

116TH CONGRESS  
2D SESSION

# H. R. 8883

To modify certain requirements with respect to nonimmigrants admitted under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2020

Mr. NORMAN introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To modify certain requirements with respect to non-immigrants admitted under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act, 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—

5               (1) the “Reporting Exogenous Participation  
6       Among Incoming Researchers in Academia Act”; or

7               (2) the “REPAIR Academia Act”.

1 **SEC. 2. REPORTING EXCHANGE VISITOR CHANGE IN FIELD**  
2 **OF STUDY.**

3 With respect to a principal nonimmigrant exchange  
4 visitor admitted into the United States in the J–1 classi-  
5 fication under section 101(a)(15)(J) of the Immigration  
6 and Nationality Act (8 U.S.C. 1101(a)(15)(J)) in order  
7 to study, the Secretary of State shall take such action as  
8 may be necessary to ensure that the applicable program  
9 sponsor is required to use the Student and Exchange Vis-  
10 itor Information System to report any change to the non-  
11 immigrant’s primary field of study. In carrying out this  
12 section, the Secretary of State shall take into account the  
13 record keeping and reporting requirements of the Sec-  
14 retary of Homeland Security with regard to non-  
15 immigrants admitted into the United States in the F–1  
16 and M–1 classifications under subparagraphs (F) and (M)  
17 of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

18 **SEC. 3. REPORTING CERTAIN RESEARCH PROGRAM PAR-**  
19 **TICIPATION.**

20 (a) IN GENERAL.—With respect to a principal non-  
21 immigrant admitted into the United States in the J–1  
22 classification under section 101(a)(15)(J) of the Immigra-  
23 tion and Nationality Act (8 U.S.C. 1101(a)(15)(J)), in the  
24 F–1 classification under section 101(a)(15)(F) of such  
25 Act, or in the M–1 classification under section  
26 101(a)(15)(M) of such Act, the Secretary of State and the

1 Secretary of Homeland Security shall take such action as  
2 may be necessary to ensure that the applicable program  
3 sponsor or academic or nonacademic institution is re-  
4 quired to use the Student and Exchange Visitor Informa-  
5 tion System to report when the nonimmigrant is partici-  
6 pating in a research program funded in whole or in part  
7 through a grant, contract, or other similar form of support  
8 provided by the Federal Government, as well as program  
9 identification information.

10 (b) NOTIFICATIONS.—

11 (1) SECRETARY.—In the case of a non-  
12 immigrant described in subsection (a), the Secretary  
13 of Homeland Security shall notify the appropriate  
14 program manager at an Executive agency (as de-  
15 fined in section 105 of title 5, United States Code)  
16 if and when the Secretary obtains information that  
17 the nonimmigrant is participating in a research pro-  
18 gram funded in whole or in part through a grant,  
19 contract, or other similar form of support provided  
20 by such agency prior to the commencement of that  
21 nonimmigrant's participation and not later than 21  
22 days after authorizing such participation.

23 (2) SPONSOR OR INSTITUTION.—In the case of  
24 a nonimmigrant described in subsection (a), the ap-  
25 plicable program sponsor or academic or nonaca-

1       demic institution shall notify the appropriate pro-  
2       gram manager at an Executive agency (as defined in  
3       section 105 of title 5, United States Code) if and  
4       when the sponsor or institution obtains information  
5       that the nonimmigrant is participating in a research  
6       program funded in whole or in part through a grant,  
7       contract, or other similar form of support provided  
8       by such agency prior to the commencement of that  
9       nonimmigrant's participation and not later than 21  
10      days after authorizing such participation.

11 **SEC. 4. REVIEW AND REVOCATION OF CERTAIN NON-**  
12 **IMMIGRANT VISAS.**

13       (a) IN GENERAL.—The Secretary of Homeland Secu-  
14      rity shall have the authority to review and revoke a non-  
15      immigrant visa granted under subparagraph (F), (J), or  
16      (M) of section 101(a)(15) of the Immigration and Nation-  
17      ality Act (8 U.S.C. 1101(a)(15)) if, in consultation with  
18      the Attorney General, the Secretary finds that—

19           (1) the visa holder has misrepresented his or  
20           her intention to pursue a certain program or field of  
21           study;

22           (2) following a change to the nonimmigrant's  
23           primary field of study as described under section 2,  
24           that the new primary field of study would have trig-  
25           gered a higher level of scrutiny during the visa ap-

1 plication process, and that the visa holder poses a  
2 risk to the homeland security of the United States,  
3 the national security of the United States, or re-  
4 search integrity at their applicable program sponsor  
5 or institution; or

6 (3) the visa holder's enrollment in a research  
7 program funded in whole or in part through a grant,  
8 contract, or other similar form of support provided  
9 by the Federal Government poses a risk to the  
10 homeland security of the United States, the national  
11 security of the United States, or research integrity  
12 at their applicable program sponsor or institution.

