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Union Calendar No. 430

112TH CONGRESS
2D 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 italic]

[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.

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.

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