Schedule of Laws Repealed—Continued

Act	*Section*	*United States Code Former Classification*
Credit Card Accountability Responsibility and Disclosure Act of 2009 (Pub. L. 111–24)	*title V, § 512 (relating to National Park System).*	*16 U.S.C. 1a–7b (relating to National Park System).*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1950, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rules of the House entrust to the Judiciary Committee the responsibilities of revision and codification of the statutes of the United States. This power does not give our committee substantive legislative jurisdiction over all areas of law; it merely confers the authority to organize duly enacted laws into an efficient codification system.

The nonpartisan Office of the Law Revision Counsel is responsible for properly codifying public laws into titles and sections of the United States Code. From time to time, that office provides the Judiciary Committee advice as to how to enact a more user-friendly and cohesive statutory system.

This spring, Republican and Democratic committee staff worked cooperatively with the Office of the Law Revision Counsel to develop H.R. 1950. The bill creates a new title of positive law—title 54—to compile all of the laws that relate to the National Park System.

Codification bills do not make any substantive changes to existing law. Before the Judiciary Committee marked up H.R. 1950, industries, government, and interested parties commented on the draft. Based on their comments, I offered a manager's amendment in committee to further ensure this bill makes no changes to substantive law.

I encourage my colleagues to support this bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1950. Dating back to the mid-19th century, numerous laws have been enacted pertaining to the organization and management of the National Park System by the National Park Service.

The Service is also responsible for carrying out the Historic Sites, Buildings, and Antiquities Act, the National Historic Preservation Act, and other laws relating to the protection and preservation of sites that illustrate America's history.

Over the ensuing years, laws specifying the Service's responsibilities have been codified in various sections of title 16 of the United States Code. And as laws relating to the National Park Service were amended and new laws were added to the Code, classifications have become more cumbersome to use.

□ 1940

H.R. 1950 simply gathers all of these provisions pertaining to the National Park Service and restates them in a new positive law title of the United States Code. The new title 54 of the Code replaces and repeals these provisions of the former law.

All changes in existing law made by H.R. 1950 are purely technical, and they reflect the understood policy, intent, and purpose of Congress in the original enactments. These changes include corrections to remove ambiguities, contradictions, and other imperfections.

We should note that this measure was drafted by the Office of the Law Revision Counsel as part of that office's ongoing statutory responsibility to ''prepare a complete compilation, restatement, and revision of the general and permanent laws of the United States.''

I commend the Office of the Law Revision Counsel for its good work on H.R. 1950 and for its many valuable contributions to our legislative process.

Mr. Speaker, accordingly, I urge my colleagues to support the measure.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1950, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

STUDENT VISA REFORM ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3120) to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a non-immigrant student visa, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3120

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Visa Reform Act''.

SEC. 2. ACCREDITATION REQUIREMENT FOR COLLEGES AND UNIVERSITIES.

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

(1) in paragraph (15)(F)(i)—

(A) by striking ''section 214(l) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in an accredited language training program in the United States'' and inserting ''section 214(m) at an accredited college, university, or language training program, or at an established seminary, conservatory, academic high school, elementary school, or other academic institution in the United States''; and

(B) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) by amending paragraph (52) to read as follows:

''(52) Except as provided in section 214(m)(4), the term 'accredited college, university, or language training program' means a college, university, or language training program that is accredited by an accrediting agency recognized by the Secretary of Education.''.

SEC. 3. OTHER REQUIREMENTS FOR ACADEMIC INSTITUTIONS.

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

''(3) The Secretary of Homeland Security, in the Secretary's discretion, may require accreditation of an academic institution (except for seminaries or other religious institutions) for purposes of section 101(a)(15)(F) if—

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

''(B) an appropriate accrediting agency recognized by the Secretary of Education is able to provide such accreditation; and

''(C) the institution has or will have 25 or more alien students accorded status as nonimmigrants under clause (i) or (iii) of section 101(a)(15)(F) pursuing a course of study at that institution.

''(4) The Secretary of Homeland Security, in the Secretary's discretion, may waive the accreditation requirement in section 101(a)(15)(F)(i) with respect to an established college, university, or language training program if the academic institution—

''(A) is otherwise in compliance with the requirements of such section; and

''(B) is making a good faith effort to satisfy the accreditation requirement.

