

[~118H10404]

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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. SMUCKER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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 (a) IN GENERAL.—Section 481(b) of the Higher  
5 Education Act of 1965 (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.”.

9       (b) EFFECTIVE DATE AND APPLICATION.—The  
10 amendments made by subsection (a) shall take effect on  
11 the date of enactment of this Act, and shall apply with  
12 respect to the first semester (or the equivalent) that begins  
13 after such date, but not earlier than 3 months after such  
14 date.

15       (c) CONFORMING AMENDMENT.—Section 83002(b)  
16 of Public Law 119–21 is amended by amending paragraph  
17 (1) to read as follows:

18               “(1) by redesignating paragraphs (3), (4), and  
19       (5) as paragraphs (4), (5), and (6), respectively;  
20       and”.