

# Union Calendar No. 330

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1312

[Report No. 110-540]

To expedite adjudication of employer petitions for aliens of extraordinary artistic ability.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2007

Mr. BERMAN (for himself, Mrs. BLACKBURN, Mr. WEINER, Mr. COBLE, Mr. NADLER, Mr. CHABOT, Mr. SCHIFF, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 6, 2008

Additional sponsors: Mr. CONYERS, Ms. WATERS, Mr. HODES, Mr. McCAUL of Texas, and Ms. LINDA T. SÁNCHEZ of California

MARCH 6, 2008

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]

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## A BILL

To expedite adjudication of employer petitions for aliens of extraordinary artistic ability.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Arts Require Timely  
3 Service (ARTS) Act”.

4 **SEC. 2. EXPEDITED ADJUDICATION OF EMPLOYER PETI-**  
5 **TIONS FOR ALIENS OF EXTRAORDINARY AR-**  
6 **TISTIC ABILITY.**

7 Section 214(e) of the Immigration and Nationality  
8 Act (8 U.S.C. 1184(e)) is amended—

9 (1) by striking “Attorney General” each place  
10 it appears and inserting “Secretary of Homeland Se-  
11 curity”; and

12 (2) in paragraph (6)(D)—

13 (A) by striking “Any person” and inserting  
14 “(i) Except as provided in clause (ii), any per-  
15 son”; and

16 (B) by adding at the end the following:

17 “(ii) The Secretary of Homeland Se-  
18 curity shall adjudicate each petition for an  
19 alien with extraordinary ability in the arts  
20 (as described in section 101(a)(15)(O)(i)),  
21 an alien accompanying such an alien (as  
22 described in clauses (ii) and (iii) of section  
23 101(a)(15)(O)), or an alien described in  
24 section 101(a)(15)(P) not later than 30  
25 days after—

1           “(I) the date on which the peti-  
2           tioner submits the petition with a  
3           written advisory opinion, letter of no  
4           objection, or request for a waiver; or

5           “(II) the date on which the 15-  
6           day period described in clause (i) has  
7           expired, if the petitioner has had an  
8           opportunity, as appropriate, to supply  
9           rebuttal evidence.

10          “(iii) If a petition described in clause  
11          (ii) is not adjudicated before the end of the  
12          30-day period described in clause (ii) and  
13          the petitioner is a qualified nonprofit orga-  
14          nization or an individual or entity peti-  
15          tioning primarily on behalf of a qualified  
16          nonprofit organization, the Secretary of  
17          Homeland Security shall provide the peti-  
18          tioner with the premium-processing serv-  
19          ices referred to in section 286(u), without  
20          a fee.”.

21 **SECTION 1. SHORT TITLE.**

22           *This Act may be cited as the “Arts Require Timely*  
23 *Service (ARTS) Act”.*

1 **SEC. 2. EXPEDITED ADJUDICATION OF EMPLOYER PETI-**  
2 **TIONS FOR ALIENS OF EXTRAORDINARY AR-**  
3 **TISTIC ABILITY.**

4 *Section 214(c) of the Immigration and Nationality Act*  
5 *(8 U.S.C. 1184(c)) is amended—*

6 *(1) by striking “Attorney General” each place it*  
7 *appears and inserting “Secretary of Homeland Secu-*  
8 *rity”; and*

9 *(2) in paragraph (6)(D)—*

10 *(A) by striking “(D) Any person” and in-*  
11 *serting “(D)(i) Except as provided in clause (i),*  
12 *any person”; and*

13 *(B) by adding at the end the following:*

14 *“(ii) The Secretary of Homeland Security shall adju-*  
15 *dicate each petition for an alien with extraordinary ability*  
16 *in the arts (as described in section 101(a)(15)(O)(i)), an*  
17 *alien accompanying such an alien (as described in clauses*  
18 *(ii) and (iii) of section 101(a)(15)(O)), or an alien de-*  
19 *scribed in section 101(a)(15)(P) (other than an alien de-*  
20 *scribed in section 214(c)(4)(A) (relating to athletes)) not*  
21 *later than 30 days after—*

22 *“(I) the date on which the petitioner submits the*  
23 *petition with a written advisory opinion, letter of no*  
24 *objection, or request for a waiver; or*

25 *“(II) the date on which the 15-day period de-*  
26 *scribed in clause (i) has expired, if the petitioner has*

1        *had an opportunity, as appropriate, to supply rebut-*  
2        *tal evidence.*

3        *“(iii) If a petition described in clause (ii) is not adju-*  
4        *icated before the end of the 30-day period described in*  
5        *clause (ii) and the petitioner is an arts organization de-*  
6        *scribed in paragraph (3), (5), or (6) of section 501(c) of*  
7        *the Internal Revenue Code of 1986 and exempt from tax*  
8        *under section 501(a) of such Code for the taxable year pre-*  
9        *ceding the calendar year in which the petition is submitted,*  
10       *or an individual or entity petitioning primarily on behalf*  
11       *of such an organization, the Secretary of Homeland Secu-*  
12       *rity shall provide the petitioner with the premium-proc-*  
13       *essing services referred to in section 286(u), without a fee.”.*

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2<sup>D</sup> Session

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