

.....
(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 TYPES.—

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 types described
10 in paragraph (2). Such fee shall be paid in addition
11 to any other fees authorized by law, deposited as off-
12 setting receipts in the Immigration Examinations
13 Fee Account established under subsection (m), and
14 used for the purposes described in paragraph (4).

15 “(2) IMMIGRATION BENEFIT TYPES.—Subject
16 to reasonable conditions or limitations, the Secretary
17 shall establish a premium fee under paragraph (1)
18 in connection with—

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

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

25 “(C) applications to change or extend non-
26 immigrant status;

1 “(D) applications for employment author-
2 ization; and

3 “(E) any other immigration benefit type
4 that the Secretary deems appropriate for pre-
5 mium processing.

6 “(3) AMOUNT OF FEE.—

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

16 “(B) OTHER IMMIGRATION BENEFIT
17 TYPES.—With respect to an immigration benefit
18 type designated for premium processing but not
19 described in subparagraph (A), the initial pre-
20 mium fee shall be established by regulation,
21 which shall include a detailed methodology sup-
22 porting the proposed premium fee amount.

23 “(C) BIENNIAL ADJUSTMENT.—The Sec-
24 retary may adjust a premium fee under sub-
25 paragraph (A) or (B) on a biennial basis by the

1 percentage (if any) by which the Consumer
2 Price Index for All Urban Consumers for the
3 month of June preceding the date on which
4 such adjustment takes effect exceeds the Con-
5 sumer Price Index for All Urban Consumers for
6 the same month of the second preceding cal-
7 endar year. The provisions of section 553 of
8 title 5, United States Code, shall not apply to
9 an adjustment authorized under this subpara-
10 graph.

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

14 “(A) provide the services described in
15 paragraph (5) to premium processing reques-
16 tors;

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

21 “(C) respond to adjudication demands, in-
22 cluding by reducing the number of pending im-
23 migration and naturalization benefit requests;
24 and

1 “(D) otherwise offset the cost of providing
2 adjudication and naturalization services.

3 “(5) PREMIUM PROCESSING SERVICES.—The
4 Secretary—

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

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

17 (b) EXPANSION TO NEW BENEFIT REQUESTS.—

18 (1) IN GENERAL.—Notwithstanding the re-
19 quirement to set a fee by regulation under section
20 286(u)(3)(B) of the Immigration and Nationality
21 Act (8 U.S.C. 1356(u)(3)(B)), as amended by sub-
22 section (a), the Secretary of Homeland Security may
23 set a fee under that section without regard to the
24 provisions of section 553 of title 5, United States
25 Code, if such fee is consistent with the following:

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

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

18 (C) For an application under section 248
19 of the Immigration and Nationality Act (8
20 U.S.C. 1258) to change status to be classified
21 as a dependent of a nonimmigrant described in
22 subparagraph (E), (H), (L), (O), (P), or (R) of
23 section 101(a)(15) of such Act (8 U.S.C.
24 1101(a)(15)), or to extend such classification,
25 the fee is set at an amount not greater than

1 \$1,750 and the required processing timeframe
2 is not greater than 30 days.

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

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

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

21 **SEC. 3. REPORTING REQUIREMENTS.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of Home-
24 land Security shall provide to the appropriate Committees
25 a 5-year plan, including projected cost estimates, procure-

1 ment strategies, and a project schedule with milestones,
2 to accomplish each of the following:

3 (1) Establish electronic filing procedures for all
4 applications and petitions for immigration benefits.

5 (2) Accept electronic payment of fees at all fil-
6 ing locations.

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

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

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

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

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

23 (2) the Committee on Appropriations, the Com-
24 mittee on the Judiciary, and the Committee on

1 Homeland Security and Governmental Affairs of the
2 Senate.

3 **SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the House Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.