and the Depart-
16 ment of Education recommend that all foreign grad-
17 uate medical schools should be required to meet the
18 same eligibility requirements to participate in Fed-
19 eral funding under title IV of the Higher Education
20 Act of 1965 (20 U.S.C. 1070 et seq.).

21 (3) The attrition rate at United States medical
22 schools averaged 3.3 percent between 1993 and
23 2013, while rates at for-profit Caribbean medical
24 schools have been known to reach 30 percent.

1 (4) In 2019, residency match rates for foreign
2 trained graduates averaged 59 percent compared to
3 94 percent for graduates of allopathic medical
4 schools in the United States.

5 (5) On average, students at for-profit medical
6 schools operating outside of the United States and
7 Canada amass more student debt than those at med-
8 ical schools in the United States.

9 **SEC. 4. REPEAL GRANDFATHER PROVISIONS.**

10 Section 102(a)(2) of the Higher Education Act of
11 1965 (20 U.S.C. 1002(a)(2)) is amended—

12 (1) in subparagraph (A), by striking clause (i)
13 and inserting the following:

14 “(i) in the case of a graduate medical
15 school located outside the United States—

16 “(I) at least 60 percent of those
17 enrolled in, and at least 60 percent of
18 the graduates of, the graduate med-
19 ical school outside the United States
20 were not persons described in section
21 484(a)(5) in the year preceding the
22 year for which a student is seeking a
23 loan under part D of title IV; and

24 “(II) at least 75 percent of the
25 individuals who were students or

1 graduates of the graduate medical
 2 school outside the United States or
 3 Canada (both nationals of the United
 4 States and others) taking the exami-
 5 nations administered by the Edu-
 6 cational Commission for Foreign Med-
 7 ical Graduates received a passing
 8 score in the year preceding the year
 9 for which a student is seeking a loan
 10 under part D of title IV;” and

11 (2) in subparagraph (B)(iii), by adding at the
 12 end the following:

13 “(V) EXPIRATION OF AUTHOR-
 14 ITY.—The authority of a graduate
 15 medical school described in subclause
 16 (I) to qualify for participation in the
 17 loan programs under part D of title
 18 IV pursuant to this clause shall expire
 19 beginning on the first July 1 following
 20 the date of enactment of the Foreign
 21 Medical School Accountability Fair-
 22 ness Act of 2019.”.

23 **SEC. 5. LOSS OF ELIGIBILITY.**

24 If a graduate medical school loses eligibility to par-
 25 ticipate in the loan programs under part D of title IV of

1 the Higher Education Act of 1965 (20 U.S.C. 1087a et
2 seq.) due to the enactment of the amendments made by
3 section 4, then a student enrolled at such graduate med-
4 ical school on or before the date of enactment of this Act
5 may, notwithstanding such loss of eligibility, continue to
6 be eligible to receive a loan under such part D while at-
7 tending such graduate medical school in which the student
8 was enrolled upon the date of enactment of this Act, sub-
9 ject to the student continuing to meet all applicable re-
10 quirements for satisfactory academic progress, until the
11 earliest of—

- 12 (1) withdrawal by the student from the grad-
13 uate medical school;
- 14 (2) completion of the program of study by the
15 student at the graduate medical school; or
- 16 (3) the fourth June 30 after such loss of eligi-
17 bility.

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