

110TH CONGRESS
2D SESSION

H. R. 1312

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2008

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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(c) of the Immigration and Nationality
8 Act (8 U.S.C. 1184(c)) 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 “(D) Any” and inserting
14 “(D)(i) Any”;

15 (B) by striking “Once the” and inserting
16 “Except as provided in clause (ii), once the”;
17 and

18 (C) by adding at the end the following:

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

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

4 “(II) the date on which the 15-day period de-
5 scribed in clause (i) has expired, if the petitioner has
6 had an opportunity, as appropriate, to supply rebut-
7 tal evidence.

8 “(iii) If a petition described in clause (ii) is not adju-
9 dicated before the end of the 30-day period described in
10 clause (ii) and the petitioner is an arts organization de-
11 scribed in paragraph (3), (5), or (6) of section 501(c) of
12 the Internal Revenue Code of 1986 and exempt from tax
13 under section 501(a) of such Code for the taxable year
14 preceding the calendar year in which the petition is sub-
15 mitted, or an individual or entity petitioning primarily on
16 behalf of such an organization, the Secretary of Homeland
17 Security shall provide the petitioner with the premium-
18 processing services referred to in section 286(u), without
19 a fee.”.

Passed the House of Representatives April 1, 2008.

Attest: LORRAINE C. MILLER,

Clerk.