

117TH CONGRESS
2D SESSION

S. 4792

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

SEPTEMBER 7, 2022

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 2022”.

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 2022, residency match rates for foreign
 2 trained graduates averaged 61.4 percent compared
 3 to 92.9 percent for graduates of allopathic medical
 4 schools in the United States and 91.3 percent for
 5 graduates of osteopathic medical schools in the
 6 United States.

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

11 **SEC. 4. REPEAL GRANDFATHER PROVISIONS.**

12 Section 102(a)(2) of the Higher Education Act of
 13 1965 (20 U.S.C. 1002(a)(2)) is amended—

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

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

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

1 “(II) at least 75 percent of the
 2 individuals who were students or
 3 graduates of the graduate medical
 4 school outside the United States or
 5 Canada (both nationals of the United
 6 States and others) taking the exami-
 7 nations administered by the Edu-
 8 cational Commission for Foreign Med-
 9 ical Graduates received a passing
 10 score in the year preceding the year
 11 for which a student is seeking a loan
 12 under part D of title IV;” and

13 (2) in subparagraph (B)(iii), by adding at the
 14 end the following:

15 “(V) EXPIRATION OF AUTHOR-
 16 ITY.—The authority of a graduate
 17 medical school described in subclause
 18 (I) to qualify for participation in the
 19 loan programs under part D of title
 20 IV pursuant to this clause shall expire
 21 beginning on the first July 1 following
 22 the date of enactment of the Foreign
 23 Medical School Accountability Fair-
 24 ness Act of 2022.”.

1 **SEC. 5. LOSS OF ELIGIBILITY.**

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

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

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