

118TH CONGRESS
1ST SESSION

S. 1168

To amend title IV of the Higher Education Act of 1965 to provide program eligibility for distance education programs offered by foreign institutions of higher education.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2023

Mr. BRAUN (for himself and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title IV of the Higher Education Act of 1965 to provide program eligibility for distance education programs offered by foreign institutions of higher education.

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 “Providing Distance
5 Education for Foreign Institutions Act”.

1 **SEC. 2. ELIGIBILITY OF DISTANCE EDUCATION PROGRAMS**
2 **OFFERED BY FOREIGN INSTITUTIONS OF**
3 **HIGHER EDUCATION.**

4 Section 481(b) of the Higher Education Act of 1965
5 (20 U.S.C. 1088(b)) is amended—

6 (1) by redesignating paragraph (4) as para-
7 graph (5); and

8 (2) by inserting after paragraph (3) the fol-
9 lowing:

10 “(4)(A) An otherwise eligible program that is offered
11 by a foreign institution and is offered in part through dis-
12 tance education is eligible for the purposes of this title
13 if—

14 “(i) not more than 12.5 percent of such pro-
15 gram consists of courses offered principally through
16 distance education;

17 “(ii) the foreign institution has been evaluated
18 and determined by an outside oversight entity, such
19 as an accrediting agency or association or govern-
20 ment entity, to have the capability to effectively de-
21 liver distance education programs; and

22 “(iii) the students receiving aid under this title
23 are physically present in the country where the for-
24 eign institution is located during the distance edu-
25 cation instruction.

1 “(B) In calculating the percentage of a program of-
2 fered through distance education for purposes of clause
3 (i) of subparagraph (A), any course that is part of such
4 a program that requires a student’s regular in-person at-
5 tendance for more than 50 percent of the instruction, but
6 also includes one or more distance education components
7 as part of the course, shall not be considered to be offered
8 principally through distance education.”.

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