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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To amend the Immigration and Nationality Act to expand premium processing for certain immigration benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. LOFGREN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to expand premium processing for certain immigration benefits, and for other purposes.

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 “Emergency Stopgap
5 USCIS Stabilization Act”.

1 **SECTION 2. EXPANSION OF PREMIUM PROCESSING.**

2 (a) IN GENERAL.—Section 286(u) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1356(u)) is amended
4 to read as follows:

5 “(u) PREMIUM FEE FOR CERTAIN IMMIGRATION
6 BENEFIT REQUESTS.—

7 “(1) IN GENERAL.—The Secretary of Homeland
8 Security is authorized to establish and collect a pre-
9 mium fee for the immigration benefit requests de-
10 scribed in paragraph (2). Such fee shall be paid in
11 addition to any other fees authorized by law, depos-
12 ited as offsetting receipts in the Immigration Exami-
13 nations Fee Account established under subsection
14 (m), and used for the purposes described in para-
15 graph (4).

16 “(2) IMMIGRATION BENEFIT REQUESTS.—Sub-
17 ject to reasonable conditions or limitations, the Sec-
18 retary shall establish a premium fee under para-
19 graph (1) in connection with—

20 “(A) employment-based nonimmigrant pe-
21 titions and associated applications for depend-
22 ents of the beneficiaries of such petitions;

23 “(B) employment-based immigrant peti-
24 tions filed by or on behalf of aliens described in
25 paragraph (1), (2), or (3) of section 203(b);

1 “(C) applications to change or extend non-
2 immigrant status;

3 “(D) applications for employment author-
4 ization; and

5 “(E) any other immigration benefit request
6 that the Secretary deems appropriate for pre-
7 mium processing.

8 “(3) AMOUNT OF FEE.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (C), with respect to an immigration ben-
11 efit request designated for premium processing
12 by the Secretary on or before August 1, 2020,
13 the premium fee shall be \$2,500, except that
14 the premium fee for a petition for classification
15 of a nonimmigrant described in subparagraph
16 (H)(ii)(b) or (R) of section 101(a)(15) shall be
17 \$1,500.

18 “(B) OTHER IMMIGRATION BENEFIT RE-
19 QUESTS.—With respect to an immigration ben-
20 efit request designated for premium processing
21 but not described in subparagraph (A), the ini-
22 tial premium fee shall be established by regula-
23 tion, which shall include a detailed methodology
24 supporting the proposed premium fee amount.

1 “(C) BIENNIAL ADJUSTMENT.—The Sec-
2 retary may adjust a premium fee under sub-
3 paragraph (A) or (B) on a biennial basis by the
4 percentage (if any) by which the Consumer
5 Price Index for All Urban Consumers for the
6 month of June preceding the date on which
7 such adjustment takes effect exceeds the Con-
8 sumer Price Index for All Urban Consumers for
9 the same month of the second preceding cal-
10 endar year. The provisions of section 553 of
11 title 5, United States Code, shall not apply to
12 an adjustment authorized under this subpara-
13 graph.

14 “(4) USE OF FEE.—Fees collected under this
15 subsection may only be used by U.S. Citizenship and
16 Immigration Services to—

17 “(A) provide the services described in
18 paragraph (5) to premium processing reques-
19 tors;

20 “(B) make infrastructure improvements in
21 adjudications processes and the provision of in-
22 formation and services to immigration and nat-
23 uralization benefit requestors;

24 “(C) respond to adjudication demands, in-
25 cluding by reducing the number of pending im-

1 migration and naturalization benefit requests;
2 and

3 “(D) otherwise offset the cost of providing
4 adjudication and naturalization services.

5 “(5) PREMIUM PROCESSING SERVICES.—The
6 Secretary—

7 “(A) may suspend the availability of pre-
8 mium processing for designated immigration
9 benefit requests only if circumstances prevent
10 the completion of processing of a significant
11 number of such requests within the required pe-
12 riod; and

13 “(B) shall ensure that premium processing
14 requestors have direct and reliable access to
15 current case status information as well as the
16 ability to communicate with the premium proc-
17 essing units at each service center or office that
18 provides premium processing services.”.

