

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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### Ranking Member Stephen F. Lynch (MA-08) Subcommittee on National Security Hearing on “The President’s Waiver of Restrictions on the Visa Waiver Program” February 10, 2016

Thank you, Mr. Chairman. I’d like to thank you and Chairman Meadows for holding this hearing to examine implementation of the Visa Waiver Program. I’d also like to thank today’s witnesses for helping this Committee with its work.

In December of 2015, Congress enacted, and President Obama signed, the *Visa Waiver Program Improvement and Terrorist Travel Prevention Act* as part of the recent omnibus appropriations bill. This bipartisan legislation to strengthen the Visa Waiver Program became law in the wake of the devastating terrorist attacks in Paris, France in November of 2015 perpetrated by several attackers who were citizens of so-called visa waiver program countries, including France and Belgium. It also followed the tragic mass shootings in San Bernardino, California in December of 2015 that evidenced the real and continued threat of a terrorist attack committed on U.S. soil.

The new Act, which I voted for, generally provides that even if you are a citizen of one of the 38 allied nations that participate in the visa waiver program, you are no longer eligible for temporary, visa-free entry to the United States if you traveled to Syria, Iraq, Sudan, or Iran since March 1, 2011. Similarly, dual nationals of any of these four countries are prohibited from Visa Waiver Program eligibility.

The Act also recognizes that in select cases, the application of these new program restrictions could potentially run contrary to national security by, for example, excluding United Nations personnel, inspectors with the International Atomic Energy Agency, or humanitarian relief workers who have visited one of the countries of concern from the visa waiver program.

In order to better ensure that such individuals are able to do their jobs, the Act provides that the Secretary of Homeland Security may grant a waiver to a foreign national “*if the secretary determines that such a waiver is in the law enforcement or national security interests of the United States.*” It also requires the Secretary to submit to congressional committees of jurisdiction an annual report on each instance in which the Secretary exercised this waiver authority.

Last month, the Department of Homeland Security explained the limited circumstances under which the Secretary may consider granting a national security waiver. In particular, the agency underscored that such waivers “*will be granted only on a case-by-case basis.*” The

Department also noted that waiver-eligible travelers may include representatives of international and humanitarian organizations as well as journalists who traveled to Iran, Iraq, Sudan, or Syria in performance of their job duties. They may also include individuals who traveled to Iraq and Iran for legitimate business-related purposes.

I strongly agree that we must conduct meaningful oversight of the implementation of this national security waiver authority. However, in analyzing the effectiveness of this provision, we must be mindful that our shared interest in national security does not exclude the goals of promoting humanitarian assistance, accountability, and economic stability in the four countries of concern. Quite the contrary, they can go hand in hand.

Last month, Chairman Chaffetz authorized Rep. Russell and me to lead an Oversight Delegation to the Zaatari Refugee Camp on the Jordan-Syrian border and the Oncupinar Refugee Camp in Kilis Province on the Turkish-Syrian border. We met with representatives from several international and humanitarian organizations, including the Office of the United Nations High Commissioner for Refugees, the World Food Programme, Save the Children, and local humanitarian relief and healthcare groups. These officials repeatedly noted that humanitarian aid does not only provide a dignified living for people in need but also *"make us all safer"* by de-incentivizing desperate populations from making desperate choices. This humanitarian aid keeps refugees near their home country.

Similarly, conflict reporting by journalists in places like Aleppo, Syria has proven critical to informing U.S. officials and the American public about the security and humanitarian facts on the ground. As noted by Professor Ellen Shearer, Co-Director of the National Security Journalism Initiative at Northwestern University, *"the cost of getting the truth could be high but the cost in not getting the full story is real, too."*

In Iraq, U.S.-led efforts to combat the Islamic State will only be complicated if the country cannot conduct legitimate business and dives deeper into economic crisis and the social unrest caused by falling oil prices. And in Iran, international efforts to ensure compliance with the robust nuclear inspections regime set forth in the Iran Nuclear Agreement would be undermined by an Iranian economy that is unable to refurbish a deteriorating domestic plane fleet used by I.A.E.A. inspectors to travel between inspection sites.

Again, I voted for tighter restrictions in the Visa Waiver Program given the evidence that the Islamic State has adopted a tactic of feeding militant extremists into the stream of legitimate refugees and the wider diaspora created by the wars in Iraq and Syria. I do believe, though, in affording the Secretary flexibility that he has been granted by statute. Thank you, Mr. Chairman, I look forward to further discussing these and other issues relating to the visa waiver program with today's witnesses and I yield the balance of my time.

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