

110TH CONGRESS  
1ST SESSION

# H. R. 4577

To require the Secretary of Homeland Security to strengthen student visa background checks and improve the monitoring of foreign students in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

Mr. BILIRAKIS (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. YOUNG of Florida, Mr. ROSKAM, Mr. CANTOR, Mr. PERLMUTTER, Mr. HUNTER, Mr. SOUDER, and Mr. BUCHANAN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require the Secretary of Homeland Security to strengthen student visa background checks and improve the monitoring of foreign students in the United States, and for other purposes.

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 Security  
5 Improvement Act”.

1 **SEC. 2. ENHANCED STUDENT VISA BACKGROUND CHECKS.**

2 (a) IN GENERAL.—Section 428(e) of the Homeland  
3 Security Act of 2002 (6 U.S.C. 236(e)) is amended by  
4 adding at the end the following:

5 “(9) STUDENT VISAS.—In administering the  
6 program under this subsection, the Secretary—

7 “(A) shall prescribe regulations to require  
8 employees assigned under paragraph (1) to re-  
9 view all applications for visas under subpara-  
10 graph (F), (J), or (M) of section 101(a)(15) of  
11 the Immigration and Nationality Act (8 U.S.C.  
12 1101(a)(15)) prior to final adjudication, with  
13 special emphasis on determining whether appli-  
14 cants are inadmissible under section  
15 212(a)(3)(B) of such Act (8 U.S.C.  
16 1182(a)(3)(B)) (relating to terrorist activities);

17 “(B) shall develop a strategic plan to guide  
18 visa security operations, especially with regard  
19 to student visas, and develop and maintain per-  
20 formance data that demonstrate the impact of  
21 this subsection; and

22 “(C) shall report on and develop, in con-  
23 sultation with the Secretary of State, additional  
24 guidance to clarify the roles and responsibilities  
25 of employees assigned under paragraph (1).”.

1 **SEC. 3. STUDENT AND EXCHANGE VISITOR PROGRAM.**

2 (a) IN GENERAL.—Section 442 of the Homeland Se-  
3 curity Act of 2002 (6 U.S.C. 252) is amended—

4 (1) in subsection (a)—

5 (A) by redesignating paragraph (5) as  
6 paragraph (10); and

7 (B) by inserting after paragraph (4) the  
8 following:

9 “(5) STUDENT AND EXCHANGE VISITOR PRO-  
10 GRAM.—In administering the program under para-  
11 graph (4), the Secretary shall—

12 “(A) prescribe regulations to require an in-  
13 stitution or exchange visitor program sponsor  
14 participating in the Student and Exchange Vis-  
15 itor Program to ensure that each covered stu-  
16 dent or exchange visitor enrolled at the institu-  
17 tion or attending the exchange visitor pro-  
18 gram—

19 “(i) is an active participant in the  
20 program for which the covered student or  
21 exchange visitor was issued a visa to enter  
22 the United States;

23 “(ii) is not unobserved for any pe-  
24 riod—

25 “(I) exceeding 30 days during  
26 any academic term or program in

1 which the covered student or exchange  
2 visitor is enrolled; or

3 “(II) exceeding 60 days during  
4 any period not described in subclause  
5 (I); and

6 “(iii) is reported to the Department if  
7 within 21 days of—

8 “(I) transferring to another insti-  
9 tution or program; or

10 “(II) being hospitalized or other-  
11 wise incapacitated necessitating a pro-  
12 longed absence from the academic in-  
13 stitution or exchange visitor program;  
14 and

15 “(B) notwithstanding subparagraph (A),  
16 require each covered student or exchange visitor  
17 to be observed at least once every 60 days.

18 “(6) ENHANCED ACCESS.—The Secretary shall  
19 provide access to the Student and Exchange Visitor  
20 Information System (hereinafter in this subsection  
21 referred to as the ‘SEVIS’), or other equivalent pro-  
22 gram or system, to appropriate employees of an in-  
23 stitution or exchange visitor program sponsor par-  
24 ticipating in the Student and Exchange Visitor Pro-  
25 gram if—

1           “(A) at least two authorized users are  
2 identified at each participating institution or  
3 exchange visitor sponsor;

4           “(B) at least one additional authorized  
5 user is identified at each such institution or  
6 sponsor for every 200 covered students or ex-  
7 change visitors enrolled at the institution or  
8 sponsor; and

9           “(C) each authorized user is certified by  
10 the Secretary as having completed an appro-  
11 priate training course provided by the Depart-  
12 ment for the program or system.

13           “(7) PROGRAM SUPPORT.—The Secretary shall  
14 provide appropriate technical support options to fa-  
15 cilitate use of the program or system described in  
16 paragraph (4) by authorized users.

17           “(8) UPGRADES TO SEVIS OR EQUIVALENT  
18 DATA.—The Secretary shall update the program or  
19 system described in paragraph (4) to incorporate  
20 new data fields that include—

21           “(A) verification that a covered student’s  
22 performance meets the minimum academic  
23 standards of the institution in which such stu-  
24 dent is enrolled; and

1           “(B) timely entry of academic majors, in-  
2           cluding changes to majors, of covered students  
3           and exchange visitors enrolled at institutions or  
4           exchange program sponsors participating in the  
5           Student and Exchange Visitor Program.

6           “(9) SAVINGS CLAUSE.—Nothing in this section  
7           shall prohibit the Secretary or any institution or ex-  
8           change program sponsor participating in the Stu-  
9           dent Exchange Visitor Program from requiring more  
10          frequent observations of covered students or ex-  
11          change visitors.”; and

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

13          “(d) DEFINITIONS.—For purposes of this section:

14           “(1) The term ‘covered student’ means a stu-  
15          dent who is a nonimmigrant pursuant to subpara-  
16          graph (F), (J), or (M) of section 101(a)(15) of the  
17          Immigration and Nationality Act (8 U.S.C.  
18          1101(a)(15)).

19           “(2) The term ‘observed’ means positively iden-  
20          tified by physical or electronic means.

21           “(3) The term ‘authorized user’ means an indi-  
22          vidual nominated by an institution participating in  
23          the Student and Exchange Visitor Program and con-  
24          firmed by the Secretary as not appearing on any ter-  
25          rorist watch list.”.

1           (b) **COMPTROLLER GENERAL REVIEW.**—The Comp-  
2 troller General shall conduct a review of the fees for the  
3 Student and Exchange Visitor Program of the Depart-  
4 ment of Homeland Security. The Comptroller General  
5 shall include in such review data from fiscal years 2004  
6 through 2007 and shall consider fees collected by the De-  
7 partment and all expenses associated with the review,  
8 issuance, maintenance, data collection, and enforcement  
9 functions of the Student and Exchange Visitor Program.

10 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

11           There are authorized to be appropriated such sums  
12 as may be necessary to carry out sections 2 and 3 of this  
13 Act, and the amendments made by such sections, for fiscal  
14 year 2009.

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