H. R. 4535

To reduce and prevent the sale and use of fraudulent degrees in order to protect the integrity of valid higher education degrees that are used for Federal employment purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2010

Mr. BISHOP of New York (for himself, Ms. McCOLLUM, and Mr. CASTLE) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To reduce and prevent the sale and use of fraudulent degrees in order to protect the integrity of valid higher education degrees that are used for Federal employment purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Diploma and Accreditation Integrity Protection Act of 2009”.

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SEC. 2. PURPOSE; DEFINITIONS.

(a) PURPOSE.—The purpose of this Act is to protect institutions of higher education, businesses and other employers, professional licensing boards, patients and clients of degree holders, taxpayers, and other individuals from any person claiming to possess a legitimate academic degree that in fact was issued by a fraudulent or nonexistent school, by a non-educational entity posing as a school, or by any entity in violation of Federal or State law.

(b) DEFINITIONS.—In this Act:

(1) ACCREDITATION MILL.—The term “accreditation mill” means an education or corporate organization that offers a form of educational recognition or accreditation, for a fee or free of charge, that—

(A) extend a permanent recognition or accreditation status to an institution with few or no requirements for subsequent periodic reviews;

(B) publish a list of institutions and programs recognized or accredited by such organization that includes institutions and programs that did not apply for or otherwise request such recognition or accreditation by the organization; or
(C) lack national recognition by the Secretary of Education or the Council for Higher Education Accreditation.

(2) Degree-granting institution.—The term “degree-granting institution” means any entity that offers or confers an academic, professional, or occupational degree, diploma, or certificate, if such degree, diploma, or certificate may be used to represent to the general public that the individual possessing such degree, diploma, or certificate has completed a program of education or training beyond secondary education.

(3) Diploma mill.—The term “diploma mill” means any entity that—

(A) lacks valid accreditation by an agency recognized by a Federal agency, a State government, or the Council for Higher Education Accreditation as a valid accrediting agency of institutions of higher education; and

(B) offers degrees, diplomas, or certifications, for a fee, that may be used to represent to the general public that the individual possessing such a degree, diploma, or certification has completed a program of education or training beyond secondary education, but little or no
education or course work is required to obtain such a degree, diploma, or certification.

(4) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

**SEC. 3. ACCREDITING AGENCIES.**

No accrediting agency or association may be considered to be a reliable authority as to the quality of education or training offered by a degree-granting institution for any purpose related to immigration, Federal employment and hiring practices, or for any other Federal purposes, unless the agency or association is a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099a et seq.).

**SEC. 4. FEDERAL EMPLOYMENT.**

For purposes of applying any civil service law, rule, or regulation that requires or takes into consideration a degree from an institution of higher education for purposes of appointment or promotion of, or improved pay for, a Federal employee, only a degree from a degree-granting institution that is accredited by a nationally recognized accrediting agency or association recognized by
the Secretary of Education pursuant to part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099a et seq.) shall be acceptable.

SEC. 5. UNFAIR AND DECEPTIVE ACTS AND PRACTICES REGARDING DIPLOMAS AND PROFESSIONAL CERTIFICATIONS.

(a) Conduct Prohibited.—Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall initiate a rulemaking to define as an unfair and deceptive act or practice under section 18 of Federal Trade Commission Act (15 U.S.C. 57a) the following:

(1) The issuing of a degree, diploma, certificate, or any similar document by an entity that is not recognized as a legitimate postsecondary degree-granting institution by the Secretary of Education, if such degree, diploma, certificate, or similar document misrepresents, directly or indirectly, the subject matter, substance, or content of the course of study or any other material fact concerning the course of study for which such degree, diploma, certificate, or similar document was awarded.

(2) The offering or conferring of an academic, professional, or occupational degree if the entity offering or conferring the degree—
(A) is not an institution of higher education; or

(B) is not accredited by—

(i) a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099a et seq.); or

(ii) an accrediting agency or association that is recognized as a legitimate accrediting agency or association for any purpose by any appropriate Federal agency or by the Council for Higher Education Accreditation,

unless the entity offering or conferring such a degree clearly and conspicuously discloses, in all advertising and promotional materials that contain a reference to such a degree, that the awarding of the degree has not been so authorized or that the entity offering or conferring the degree has not been so approved or recognized.

(3) The claiming or asserting in any advertisements or promotional material of an entity offering or conferring an academic, professional, or occupational degree, that such entity has—
(A) an accredited status unless it holds accreditation from an accrediting agency that is recognized by the Secretary of Education or the Council for Higher Education Accreditation, or is recognized for any purpose by any appropriate Federal agency; or

(B) an unaccredited, but approved status that misrepresents, directly or indirectly, the nature, extent, or credibility of such approval.

(4) The issuing of any accreditation, including institutional, programmatic, or specialized accreditation, to any degree-granting institution by any entity that is not recognized for accreditation purposes by the Secretary of Education, any other appropriate Federal agency, or the Council for Higher Education Accreditation.

(b) FINAL RULE.—The Commission shall issue final rules under this section not later than 18 months after the date of enactment of this Act.

(c) REPORTING REQUIREMENT.—

(1) FEDERAL TRADE COMMISSION.—In administering and enforcing the rule required under subsection (a), the Federal Trade Commission shall report regularly to the Secretary of Education any in-
formation regarding entities which the Commission knows or suspects to be in violation of such rule.

(2) Secretary of Education.—The Secretary of Education shall make available to the general public, in paper and electronic forms, the information reported to the Secretary in accordance with paragraph (1).