

111TH CONGRESS
1ST SESSION

S. 1338

To require the accreditation of English language training programs, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2009

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

A BILL

To require the accreditation of English language training
programs, 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. ACCREDITATION OF ENGLISH LANGUAGE**
4 **TRAINING PROGRAMS.**

5 (a) IN GENERAL.—Section 101(a) of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1101(a)) is amended—

7 (1) in paragraph (15)(F)(i), by striking “a lan-
8 guage” and inserting “an accredited language”; and

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

1 “(52) The term ‘accredited language training pro-
2 gram’ means a language training program that is accred-
3 ited by an accrediting agency recognized by the Secretary
4 of Education.”.

5 (b) EFFECTIVE DATE.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the amendments made by subsection (a)
8 shall—

9 (A) take effect on the date that is 180
10 days after the date of the enactment of this
11 Act; and

12 (B) apply with respect to applications for
13 a nonimmigrant visa under section
14 101(a)(15)(F)(i) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1101(a)(15)(F)(i)) that
16 are filed on or after the effective date described
17 in subparagraph (A).

18 (2) TEMPORARY EXCEPTION.—

19 (A) IN GENERAL.—Notwithstanding sec-
20 tion 101(a)(15)(F)(i) of the Immigration and
21 Nationality Act, as amended by subsection (a),
22 during the 3-year period beginning on the date
23 of the enactment of this Act, an alien seeking
24 to enter the United States to pursue a course
25 of study at a language training program that

1 has been certified by the Secretary of Home-
2 land Security and has not been accredited or
3 denied accreditation by an entity described in
4 section 101(a)(52) of such Act may be granted
5 a nonimmigrant visa under such section
6 101(a)(15)(F)(i).

7 (B) ADDITIONAL REQUIREMENT.—An
8 alien may not be granted a nonimmigrant visa
9 under subparagraph (A) if the sponsoring insti-
10 tution of the language training program to
11 which the alien seeks to enroll does not—

12 (i) submit an application for the ac-
13 creditation of such program to a regional
14 or national accrediting agency recognized
15 by the Secretary of Education within 1
16 year after the date of the enactment of this
17 Act; and

18 (ii) comply with the applicable accred-
19 iting requirements of such agency.

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