

113TH CONGRESS
2D SESSION

S. 2781

To improve student and exchange visitor visa programs.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 2014

Mr. GRASSLEY (for himself and Mrs. McCASKILL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To improve student and exchange visitor visa programs.

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 “Student Visa Integrity
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) SEVIS.—The term “SEVIS” means the
9 Student and Exchange Visitor Information System
10 of the Department of Homeland Security.

1 (2) SEVP.—The term “SEVP” means the Stu-
2 dent and Exchange Visitor Program of the Depart-
3 ment of Homeland Security.

4 **SEC. 3. INCREASED CRIMINAL PENALTIES.**

5 Section 1546(a) of title 18, United States Code, is
6 amended by striking “10 years” and inserting “15 years
7 (if the offense was committed by an owner, official, em-
8 ployee, or agent of an educational institution with respect
9 to such institution’s participation in the Student and Ex-
10 change Visitor Program), 10 years”.

11 **SEC. 4. ACCREDITATION REQUIREMENT.**

12 Section 101(a)(52) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1101(a)(52)) is amended to read as
14 follows:

15 “(52) Except as provided in section 214(m)(4), the
16 term ‘accredited college, university, or language training
17 program’ means a college, university, or language training
18 program that is accredited by an accrediting agency recog-
19 nized by the Secretary of Education.”.

20 **SEC. 5. OTHER ACADEMIC INSTITUTIONS.**

21 Section 214(m) of the Immigration and Nationality
22 Act (8 U.S.C. 1184(m)) is amended by adding at the end
23 the following:

24 “(3) The Secretary of Homeland Security shall re-
25 quire accreditation of an academic institution (except for

1 seminaries or other religious institutions) for purposes of
2 section 101(a)(15)(F) if—

3 “(A) that institution is not already required to
4 be accredited under section 101(a)(15)(F)(i); and

5 “(B) an appropriate accrediting agency recog-
6 nized by the Secretary of Education is able to pro-
7 vide such accreditation.

8 “(4) The Secretary of Homeland Security, in the Sec-
9 retary’s discretion, may waive the accreditation require-
10 ment in section 101(a)(15)(F)(i) with respect to an ac-
11 credited college, university, or language training program
12 if the academic institution—

13 “(A) is otherwise in compliance with the re-
14 quirements of such section; and

15 “(B)(i) was, on the date of the enactment of
16 the Illegal Immigration Reform and Immigrant Re-
17 sponsibility Act of 1996, a candidate for accredita-
18 tion; or

19 “(ii) has been a candidate for accreditation
20 after such date for at least 1 year and continues to
21 progress toward accreditation by an accreditation
22 agency recognized by the Secretary of Education.”.

1 **SEC. 6. PENALTIES FOR FAILURE TO COMPLY WITH SEVIS**
 2 **REPORTING REQUIREMENTS.**

3 Section 641 of the Illegal Immigration Reform and
 4 Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is
 5 amended—

6 (1) in subsection (c)(1)—

7 (A) by striking “institution,,” each place
 8 such term appears and inserting “institution,”;
 9 and

10 (B) in subparagraph (D), by striking
 11 “and” at the end; and

12 (2) in subsection (d)(2), by striking “fails to
 13 provide the specified information” and all that fol-
 14 lows and inserting “does not comply with the report-
 15 ing requirements set forth in this section, the Sec-
 16 retary of Homeland Security may—

17 “(A) impose a monetary fine on such insti-
 18 tution in an amount to be determined by the
 19 Secretary; and

20 “(B) suspend the authority of such institu-
 21 tion to issue a Form I-20 to any alien.”.

22 **SEC. 7. VISA FRAUD.**

23 (a) **IMMEDIATE WITHDRAWAL OF SEVP CERTIFI-**
 24 **CATION.**—Section 641(d) of the Illegal Immigration Re-
 25 form and Immigrant Responsibility Act of 1996 (8 U.S.C.

