Congress of the United States
Washington, DC 20515

December 22, 2015

The Honorable John F. Kerry
Secretary of State
U.S. Department of State
Washington, D.C. 20520

The Honorable Jeh Johnson
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretaries Kerry and Johnson:

We write in response to Secretary Kerry's recent letter to Iranian Foreign Minister Javad Zarif regarding how changes to the Visa Wavier Program (VWP) will impact Iranian nationals who wish to travel to the United States.

The U.S. House of Representatives passed H.R. 158, "The Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015," with an overwhelming bipartisan vote of 407 – 19. These security enhancements were signed into law last week by President Obama as part of end of year spending legislation.

As you know, the White House was an active participant in negotiation of the final text of the bill and prior to House passage expressed its support for the bill, in part, based on changes made as a result of those discussions. As it was part of those active negotiations, there was reason to believe the Administration would faithfully implement this law.

However Secretary Kerry's letter to Foreign Minister Zarif calls into question the Administration's intentions. The law prohibits the vast majority of citizens of countries participating in the VWP who travel to Iran or are Iranian-dual nationals, from being able to use the VWP to enter the United States. They will instead be required to obtain a visa - a process which citizens of most countries must go through before traveling to the United States. The bill also contains very limited exceptions to the VWP travel prohibition. It also gives the Department of Homeland Security Secretary the ability to waive the prohibition on an individual basis if it is in '*the law enforcement or national security interests of the United States.*' This does not allow for the waiving of the VWP travel prohibition for an entire class of individuals.

Based on the letter to Foreign Minister Zarif, we are deeply concerned that the narrowly-intended use of the waiver authority will be ignored in favor of applying the waiver authority to those who have traveled to Iran for business purposes. Not only was such an exemption from the law not included in the legislation, it was specifically discussed during bill negotiations with Administration staff and expressly refused by Members of Congress despite the inclusion of two other exemptions. This letter serves to dispel any notion that the Congressional intent would allow the waiver authority to be used for business travelers.

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Despite repeated requests to explain and clarify the intent of Secretary Kerry's letter, the State Department refuses to do so. Instead, officials at the State Department continue to refuse to say that the waiver authority could not be used to allow business travelers to Iran access to the VWP program.

Congress and the President strengthened the VWP in order to protect the national security of the United States. Iran is impacted by this new law because it is a U.S.-designated state sponsor of terrorism. The simplest way to eliminate this restriction is for Iran to end its support of terrorism. We are deeply concerned that this point was absent from your recent correspondence with the Iranian Foreign Minister and urge the Administration to press Tehran on this, as well as its recent missile tests and persistent jailing of Americans. The problem is with Iranian actions, not the new visa waiver law.

We urge you to keep these points in mind as you continue to correspond with the Iranian Foreign Minister on the impact of U.S. law. Should you require any more information regarding the Congressional intent of this provision, please do not hesitate to contact us.

Sincerely,

KEVIN McCARTHY

EDWARD R. ROYCE

BOB GOODLATTE

MICHAEL McCAUL

CANDICE MILLER