

Union Calendar No. 430

112TH CONGRESS
2^D SESSION

H. R. 3120

[Report No. 112-595]

To amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2011

Ms. ZOE LOFGREN of California introduced the following bill; which was referred to the Committee on the Judiciary

JULY 12, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on October 6, 2011]

A BILL

To amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, 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 Reform*
5 *Act”.*

6 **SEC. 2. ACCREDITATION REQUIREMENT FOR COLLEGES**
7 **AND UNIVERSITIES.**

8 *Section 101(a) of the Immigration and Nationality*
9 *Act (8 U.S.C. 1101(a)) is amended—*

10 *(1) in paragraph (15)(F)(i)—*

11 *(A) by striking “section 214(l) at an estab-*
12 *lished college, university, seminary, conservatory,*
13 *academic high school, elementary school, or other*
14 *academic institution or in an accredited lan-*
15 *guage training program in the United States”*
16 *and inserting “section 214(m) at an accredited*
17 *college, university, or language training pro-*
18 *gram, or at an established seminary, conserv-*
19 *atory, academic high school, elementary school,*
20 *or other academic institution in the United*
21 *States”; and*

22 *(B) by striking “Attorney General” each*
23 *place such term appears and inserting “Sec-*
24 *retary of Homeland Security”; and*

1 (2) *by amending paragraph (52) to read as fol-*
 2 *lows:*

3 “(52) *Except as provided in section 214(m)(4), the*
 4 *term ‘accredited college, university, or language training*
 5 *program’ means a college, university, or language training*
 6 *program that is accredited by an accrediting agency recog-*
 7 *nized by the Secretary of Education.”.*

8 **SEC. 3. OTHER REQUIREMENTS FOR ACADEMIC INSTITU-**
 9 **TIONS.**

10 *Section 214(m) of the Immigration and Nationality*
 11 *Act (8 U.S.C. 1184(m)) is amended by adding at the end*
 12 *the following:*

13 “(3) *The Secretary of Homeland Security, in the Sec-*
 14 *retary’s discretion, may require accreditation of an aca-*
 15 *demic institution (except for seminaries or other religious*
 16 *institutions) for purposes of section 101(a)(15)(F) if—*

17 “(A) *that institution is not already required to*
 18 *be accredited under section 101(a)(15)(F)(i);*

19 “(B) *an appropriate accrediting agency recog-*
 20 *nized by the Secretary of Education is able to provide*
 21 *such accreditation; and*

22 “(C) *the institution has or will have 25 or more*
 23 *alien students accorded status as nonimmigrants*
 24 *under clause (i) or (iii) of section 101(a)(15)(F) pur-*
 25 *suing a course of study at that institution.*

1 “(4) *The Secretary of Homeland Security, in the Sec-*
2 *retary’s discretion, may waive the accreditation require-*
3 *ment in section 101(a)(15)(F)(i) with respect to an estab-*
4 *lished college, university, or language training program if*
5 *the academic institution—*

6 “(A) *is otherwise in compliance with the require-*
7 *ments of such section; and*

8 “(B) *is making a good faith effort to satisfy the*
9 *accreditation requirement.*

10 “(5)(A) *No person convicted of an offense referred to*
11 *in subparagraph (B) shall be permitted by any academic*
12 *institution having authorization for attendance by non-*
13 *immigrant students under section 101(a)(15)(F)(i) to be in-*
14 *volved with the institution as its principal, owner, officer,*
15 *board member, general partner, or other similar position*
16 *of substantive authority for the operations or management*
17 *of the institution, including serving as an individual des-*
18 *ignated by the institution to maintain records required by*
19 *the Student and Exchange Visitor Information System es-*
20 *tablished under section 641 of the Illegal Immigration Re-*
21 *form and Immigrant Responsibility Act of 1996 (8 U.S.C.*
22 *1372).*

23 “(B) *An offense referred to in this subparagraph in-*
24 *cludes a violation, punishable by a term of imprisonment*
25 *of more than 1 year, of any of the following:*

1 “(i) Chapter 77 of title 18, United States Code
2 (relating to peonage, slavery and trafficking in per-
3 sons).

4 “(ii) Chapter 117 of title 18, United States Code
5 (relating to transportation for illegal sexual activity
6 and related crimes).

7 “(iii) Section 274 of the Immigration and Na-
8 tionality Act (8 U.S.C. 1324) (relating to unlawful
9 bringing of aliens into the United States).

10 “(iv) Section 1546 of title 18, United States
11 Code (relating to fraud and misuse of visas, permits,
12 and other documents) relating to an academic institu-
13 tion’s participation in the Student and Exchange
14 Visitor Program.”.

15 **SEC. 4. CONFORMING AMENDMENT.**

16 Section 212(a)(6)(G) of the Immigration and Nation-
17 ality Act (8 U.S.C. 1182(a)(6)(G)) is amended by striking
18 “section 214(l)” and inserting “section 214(m)”.

19 **SEC. 5. EFFECTIVE DATE.**

20 (a) *IN GENERAL.*—Except as provided in subsection
21 (b), the amendments made by sections 2 and 3—

22 (1) shall take effect on the date that is 180 days
23 after the date of the enactment of this Act; and

24 (2) shall apply with respect to applications for
25 a nonimmigrant visa under section 101(a)(15)(F)(i)

1 *of the Immigration and Nationality Act (8 U.S.C.*
2 *1101(a)(15)(F)(i)) that are filed on or after the effec-*
3 *tive date described in paragraph (1).*

4 *(b) TEMPORARY EXCEPTION.—*

5 *(1) IN GENERAL.—During the 3-year period be-*
6 *ginning on the date of enactment of this Act, an alien*
7 *seeking to enter the United States to pursue a course*
8 *of study at a college or university that has been cer-*
9 *tified by the Secretary of Homeland Security may be*
10 *granted a nonimmigrant visa under clause (i) or*
11 *clause (iii) of section 101(a)(15)(F) of the Immigra-*
12 *tion and Nationality Act (8 U.S.C. 1101(a)(15)(F))*
13 *without regard to whether or not that college or uni-*
14 *versity has been accredited or been denied accredita-*
15 *tion by an entity described in section 101(a)(52) of*
16 *such Act (8 U.S.C. 1101(a)(52)), as amended by sec-*
17 *tion 2(2) of this Act.*

18 *(2) ADDITIONAL REQUIREMENT.—An alien may*
19 *not be granted a nonimmigrant visa under paragraph*
20 *(1) if the college or university to which the alien seeks*
21 *to enroll does not—*

22 *(A) submit an application for the accredita-*
23 *tion of such institution to a regional or national*
24 *accrediting agency recognized by the Secretary of*
25 *Education on or before the date that is 1 year*

1 *after the effective date described in subsection*
2 *(a)(1); and*
3 *(B) comply with the applicable accrediting*
4 *requirements of such agency.*

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