



**Statement of Chairman Michael McCaul (R-TX)
House Homeland Security Committee**

*National Security and Law Enforcement: Breaking the New Visa Waiver Law to Appease Iran
February 10, 2016*

Remarks as Prepared

We are holding this hearing today because Congress is confronted with a dilemma which has grave implications for our security and for our democratic process.

In December, the President signed important measures into law to improve counterterrorism screening of foreign travelers coming into the United States.

These enhancements were urgently needed in the wake of the Paris attacks and in light of the high terror threat environment.

But now the President has decided he is going to break this law—and he plans to do so, in part, to accommodate the world’s leading state sponsor of terror, Iran.

I believe this decision could have serious consequences for our security and—perhaps more importantly—far-reaching consequences for our democracy.

The legislation at issue is H.R. 158, the “Visa Waiver Program Improvement and Terrorist Travel Prevent Act of 2015.” It was authored by this Committee’s Vice Chair, Ms. Miller, and it implements several major recommendations from the Committee’s bipartisan *Task Force on Combating Terrorist & Foreign Fighter Travel*.

The bill passed the House overwhelmingly, 407-19, and it was included in the year-end spending bill signed by President Obama. This was one of the most significant pieces of security legislation Congress considered last year—it tightens security checks overseas and makes it harder for terrorists to exploit the Visa Waiver Program to get into America.

The threat is real. For instance, more than 6,000 Westerners have gone to fight in Syria and Iraq, and many of them are from VWP countries. This means they can enter the United States more quickly and easily than other travelers. Nearly 2,000 of these individuals have already come back from the battlefield.

Accordingly, the new law sends a clear message to VWP citizens: if you have recently visited Syria, Iraq, Iran, or Sudan, you must go through additional screening before coming to the United States.

The law requires these individuals to get a regular visa, which includes an in-person interview and the submission of their fingerprints.

Congress included specific exceptions, including allowing individuals to still travel visa-free to America if their reason for being in a terrorist hotspot was for military service or official government business.

But during bipartisan negotiations over the bill, the Administration asked for other exceptions.

They wanted to let individuals skip the new security procedures if they had traveled to these countries for journalistic, humanitarian, cultural, or business purposes.

Congress explicitly rejected these exceptions, and they did not appear in the final text of the bill.

It was clear such broad loopholes would undermine the purpose of the law and make it difficult and costly to implement. Many of us are also aware that jihadists commonly use excuses like humanitarian assistance to disguise their actual reasons for traveling to a terrorist safe haven. In fact, earlier this week seven people were arrested in Spain for supplying arms to ISIS disguised as humanitarian aid.

However, Congress did agree to provide a narrow waiver to allow a VWP traveler to avoid the extra step of visiting a U.S. Embassy if it was, quote, "in the law enforcement or national security interests of the United States."

To be clear, this waiver was intended to apply to special circumstances, such as when a foreign traveler is being investigated or monitored. The waiver would ensure that those activities are not disrupted—and that a suspect is not tipped off.

The Administration clearly understood this.

But then Iran weighed in. In December, the Iranian regime complained to the Obama Administration that the law would hurt their economy by deterring European business travelers from visiting. Why? Because doing so would mean they had to go through additional security steps next time they came to America.

Iran even argued that this was a violation of the nuclear deal. And in a rush to appease them, Secretary Kerry wrote a letter declaring that the law could be waived, quote, "so as not to interfere with legitimate business interests of Iran."

Let me be clear: nowhere does the law include this authority. In fact, Congress explicitly rejected the waivers requested by the White House. I joined other Congressional leaders in writing to Secretary Kerry to remind him what the law actually said.

Yet last month the Administration announced it would be able to exempt several categories of individuals from the requirements. In fact, they claimed VWP citizens who traveled to terrorist

hotspots for humanitarian or journalistic purposes—or to Iran for business purposes—could be exempted from the new security process.

Once again: this law does not include such exemptions.

They were proposed by the Administration, discussed, and rejected. The Administration even agreed to the final text without them and publicly supported the bill.

I cannot overstate how serious this issue has now become. The President is moving forward with an illegal implementation of a law he signed only weeks ago, breaching the trust between our two branches of government and potentially putting our nation's security at risk.

These requirements were imposed for a reason: to ensure individuals who have recently been in terrorist sanctuaries do not pose a threat to our country. The law does not forbid VWP travelers from coming to America—it simply adds an additional layer of security.

But the Administration's false reading of the law has Congress and the American people wondering, "How much further will we bend backwards for Iran?"

We have paid them ransom to release detained Americans, we have freed up billions of dollars for their rogue regime, and now the President is ignoring our own laws so we don't "interfere" with Iran's economic growth.

Today you will hear our witnesses say these exceptions will only be used on a "case-by-case" basis.

But you're not allowed to break the law "case-by-case." When you're the President, you're not supposed to break it at all—and certainly not for a state sponsor of terror with American blood on its hands.

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