

118TH CONGRESS
2D SESSION

H. R. 7220

To establish in U.S. Citizenship and Immigration Services of the Department of Homeland Security an EB–5 Regional Center Program Advisory Committee.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2024

Mr. STANTON (for himself, Mr. FITZPATRICK, Mr. EVANS, and Mr. GOODEN of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish in U.S. Citizenship and Immigration Services of the Department of Homeland Security an EB–5 Regional Center Program Advisory Committee.

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 “EB–5 Regional Center
5 Program Advisory Committee Authorization Act”.

1 **SEC. 2. EB-5 REGIONAL CENTER PROGRAM ADVISORY COM-**
2 **MITTEE.**

3 Subtitle E of title IV of the Homeland Security Act
4 of 2002 is amended by adding at the end the following
5 new section:

6 **“SEC. 463. EB-5 REGIONAL CENTER PROGRAM ADVISORY**
7 **COMMITTEE.**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish within U.S. Citizenship and Immigration Services an
10 EB-5 Regional Center Program Advisory Committee. The
11 Advisory Committee shall be terminated upon adjudication
12 of all benefits filed under section 203(b)(5) and 216A of
13 the Immigration and Nationality Act from time to time
14 or any other public law implementing the EB-5 Regional
15 Center Program.

16 “(b) DUTIES.—

17 “(1) IN GENERAL.—The Advisory Committee
18 shall advise, consult with, report to, and make rec-
19 ommendations to the Director of U.S. Citizenship
20 and Immigration Services regarding the EB-5 Re-
21 gional Center Program.

22 “(2) RECOMMENDATIONS.—

23 “(A) IN GENERAL.—The Advisory Com-
24 mittee shall develop recommendations for im-
25 provements to the EB-5 Regional Center Pro-

1 gram within U.S. Citizenship and Immigration
2 Services.

3 “(B) RECOMMENDATIONS OF SUBCOMMIT-
4 TEES.—Recommendations agreed upon by the
5 subcommittees established under subsection (d)
6 for any year shall be approved by a majority of
7 the Advisory Committee before the Advisory
8 Committee submits to the Director the annual
9 report under paragraph (4) for that year. The
10 Advisory Committee shall not make any petition
11 or case-specific recommendations to the pro-
12 gram under section 203(b)(5) and section 216A
13 of the Immigration and Nationality Act.

14 “(3) PERIODIC REPORTS.—The Advisory Com-
15 mittee shall annually, or when deemed necessary by
16 a majority of the Advisory Committee members, sub-
17 mit to the Director—

18 “(A) reports on matters identified by the
19 Director; or

20 “(B) reports on other matters identified by
21 a majority of the members of the Advisory
22 Committee.

23 “(4) ANNUAL REPORT.—The Advisory Com-
24 mittee shall submit to the Secretary of Homeland
25 Security and Director an annual report providing in-

1 information on the activities, findings, and rec-
2 ommendations of the Advisory Committee, including
3 its subcommittees, for the preceding fiscal year. Not
4 later than six months after the date that the Sec-
5 retary of Homeland Security and the Director re-
6 ceives an annual report for a year, the Director shall
7 publish a public version of the report describing the
8 activities of the Advisory Committee and such re-
9 lated matters as would be informative to the public
10 during that year.

11 “(5) CONGRESSIONAL NOTIFICATION.—For
12 each fiscal quarter beginning after the date of the
13 enactment of this section, the Director shall provide
14 to the Committees on the Judiciary, and the Com-
15 mittees on Appropriations a briefing on the activities
16 of the Advisory Committee.

17 “(6) CONFORMITY WITH THE EB–5 REFORM
18 AND INTEGRITY ACT OF 2022.—Nothing in this sec-
19 tion may be construed to violate or be inconsistent
20 with section 107 of the EB–5 Reform and Integrity
21 Act of 2022.

22 “(c) MEMBERSHIP.—

23 “(1) APPOINTMENT.—

24 “(A) IN GENERAL.—Not later than 180
25 days after the date of the enactment of this

1 Act, the Secretary of Homeland Security shall
2 appoint the members of the Advisory Com-
3 mittee consisting of representatives of Federal,
4 State, local and Tribal Governments and EB-
5 5 regional centers in good standing representing
6 projects from diverse geographies and diverse
7 project types.

8 “(B) COMPOSITION.—The membership of
9 the Advisory Committee shall consist of not
10 more than 35 members, each of whom represent
11 a category referred to in subparagraph (C)(i).
12 The member shall be considered the appointed
13 regional center or governmental agency, and the
14 member shall appoint, subject to Secretary ap-
15 proval, the individual that represents such re-
16 gional center or governmental agency.

17 “(C) REPRESENTATION.—

18 “(i) IN GENERAL.—Regional centers
19 members shall be appointed only from re-
20 gional centers in good standing and oper-
21 ating under the EB-5 Reform and Integ-
22 rity Act of 2022, notwithstanding any
23 lapse or termination of the EB-5 Regional
24 Center Program, and each regional center
25 member shall represent a regional center

1 that has submitted petitions to sponsor no
2 fewer than two projects in the same re-
3 gional center category pursuant to clause
4 (ii).

5 “(ii) REPRESENTATION CAT-
6 EGORIES.—Regional center members shall
7 include at least two from each of the fol-
8 lowing categories:

9 “(I) Regional Center—High un-
10 employment area.

11 “(II) Regional Center—Rural.

12 “(III) Regional Center—Infra-
13 structure.

14 “(IV) Regional Center—Census
15 Region Northeast.

16 “(V) Regional Center—Census
17 Region South.

18 “(VI) Regional Center—Census
19 Region Midwest.

20 “(VII) Regional Center—Census
21 Region West.