19 (b) EXPANSION TO NEW BENEFIT REQUESTS.—

20 (1) IN GENERAL.—Notwithstanding the re-
21 quirement to set a fee by regulation under section
22 286(u)(3)(B) of the Immigration and Nationality
23 Act (8 U.S.C. 1356(u)(3)(B)), as amended by sub-
24 section (a), the Secretary of Homeland Security may
25 set a fee under that section without regard to the

1 provisions of section 553 of title 5, United States
2 Code, if such fee is consistent with the following:

3 (A) For a petition for classification under
4 section 203(b)(1)(C) of the Immigration and
5 Nationality Act (8 U.S.C. 1153(b)(1)(C)), or a
6 petition for classification under section
7 203(b)(2) involving a waiver under section
8 203(b)(2)(B) of such Act, the fee is set at an
9 amount not greater than \$2,500 and the re-
10 quired processing timeframe is not greater than
11 45 days.

12 (B) For an application under section 248
13 of the Immigration and Nationality Act (8
14 U.S.C. 1258) to change status to a classifica-
15 tion described in subparagraph (F), (J), or (M)
16 of section 101(a)(15) of such Act (8 U.S.C.
17 1101(a)(15)), the fee is set at an amount not
18 greater than \$1,750 and the required proc-
19 essing timeframe is not greater than 30 days.

20 (C) For an application under section 248
21 of the Immigration and Nationality Act (8
22 U.S.C. 1258) to change status to be classified
23 as a dependent of a nonimmigrant described in
24 subparagraph (E), (H), (L), (O), (P), or (R) of
25 section 101(a)(15) of such Act (8 U.S.C.

1 1101(a)(15)), or to extend such classification,
2 the fee is set at an amount not greater than
3 \$1,750 and the required processing timeframe
4 is not greater than 30 days.

5 (D) For an application for employment au-
6 thorization, the fee is set at an amount not
7 greater than \$1,500 and the required proc-
8 essing timeframe is not greater than 30 days.

9 (2) CLARIFICATION.—The required processing
10 timeframe for each of the applications and petitions
11 described in paragraph (1) shall not commence until
12 the date that all prerequisites for adjudication are
13 received by the Secretary of Homeland Security.

14 (c) OTHER BENEFIT REQUESTS.—In implementing
15 the amendments made by subsection (a), the Secretary of
16 Homeland Security shall develop and implement processes
17 to ensure that the availability of premium processing, or
18 its expansion to additional immigration benefit requests,
19 does not result in an increase in processing times for im-
20 migration benefit requests not designated for premium
21 processing or an increase in regular processing of immi-
22 gration benefit requests so designated.

23 **SEC. 3. REPORTING REQUIREMENTS.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, the Secretary of Home-

1 land Security shall provide to the appropriate Committees
2 a 5-year plan, including projected cost estimates, procure-
3 ment strategies, and a project schedule with milestones,
4 to accomplish each of the following:

5 (1) Establish electronic filing procedures for all
6 applications and petitions for immigration benefits.

7 (2) Accept electronic payment of fees at all fil-
8 ing locations.

9 (3) Issue correspondence, including decisions,
10 requests for evidence, and notices of intent to deny,
11 to immigration benefit requestors electronically.

12 (4) Improve processing times for all immigra-
13 tion and naturalization benefit requests.

14 (b) SEMI-ANNUAL BRIEFINGS.—Not later than 180
15 days after submission of the plan described in paragraph
16 (1), and on a semi-annual basis thereafter, the Secretary
17 shall advise the appropriate Committees on the implemen-
18 tation status of such plan.

19 (c) APPROPRIATE COMMITTEES DEFINED.—In this
20 section, the term “appropriate Committees” means—

21 (1) the Committee on Appropriations, the Com-
22 mittee on the Judiciary, and the Committee on
23 Homeland Security of the House of Representatives;
24 and

1 (2) the Committee on Appropriations, the Com-
2 mittee on the Judiciary, and the Committee on
3 Homeland Security and Governmental Affairs of the
4 Senate.