13 (b) NOTICE.—Thirty days before the commencement  
14 of a review under subsection (a), the Secretary of Home-  
15 land Security shall provide the applicable program sponsor  
16 or institution with a notice containing the specific basis  
17 of the forthcoming review. During this 30-day period, the  
18 program sponsor or institution may take corrective action  
19 to alleviate any concerns raised by the Secretary. At the  
20 conclusion of the 30-day period, the Secretary shall deter-  
21 mine whether the program sponsor or institution has satis-  
22 factorily addressed the concerns or a review remains nec-  
23 essary.

24 (c) ADMINISTRATIVE AND JUDICIAL REVIEW.—

1           (1) IN GENERAL.—There shall be no adminis-  
2           trative or judicial review of a determination to re-  
3           voke a visa under this section except in accordance  
4           with this subsection.

5           (2) ADMINISTRATIVE REVIEW.—

6           (A) SINGLE LEVEL OF ADMINISTRATIVE  
7           APPELLATE REVIEW.—The Secretary of Home-  
8           land Security shall establish an appellate au-  
9           thority to provide for a single level of adminis-  
10          trative appellate review of such a determination.

11          (B) STANDARD FOR REVIEW.—Such ad-  
12          ministrative appellate review shall be based  
13          solely upon the administrative record estab-  
14          lished at the time of the determination and  
15          upon such additional or newly discovered evi-  
16          dence as may not have been available at the  
17          time of the determination.

18          (3) JUDICIAL REVIEW.—

19          (A) LIMITATION TO REVIEW OF RE-  
20          MOVAL.—There shall be judicial review of a de-  
21          termination to revoke a visa under this section  
22          only in the judicial review of an order of re-  
23          moval under section 242 of the Immigration  
24          and Nationality Act (8 U.S.C. 1252).

1 (B) STANDARD FOR JUDICIAL REVIEW.—  
2 Such judicial review shall be based solely upon  
3 the administrative record established at the  
4 time of the review by the appellate authority  
5 and the findings of fact and determinations  
6 contained in such record shall be conclusive un-  
7 less the applicant can establish abuse of discre-  
8 tion or that the findings are directly contrary to  
9 clear and convincing facts contained in the  
10 record considered as a whole.

11 **SEC. 5. ANNUAL REPORT.**

12 (a) IN GENERAL.—The Secretary of Homeland Secu-  
13 rity shall require the Academic Institutions Subcommittee  
14 of the Homeland Security Advisory Council of the Depart-  
15 ment of Homeland Security to provide an annual report  
16 to the Committee on the Judiciary, the Committee on  
17 Homeland Security, and the Committee on Foreign Af-  
18 fairs of the House of Representatives, and the Committee  
19 on the Judiciary, the Committee on Homeland Security  
20 and Governmental Affairs, and the Committee on Foreign  
21 Relations of the Senate, on—

22 (1) the implementation and execution of any  
23 visa reviews and revocations undertaken under sec-  
24 tion 4;

1           (2) the number of alien students enrolled at  
2           academic or nonacademic institutions in the United  
3           States, disaggregated by—

4                   (A) program of study;

5                   (B) previous and current nationality; and

6                   (C) participation in a research program

7                   (which may or may not be classified) funded in

8                   whole or in part through a grant, contract, or

9                   other similar form of support provided by the

10                  Federal Government, differentiated by agency,

11                  sub-agency, and program; and

12           (3) the number of alien students who have  
13           changed their field of study, including their original  
14           and subsequent field of study, disaggregated by the  
15           information described in subparagraphs (A), (B),  
16           and (C) of paragraph (2).

17           (b) APPENDIX.—Each report under subsection (a)  
18           shall include an appendix containing any feedback pro-  
19           vided on a voluntary basis by any program sponsor or in-  
20           stitution affected by a visa review or revocation under-  
21           taken under section 4.

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