

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3120
OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Student Visa Reform
3 Act”.

**4 SEC. 2. ACCREDITATION REQUIREMENT FOR COLLEGES
5 AND UNIVERSITIES.**

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

8 (1) in paragraph (15)(F)(i)—

9 (A) by striking “section 214(l) at an estab-
10 lished college, university, seminary, conserv-
11 atory, academic high school, elementary school,
12 or other academic institution or in an accred-
13 ited language training program in the United
14 States” and inserting “section 214(m) at an ac-
15 credited college, university, or language training
16 program, or at an established seminary, con-
17 servatory, academic high school, elementary

1 school, or other academic institution in the
2 United States”; and

3 (B) by striking “Attorney General” each
4 place such term appears and inserting “Sec-
5 retary of Homeland Security”; and

6 (2) by amending paragraph (52) to read as fol-
7 lows:

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

13 **SEC. 3. OTHER REQUIREMENTS FOR ACADEMIC INSTITU-**
14 **TIONS.**

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

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

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

1 “(B) an appropriate accrediting agency recog-
2 nized by the Secretary of Education is able to pro-
3 vide such accreditation; and

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

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

13 “(A) is otherwise in compliance with the re-
14 quirements of such section; and

15 “(B) is making a good faith effort to satisfy the
16 accreditation requirement.

17 “(5)(A) No person convicted of an offense referred
18 to in subparagraph (B) shall be permitted by any aca-
19 demic institution having authorization for attendance by
20 nonimmigrant students under section 101(a)(15)(F)(i) to
21 be involved with the institution as its principal, owner, of-
22 ficer, board member, general partner, or other similar po-
23 sition of substantive authority for the operations or man-
24 agement of the institution, including serving as an indi-
25 vidual designated by the institution to maintain records

1 required by the Student and Exchange Visitor Information
2 System established under section 641 of the Illegal Immi-
3 gration Reform and Immigrant Responsibility Act of 1996
4 (8 U.S.C. 1372).

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

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

11 “(ii) Chapter 117 of title 18, United States
12 Code (relating to transportation for illegal sexual ac-
13 tivity and related crimes).

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

17 “(iv) Section 1546 of title 18, United States
18 Code (relating to fraud and misuse of visas, permits,
19 and other documents) relating to an academic insti-
20 tution’s participation in the Student and Exchange
21 Visitor Program.”.

22 **SEC. 4. CONFORMING AMENDMENT.**

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

1 **SEC. 5. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection

3 (b), the amendments made by sections 2 and 3—

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

6 (2) shall apply with respect to applications for
7 a nonimmigrant visa under section 101(a)(15)(F)(i)
8 of the Immigration and Nationality Act (8 U.S.C.
9 1101(a)(15)(F)(i)) that are filed on or after the ef-
10 fective date described in paragraph (1).

11 (b) TEMPORARY EXCEPTION.—

12 (1) IN GENERAL.—During the 3-year period be-
13 ginning on the date of enactment of this Act, an
14 alien seeking to enter the United States to pursue
15 a course of study at a college or university that has
16 been certified by the Secretary of Homeland Secu-
17 rity may be granted a nonimmigrant visa under
18 clause (i) or clause (iii) of section 101(a)(15)(F) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1101(a)(15)(F)) without regard to whether or not
21 that college or university has been accredited or been
22 denied accreditation by an entity described in section
23 101(a)(52) of such Act (8 U.S.C. 1101(a)(52)), as
24 amended by section 2(2) of this Act.

25 (2) ADDITIONAL REQUIREMENT.—An alien may
26 not be granted a nonimmigrant visa under para-

1 graph (1) if the college or university to which the
2 alien seeks to enroll does not—

3 (A) submit an application for the accredi-
4 tation of such institution to a regional or na-
5 tional accrediting agency recognized by the Sec-
6 retary of Education on or before the date that
7 is 1 year after the effective date described in
8 subsection (a)(1); and

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

