

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# 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.

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## 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

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## 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 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 “Diploma and Accredi-  
5 tation Integrity Protection Act of 2009”.

1 **SEC. 2. PURPOSE; DEFINITIONS.**

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

10 (b) DEFINITIONS.—In this Act:

11 (1) ACCREDITATION MILL.—The term “accredi-  
12 tation mill” means an education or corporate organi-  
13 zation that offers a form of educational recognition  
14 or accreditation, for a fee or free of charge, that—

15 (A) extend a permanent recognition or ac-  
16 creditation status to an institution with few or  
17 no requirements for subsequent periodic re-  
18 views;

19 (B) publish a list of institutions and pro-  
20 grams recognized or accredited by such organi-  
21 zation that includes institutions and programs  
22 that did not apply for or otherwise request such  
23 recognition or accreditation by the organization;  
24 or

1 (C) lack national recognition by the Sec-  
2 retary of Education or the Council for Higher  
3 Education Accreditation.

4 (2) DEGREE-GRANTING INSTITUTION.—The  
5 term “degree-granting institution” means any entity  
6 that offers or confers an academic, professional, or  
7 occupational degree, diploma, or certificate, if such  
8 degree, diploma, or certificate may be used to rep-  
9 resent to the general public that the individual pos-  
10 sessed such degree, diploma, or certificate has com-  
11 pleted a program of education or training beyond  
12 secondary education.

13 (3) DIPLOMA MILL.—The term “diploma mill”  
14 means any entity that—

15 (A) lacks valid accreditation by an agency  
16 recognized by a Federal agency, a State govern-  
17 ment, or the Council for Higher Education Ac-  
18 creditation as a valid accrediting agency of in-  
19 stitutions of higher education; and

20 (B) offers degrees, diplomas, or certifi-  
21 cations, for a fee, that may be used to represent  
22 to the general public that the individual pos-  
23 sessed such a degree, diploma, or certification  
24 has completed a program of education or train-  
25 ing beyond secondary education, but little or no

1 education or course work is required to obtain  
2 such a degree, diploma, or certification.

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

7 **SEC. 3. ACCREDITING AGENCIES.**

8 No accrediting agency or association may be consid-  
9 ered to be a reliable authority as to the quality of edu-  
10 cation or training offered by a degree-granting institution  
11 for any purpose related to immigration, Federal employ-  
12 ment and hiring practices, or for any other Federal pur-  
13 poses, unless the agency or association is a nationally rec-  
14 ognized accrediting agency or association recognized by  
15 the Secretary of Education pursuant to part H of title  
16 IV of the Higher Education Act of 1965 (20 U.S.C. 1099a  
17 et seq.).

18 **SEC. 4. FEDERAL EMPLOYMENT.**

19 For purposes of applying any civil service law, rule,  
20 or regulation that requires or takes into consideration a  
21 degree from an institution of higher education for pur-  
22 poses of appointment or promotion of, or improved pay  
23 for, a Federal employee, only a degree from a degree-  
24 granting institution that is accredited by a nationally rec-  
25 ognized accrediting agency or association recognized by

1 the Secretary of Education pursuant to part H of title  
2 IV of the Higher Education Act of 1965 (20 U.S.C. 1099a  
3 et seq.) shall be acceptable.

4 **SEC. 5. UNFAIR AND DECEPTIVE ACTS AND PRACTICES RE-**  
5 **GARDING DIPLOMAS AND PROFESSIONAL**  
6 **CERTIFICATIONS.**

7 (a) CONDUCT PROHIBITED.—Not later than 180  
8 days after the date of enactment of this Act, the Federal  
9 Trade Commission shall initiate a rulemaking to define  
10 as an unfair and deceptive act or practice under section  
11 18 of Federal Trade Commission Act (15 U.S.C. 57a) the  
12 following:

13 (1) The issuing of a degree, diploma, certificate,  
14 or any similar document by an entity that is not rec-  
15 ognized as a legitimate postsecondary degree-grant-  
16 ing institution by the Secretary of Education, if such  
17 degree, diploma, certificate, or similar document  
18 misrepresents, directly or indirectly, the subject mat-  
19 ter, substance, or content of the course of study or  
20 any other material fact concerning the course of  
21 study for which such degree, diploma, certificate, or  
22 similar document was awarded.

23 (2) The offering or conferring of an academic,  
24 professional, or occupational degree if the entity of-  
25 fering or conferring the degree—

1 (A) is not an institution of higher edu-  
2 cation; or

3 (B) is not accredited by—

4 (i) a nationally recognized accrediting  
5 agency or association recognized by the  
6 Secretary of Education pursuant to part H  
7 of title IV of the Higher Education Act of  
8 1965 (20 U.S.C. 1099a et seq.); or

9 (ii) an accrediting agency or associa-  
10 tion that is recognized as a legitimate ac-  
11 crediting agency or association for any  
12 purpose by any appropriate Federal agency  
13 or by the Council for Higher Education  
14 Accreditation,

15 unless the entity offering or conferring such a de-  
16 gree clearly and conspicuously discloses, in all adver-  
17 tising and promotional materials that contain a ref-  
18 erence to such a degree, that the awarding of the de-  
19 gree has not been so authorized or that the entity  
20 offering or conferring the degree has not been so ap-  
21 proved or recognized.

22 (3) The claiming or asserting in any advertise-  
23 ments or promotional material of an entity offering  
24 or conferring an academic, professional, or occupa-  
25 tional degree, that such entity has—

1 (A) an accredited status unless it holds ac-  
2 creditation from an accrediting agency that is  
3 recognized by the Secretary of Education or the  
4 Council for Higher Education Accreditation, or  
5 is recognized for any purpose by any appro-  
6 priate Federal agency; or

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

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

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

20 (c) REPORTING REQUIREMENT.—

21 (1) FEDERAL TRADE COMMISSION.—In admin-  
22 istering and enforcing the rule required under sub-  
23 section (a), the Federal Trade Commission shall re-  
24 port regularly to the Secretary of Education any in-

1       formation regarding entities which the Commission  
2       knows or suspects to be in violation of such rule.

3               (2) SECRETARY OF EDUCATION.—The Sec-  
4       retary of Education shall make available to the gen-  
5       eral public, in paper and electronic forms, the infor-  
6       mation reported to the Secretary in accordance with  
7       paragraph (1).

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