

United States Senate

WASHINGTON, DC 20510

June 14, 2018

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
301 7th Street, S.W.
Washington, DC 20528

The Honorable Mick Mulvaney
Director
Office of Management and Budget
725 17th Street, N.W.
Washington, DC 20503

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Dear Secretary Nielsen and Director Mulvaney:

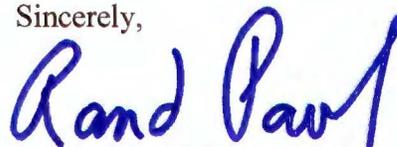
I write you today to express my concerns about the Department of Homeland Security's January 13, 2017, notice of proposed rulemaking titled "EB-5 Immigrant Investor Program Modernization" (82 FR 4738).

By significantly raising the minimum investment levels required for foreign investors to become eligible petitioners under the EB-5 program, this proposed rule may undermine the program's very purpose of creating jobs and growing the economy.

Moreover, I believe it is most appropriate for the Congress to resolve the question of whether or not to adjust the EB-5 program's minimum investment levels. I therefore respectfully request that this proposed rule be withdrawn.

Thank you for your attention to this matter.

Sincerely,



Rand Paul, M.D.
United States Senator

Cc: Mr. Larry Kudlow, Director, National Economic Council



U.S. Citizenship
and Immigration
Services

July 30, 2018

The Honorable Rand Paul, M.D.
Unites States Senate
Washington, DC 20510

Dear Senator Paul:

Thank you for your June 14, 2018 letter. Secretary Nielsen and Office of Management and Budget Director Mulvaney asked that I respond on their behalf.

U.S. Citizenship and Immigration Services (USCIS) shares your interest in ensuring that the EB-5 program serves its purpose of creating jobs and growing the economy. Reforming the EB-5 program to ensure that it is administered with the greatest integrity is a regulatory priority for the Department of Homeland Security (DHS) and USCIS.

As you mention, in 2017, DHS published the EB-5 Immigrant Investor Program Modernization Notice of Proposed Rulemaking (NPRM), which proposed, among other changes, to increase the minimum investment amounts for new EB-5 petitioners and reform the targeted employment area designation process.

In your letter, you advise that it would be more appropriate for Congress to resolve whether to adjust the minimum investment amount. As you know, Congress has debated reforms to the EB-5 program for years, but has failed to take action to improve the program. For instance, as noted in the NPRM, in 1990, Congress set the minimum investment amount for the program at \$1 million and authorized the Attorney General (now the Secretary of Homeland Security), in consultation with the Secretary of Labor and the Secretary of State, to increase the minimum investment amount. *See* Immigration and Nationality Act section 203(b)(5)(C)(i), 8 U.S.C. 1153(b)(5)(C)(i). As further noted in the NPRM, since the enactment of that law in 1990, neither the Attorney General nor the Secretary of Homeland Security has increased the amount despite the fact that decades of inflation have eroded the present-day value of the minimum investment amount. DHS received comments on each of the proposed changes in the NPRM and is considering those comments carefully, as part of the rulemaking process.

The Honorable Rand Paul, M.D.
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Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,



L. Francis Cissna
Director

cc: The Honorable Mick Mulvaney
Director, Office of Management and Budget