''(5)(A) No person convicted of an offense referred to in subparagraph (B) shall be permitted

by any academic institution having authorization for attendance by nonimmigrant students under section 101(a)(15)(F)(i) to be involved with the institution as its principal, owner, officer, board member, general partner, or other similar position of substantive authority for the operations or management of the institution, including serving as an individual designated by the institution to maintain records required by the Student and Exchange Visitor Information System established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

''(B) An offense referred to in this subparagraph includes a violation, punishable by a term of imprisonment of more than 1 year, of any of the following:

''(i) Chapter 77 of title 18, United States Code (relating to peonage, slavery and trafficking in persons).

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

''(iii) Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to unlawful bringing of aliens into the United States).

''(iv) Section 1546 of title 18, United States Code (relating to fraud and misuse of visas, permits, and other documents) relating to an academic institution's participation in the Student and Exchange Visitor Program.''.

SEC. 4. CONFORMING AMENDMENT.

Section 212(a)(6)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(G)) is amended by striking ''section 214(l)'' and inserting ''section 214(m)''.

SEC. 5. EFFECTIVE DATE.

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

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

(2) shall apply with respect to applications for a nonimmigrant visa under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) that are filed on or after the effective date described in paragraph (1).

(b) TEMPORARY EXCEPTION.—

(1) IN GENERAL.—During the 3-year period beginning on the date of enactment of this Act, an alien seeking to enter the United States to pursue a course of study at a college or university that has been certified by the Secretary of Homeland Security may be granted a nonimmigrant visa under clause (i) or clause (iii) of section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) without regard to whether or not that college or university has been accredited or been denied accreditation by an entity described in section 101(a)(52) of such Act (8 U.S.C. 1101(a)(52)), as amended by section 2(2) of this Act.

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

(A) submit an application for the accreditation of such institution to a regional or national accrediting agency recognized by the Secretary of Education on or before the date that is 1 year after the effective date described in subsection (a)(1); and

(B) comply with the applicable accrediting requirements of such agency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3120, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would first like to thank the gentlewoman from California (Ms. LOFGREN) for introducing this legislation.

H.R. 3120 helps prevent student visa fraud by requiring that any college or university that admits foreign students on F visas must be accredited by an accrediting body recognized by the Department of Education. Accreditation of academic institutions ensures that foreign students in the United States on temporary visas receive the high-level education they deserve and expect as opposed to an education from a sham school only interested in the student's money.

Under the Immigration and Nationality Act, a foreign national can get a student visa to study at a U.S. college or university. Those schools must be officially recognized, but that sometimes means that there's just a windshield check to see that the building actually exists.

Foreign students were admitted to the US 1.5 million times on F visas during fiscal year 2010. We must ensure that the colleges or universities they attend are not simply visa mills that exist only to provide the students with a way to enter the United States. Examples of rampant student visa fraud can be found in many recent news reports.

H.R. 3120 helps ensure a school's legitimacy for foreign students who want to come to the United States in order to receive an education. It also helps ensure the integrity of our immigration system by reducing the opportunities for visa fraud.

I urge my colleagues to support H.R. 3120.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, the Student Visa Reform Act.

Our U.S. student visa program has a long and proud history. For decades, it's helped American colleges and universities attract some of the brightest young minds in the world, while offering those students the opportunity to study in the world's leading institutions of higher education.

The benefits to our country have been great. International students have expanded and enriched the educational experiences for all students at U.S. universities and colleges. And by immersing foreign students in American culture, the program often creates a lasting and favorable understanding of our country that pays dividends in foreign nations for years to come.

Unfortunately, some institutions have been undermining the laudable mission of this visa program. Last year, the U.S. Immigration and Customs Enforcement took down two schools in California after they were found to have engaged in widespread visa fraud and exploitation of students.

Among other things, these schools misled students as to their accreditation. They lied about the ability of students to transfer credits to other institutions. Commonly known as ''visa mills,'' these schools took enormous sums of money from the students but provided questionable academic courses and essentially worthless degrees.