22 “(iii) ADDITIONAL REPRESENTA-
23 TION.—Representatives shall, in addition,
24 include at least one from each of the fol-
25 lowing categories:

1 “(I) Mayor—City, large; Terri-
2 tory inside Urbanized Area and inside
3 a Principal City with population of
4 250,000 or more.

5 “(II) Mayor—City, midsize; Ter-
6 ritory inside Urbanized Area and in-
7 side a Principal City with population
8 less than 250,000 and greater than or
9 equal to 100,000.

10 “(III) Mayor—City, small; Terri-
11 tory inside Urbanized Area and inside
12 a Principal City with population less
13 than 100,000.

14 “(IV) County Economic Develop-
15 ment Officer—Urbanized Area.

16 “(V) County Economic Develop-
17 ment Officer—Urban Place Outside of
18 Urbanized Area.

19 “(VI) County Economic Develop-
20 ment Officer—Rural Place.

21 “(VII) State Economic Develop-
22 ment Officer.

23 “(VIII) Department of State, ex
24 officio.

1 “(IX) Department of Commerce,
2 ex officio.

3 “(X) Trade association rep-
4 resenting no fewer than 50 EB-5 re-
5 gional centers.

6 “(XI) Other relevant fields iden-
7 tified by the Director.

8 “(iv) PROHIBITION.—The Advisory
9 Committee shall include at least two mem-
10 bers from each category under clause (ii)
11 but not exceed three members from any
12 one category.

13 “(2) TERM OF OFFICE.—

14 “(A) TERMS.—The term of each member
15 of the Advisory Committee shall be two years,
16 but a member may continue to serve, notwith-
17 standing any term limit, until a successor is ap-
18 pointed. In the event that an individual rep-
19 resenting the member is no longer associated
20 with the member, the member shall appoint,
21 subject to Secretary of Homeland Security ap-
22 proval, a new individual to serve the remaining
23 term of such member.

24 “(B) REMOVAL.—The Director may review
25 the participation of a member of the Advisory

1 Committee and remove such member for cause
2 at any time, after notifying the Secretary of
3 Homeland Security.

4 “(C) REAPPOINTMENT.—A member of the
5 Advisory Committee may be reappointed for a
6 maximum of 6 consecutive terms.

7 “(3) PROHIBITION ON COMPENSATION.—The
8 members of the Advisory Committee may not receive
9 pay or benefits from the United States Government
10 by reason of their service on the Advisory Com-
11 mittee, other than pay and benefits for Federal em-
12 ployees serving on the Advisory Committee that are
13 incident to their Federal employment.

14 “(4) MEETINGS.—

15 “(A) IN GENERAL.—The Director shall re-
16 quire the Advisory Committee to meet at least
17 quarterly, and may convene additional meetings
18 as necessary.

19 “(B) PUBLIC MEETINGS.—At least one of
20 the meetings referred to in subparagraph (A)
21 shall be open to the public.

22 “(C) ATTENDANCE.—The Advisory Com-
23 mittee shall maintain a record of the persons
24 present at each meeting.

1 “(5) CHAIRPERSON.—The Advisory Committee
2 shall select, from among the members of the Advi-
3 sory Committee—

4 “(A) a member to serve, for a term of 4
5 years, as chairperson of the Advisory Com-
6 mittee; and

7 “(B) a member to serve as chairperson of
8 each subcommittee of the Advisory Committee
9 established under subsection (d).

10 “(d) SUBCOMMITTEES.—

11 “(1) IN GENERAL.—The Director and the Advi-
12 sory Committee shall establish subcommittees within
13 the Advisory Committee to address EB–5 Regional
14 Center Program issues, including the following:

15 “(A) Administration, including—

16 “(i) agency staffing;

17 “(ii) petition processing times;

18 “(iii) improved communication be-
19 tween the Agency and EB–5 Regional Cen-
20 ter stakeholders;

21 “(iv) fraud prevention; and

22 “(v) compliance with securities laws.

23 “(B) Impact, including—

24 “(i) job creation and job retention;

25 and

1 “(ii) capital investment.

2 “(C) Policy, subject to applicable require-
3 ments under law, including—

4 “(i) legislative interpretation and spe-
5 cific policies and guidelines of U.S. Citizen-
6 ship and Immigration Services relevant to
7 the EB–5 Regional Center Program;

8 “(ii) policymaking procedures outside
9 of formal legislative or regulatory rule-
10 making processes;

11 “(iii) regulations;

12 “(iv) financial structuring of invest-
13 ments; and

14 “(v) source of funds issues.

15 “(D) Other such issues relevant to the
16 EB–5 Regional Center Program and requested
17 by members of the Advisory Committee.

18 “(2) ADDITIONAL SUBCOMMITTEES.—In addi-
19 tion to the subcommittees established pursuant to
20 paragraph (1), the Advisory Committee chairperson,
21 in coordination with the Director, shall establish
22 within the Advisory Committee such additional sub-
23 committees that the majority of the Advisory Com-
24 mittee determine to be necessary.

1 “(3) MEETINGS AND REPORTING.—Each sub-
2 committee shall meet at least quarterly, and at least
3 once in-person annually, and submit to the Advisory
4 Committee for inclusion in the annual report re-
5 quired under subsection (b)(4) information, includ-
6 ing activities, findings, and recommendations, re-
7 garding subject matter considered by the sub-
8 committee.

9 “(4) SUBJECT MATTER EXPERTS.—The chair of
10 the Advisory Committee shall appoint members to
11 subcommittees.

12 “(e) NONAPPLICABILITY OF FACA.—The Federal
13 Advisory Committee Act (5 U.S.C. App.) shall not apply
14 to the Advisory Committee and its subcommittees.”.

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