1 1372(d)), as amended by section 6(2), is further amend-
 2 ed—

3 (1) in paragraph (1)(A), by striking “institu-
 4 tion,” and inserting “institution,”; and

5 (2) by adding at the end the following:

6 “(3) EFFECT OF REASONABLE SUSPICION OF
 7 FRAUD.—If the Secretary of Homeland Security has
 8 reasonable suspicion that an owner of, or a des-
 9 ignated school official at, an approved institution of
 10 higher education, an other approved educational in-
 11 stitution, or a designated exchange visitor program
 12 has committed fraud or attempted to commit fraud
 13 relating to any aspect of the Student and Exchange
 14 Visitor Program, or if such owner or designated
 15 school official is indicted for such fraud, the Sec-
 16 retary may immediately—

17 “(A) suspend such certification without
 18 prior notification; and

19 “(B) suspend such official’s or such
 20 school’s access to the Student and Exchange
 21 Visitor Information System (referred to in this
 22 subsection as ‘SEVIS’).”.

23 (b) EFFECT OF CONVICTION FOR VISA FRAUD.—Sec-
 24 tion 641(d) of the Illegal Immigration Reform and Immi-

1 grant Responsibility Act of 1996, as amended by this Act,
 2 is further amended by adding at the end the following:

3 “(4) PERMANENT DISQUALIFICATION FOR
 4 FRAUD.—A designated school official at, or an owner
 5 of, an approved institution of higher education, an
 6 other approved educational institution, or a des-
 7 ignated exchange visitor program who is convicted
 8 for fraud relating to any aspect of the Student and
 9 Exchange Visitor Program (referred to in this sub-
 10 section as ‘SEVP’) shall be permanently disqualified
 11 from filing future petitions and from having an own-
 12 ership interest or a management role (including
 13 serving as a principal, owner, officer, board member,
 14 general partner, designated school official, or any
 15 other position of substantive authority for the oper-
 16 ations or management of the institution) in any
 17 United States educational institution that enrolls
 18 nonimmigrant alien students described in subpara-
 19 graph (F) or (M) of section 101(a)(15) of the Immi-
 20 gration and Nationality Act (8 U.S.C.
 21 1101(a)(15)).”.

22 **SEC. 8. BACKGROUND CHECKS.**

23 (a) IN GENERAL.—Section 641(d) of the Illegal Im-
 24 migration Reform and Immigrant Responsibility Act of

1 1996 (8 U.S.C. 1372(d)), as amended by this Act, is fur-
 2 ther amended by adding at the end the following:

3 “(5) BACKGROUND CHECK REQUIREMENT.—

4 “(A) IN GENERAL.—An individual may not
 5 serve as a designated school official or be grant-
 6 ed access to SEVIS unless the individual is a
 7 national of the United States or an alien law-
 8 fully admitted for permanent residence and dur-
 9 ing the most recent 3-year period—

10 “(i) the Secretary of Homeland Secu-
 11 rity has—

12 “(I) conducted a thorough back-
 13 ground check on the individual, in-
 14 cluding—

15 “(aa) a review of the indi-
 16 vidual’s criminal and sex offender
 17 history; and

18 “(bb) the verification of the
 19 individual’s immigration status;
 20 and

21 “(II) determined that the indi-
 22 vidual—

23 “(aa) has passed the back-
 24 ground check required under sub-
 25 clause (I);

1 “(bb) has not been convicted
2 of any violation of United States
3 immigration law; and

4 “(cc) is not a risk to the na-
5 tional security of the United
6 States; and

7 “(ii) the individual has successfully
8 completed an on-line training course on
9 SEVP and SEVIS, which has been devel-
10 oped by the Secretary.

11 “(B) INTERIM DESIGNATED SCHOOL OFFI-
12 CIAL.—

13 “(i) IN GENERAL.—An individual may
14 serve as an interim designated school offi-
15 cial during the period that the Secretary is
16 conducting the background check required
17 by subparagraph (A)(i)(I).

18 “(ii) REVIEWS BY THE SECRETARY.—
19 If an individual serving as an interim des-
20 ignated school official under clause (i) does
21 not successfully complete the background
22 check required by subparagraph (A)(i)(I),
23 the Secretary shall review each Form I-20
24 issued by such interim designated school
25 official.