To prevent this type of fraud in the future, H.R. 3120 requires that colleges and universities be accredited in order to host foreign students. Such accreditation would need to be given by a regional or national accrediting agency recognized by the Secretary of Education. Seminaries and other religious institutions would be exempt from this requirement.

This bill follows in the footsteps of legislation enacted in the 111th Congress that requires the accreditation of language training programs before they can host foreign students. That bill, sponsored by my good friend, Representative BARNEY FRANK, and the chairman of the Judiciary Committee, Congressman LAMAR SMITH, has already helped the Department of Homeland Security crack down on fraud in language training programs.

Like the Frank-Smith bill, the accreditation requirements instituted by this bill will prevent illegitimate institutions from cheating foreign students who legitimately seek a bona fide education in the United States. In addition, this requirement will prevent fly-by-night institutions from engaging in student visa fraud to smuggle or traffic persons into the country.

Finally, in committee, I worked with the chairman to add a provision that would prevent persons who have committed certain crimes from owning or running an academic institution that seeks to host foreign students. Persons would be barred if they had been convicted of human trafficking, transportation for illegal sexual activity, alien smuggling, or harboring or visa fraud under the student visa program.

We also added a provision to give the Secretary of Homeland Security additional flexibility with respect to schools that are playing by the rules and trying to get accreditation but may be running into bureaucratic delays. Specifically, the Secretary is given the ability to waive the accreditation requirements in cases where an educational institution is otherwise in compliance with the law and is taking good faith steps to obtain accreditation.

I thank Chairman SMITH for working with me to bring this bill to the floor and for working with me to improve and strengthen the bill in committee. I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3120, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6029

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Foreign and Economic Espionage Penalty Enhancement Act of 2012''.

SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5)—

(1) by striking ''15 years'' and inserting ''20 years''; and

(2) by striking ''not more than $500,000'' and inserting ''not more than $5,000,000''.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended by striking ''not more than $10,000,000'' and inserting ''not more than the greater of $10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided''.

SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6029 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Ranking Member JOHN CONYERS, IP Subcommittee Chairman BOB GOODLATTE, IP Subcommittee Ranking Member MEL WATT, and the other Members of the House from both sides of the aisle who joined as original cosponsors of this commonsense bill.

The Foreign and Economic Espionage Penalty Enhancement Act of 2012 focuses on one goal: to deter and punish criminals who target U.S. economic and security interests on behalf of foreign interests.

In 1975, tangible assets, such as real estate and equipment, made up 83 percent of the market value of S&P 500 companies. Intangible assets, which include trade secrets, proprietary data, source code, business processes, and marketing plans, constituted only 17 percent of these companies' market value.

□ 1950

By 2009, these percentages had nearly reversed. Tangible assets accounted for only 19 percent of S&P 500 companies' market value while their intangible assets had soared to 81 percent. In a dynamic and globally connected information economy, the protection of intangible assets is vital not only to the success of individual enterprises but also to the future of entire industries.

A global study released last year by McAfee, the world's largest security technology company, and Science Applications International Corporation concluded that corporate trade secrets and other sensitive intellectual capital are the newest ''currency'' of cybercriminals. The study found the motivation for such crimes in the cyber underground is almost always financial. In recent years, cybercriminals have shifted from targeting the theft of personal information, such as credit cards and Social Security numbers, to the theft of corporate intellectual capital. Corporate intellectual capital is vulnerable, of great value to competitors and foreign governments, and its theft is not always discovered by victims.

Our intelligence community warns that foreign interests place a high priority on acquiring sensitive U.S. economic information and technologies. Targets include information and communications technologies, business information, military technologies, and rapidly growing civilian and dual-use technologies, such as those that relate to clean energy, health care, and pharmaceuticals.

We know that certain actors intentionally seek out U.S. information and trade secrets. The most recent report from the Office of the National Counterintelligence Executive identified Chinese actors as ''the world's most active and persistent perpetrators of economic espionage.'' The report also described Russia's intelligence services as responsible for ''conducting a range of activities to collect economic information and technology from U.S. targets.'' Of seven Economic Espionage Act cases resolved in fiscal year 2010, six involved links to China. Five companies were accused of the theft of trade secrets earlier this year. Four are Chinese state-owned enterprises or subsidiaries.

In the U.S., the EEA serves as the primary tool the Federal Government