

111TH CONGRESS
1ST SESSION

S. 1409

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

IN THE SENATE OF THE UNITED STATES

JULY 8, 2009

Mr. KERRY (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To expedite the adjudication of employer petitions for aliens with 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Arts Require Timely
5 Service Act” or the “ARTS Act”.

6 **SEC. 2. EXPEDITED ADJUDICATION OF EMPLOYER PETI-**
7 **TIONS FOR ALIENS WITH EXTRAORDINARY**
8 **ARTISTIC ABILITY.**

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

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

4 (2) in paragraph (6)(D)—

5 (A) by striking “(D) Any person” and in-
6 serting the following:

7 “(D)(i) Except as provided under clause (ii), any per-
8 son”; and

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

10 “(ii) The Secretary of Homeland Security shall adju-
11 dicate each petition for an alien who has extraordinary
12 ability in the arts (as described in section
13 101(a)(15)(O)(i)), an alien accompanying such an alien
14 (as described in clauses (ii) and (iii) of section
15 101(a)(15)(O)), or an alien described in section
16 101(a)(15)(P) not later than 30 days after—

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

20 “(II) the date on which the 15-day period de-
21 scribed in clause (i) has expired, if the petitioner has
22 had an appropriate opportunity to supply rebuttal
23 evidence.

24 “(iii) If a petition described in clause (ii) is not adju-
25 dicated before the end of the 30-day period described in

1 clause (ii) and the petitioner is an arts organization de-
2 scribed in paragraph (3), (5), or (6) of section 501(c) of
3 the Internal Revenue Code of 1986 and exempt from tax
4 under section 501(a) of such Code for the taxable year
5 preceding the calendar year in which the petition is sub-
6 mitted, or an individual or entity petitioning primarily on
7 behalf of such an organization, the Secretary of Homeland
8 Security shall provide the petitioner with the premium
9 processing services referred to in section 286(u), without
10 a fee.”.

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