1 “(6) FEE.—The Secretary is authorized to col-
 2 lect a fee from an approved school for each back-
 3 ground check conducted under paragraph (5)(A)(i).
 4 The amount of such fee shall be equal to the average
 5 amount expended by the Secretary to conduct such
 6 background checks.”.

7 (b) EFFECTIVE DATE.—The amendment made by
 8 subsection (a) shall take effect on the date that is 1 year
 9 after the date of the enactment of this Act.

10 **SEC. 9. REVOCATION OF AUTHORITY TO ISSUE FORM I-20**
 11 **OF FLIGHT SCHOOLS NOT CERTIFIED BY THE**
 12 **FEDERAL AVIATION ADMINISTRATION.**

13 Immediately upon the enactment of this Act, the Sec-
 14 retary shall prohibit any flight school in the United States
 15 from accessing SEVIS or issuing a Form I-20 to an alien
 16 seeking a student visa pursuant to subparagraph (F)(i)
 17 or (M)(i) of section 101(a)(15) of the Immigration and
 18 Nationality Act (8 U.S.C. 1101(a)(15)) if the flight school
 19 has not been certified to the satisfaction of the Secretary
 20 and by the Federal Aviation Administration pursuant to
 21 part 141 or part 142 of title 14, Code of Federal Regula-
 22 tions (or similar successor regulations).

23 **SEC. 10. REVOCATION OF ACCREDITATION.**

24 At the time an accrediting agency or association is
 25 required to notify the Secretary of Education and the ap-

1 appropriate State licensing or authorizing agency of the final
2 denial, withdrawal, suspension, or termination of accredi-
3 tation of an institution pursuant to section 496 of the
4 Higher Education Act of 1965 (20 U.S.C. 1099b)—

5 (1) such accrediting agency or association shall
6 notify the Secretary of Homeland Security of such
7 determination; and

8 (2) the Secretary of Homeland Security shall
9 immediately withdraw the school from the SEVP
10 and prohibit the school from accessing SEVIS.

11 **SEC. 11. REPORT ON RISK ASSESSMENT.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Secretary of Homeland Security shall
14 submit to the Committee on the Judiciary of the Senate
15 and the Committee on the Judiciary of the House of Rep-
16 resentatives a report that contains the risk assessment
17 strategy that will be employed by the Secretary to identify,
18 investigate, and take appropriate action against schools
19 and school officials that are facilitating the issuance of
20 Form I-20 and the maintenance of student visa status
21 in violation of the immigration laws of the United States.

22 **SEC. 12. IMPLEMENTATION OF GAO RECOMMENDATIONS.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Secretary of Homeland Security shall
25 submit to the Committee on the Judiciary of the Senate

1 and the Committee on the Judiciary of the House of Rep-
2 resentatives a report that describes—

3 (1) the process in place to identify and assess
4 risks in the SEVP;

5 (2) a risk assessment process to allocate
6 SEVP's resources based on risk;

7 (3) the procedures in place for consistently en-
8 suring a school's eligibility, including consistently
9 verifying in lieu of letters;

10 (4) how SEVP identified and addressed missing
11 school case files;

12 (5) a plan to develop and implement a process
13 to monitor State licensing and accreditation status
14 of all SEVP-certified schools;

15 (6) whether all flight schools that have not been
16 certified to the satisfaction of the Secretary and by
17 the Federal Aviation Administration have been re-
18 moved from the program and have been restricted
19 from accessing SEVIS;

20 (7) the standard operating procedures that gov-
21 ern coordination among SEVP, the Counterter-
22 rorism and Criminal Exploitation Unit, and U.S.
23 Immigration and Customs Enforcement field offices;
24 and

1 (8) the established criteria for referring cases of
2 a potentially criminal nature from SEVP to the
3 counterterrorism and intelligence community.

4 **SEC. 13. IMPLEMENTATION OF SEVIS II.**

5 Not later than 2 years after the date of the enact-
6 ment of this Act, the Secretary of Homeland Security shall
7 complete the deployment of both phases of the second gen-
8 eration Student and Exchange Visitor Information System
9 (commonly known as “SEVIS II”).

○