

Congress of the United States
Washington, DC 20515

July 8, 2022

Joseph R. Biden Jr.
President of the United States

The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Biden,

We are writing to you out of grave concern with an order jointly issued on June 23rd by the Department of State and Department of Homeland Security: Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act.¹

This order creates new carve out categories that would exempt those who have provided “insignificant material support” to terrorists or “limited material support under circumstances involving certain routine commercial transactions” or “social transactions” from the automatic immigration ban under Foreign Terrorist Organization designation.

In practice, these loose and overly broad definitions will open the floodgates for supporters of terrorism to enter the United States. Such a general waiver, if implemented, would create additional difficulty in immigration vetting process, have catastrophic consequences on border security and put American families at increased risk from terrorism.

This order was also released just weeks before negotiations with Iran over restoring the nuclear deal recommenced. Iran has yet to officially stop demanding its Islamic Revolutionary Guards Corps (IRGC) be delisted as a Foreign Terrorist Organization (FTO), though your administration has said that the IRGC will remain as such.

Your administration may be trying to entice Iran back to the nuclear deal by using broad executive authorities to weaken the penalties connected to the FTO designation without requiring the IRGC and other Iran supported terrorist organizations to verifiably cease their terrorist activities.

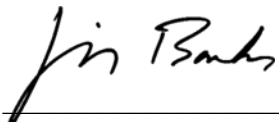
¹ <https://www.federalregister.gov/documents/2022/06/23/2022-13472/exercise-of-authority-under-section-212d3bi-of-the-immigration-and-nationality-act>

Exercising broad executive authorities to weaken the legal force of FTO designations is bound to increase risks to US national security. We underscore that all FTO restrictions and sanctions must apply to a designated Foreign Terrorist Organizations in full effect until that organization ceases to exist or completely and verifiably abandons terrorism. The removal of penalties and sanctions connected to any FTO, or its delisting, must be a behavior based, case by case decision made according to law and with congressional oversight.

In connection with the joint release of the order in question, I would like to request that you kindly respond to the following questions by July 22nd:

- (1) Why do the Departments of Homeland Security and the Department of State find it is in the national interest to allow any supporters of terrorism into the United States?
- (2) Does this action undermine incentives not to affiliate or provide services to designated FTOs and their members?
- (3) How many individuals have already qualified for relief under this determination? How many does your administration estimate will qualify each year? How many are from Afghanistan, how many are from Iran, and how many are from other countries?
- (4) What groups are intended beneficiary of this order? If, as the State Department spokesperson commented, this order is intended to benefit Afghan Special Immigration Visa applicants and holders, why is this group not explicitly mentioned?
- (5) Does your administration intend to issue any immigration related waivers for IRGC and its affiliates? If, as State Department Spokesperson commented, this order is not intended to benefit the IRGC and its affiliates, why are IRGC and its affiliates not explicitly excluded from this order?
- (6) Has the Department of Justice issued, or does it intend to issue any guidance on criminal prosecution related to persons providing support to IRGC (or entities linked to IRGC e.g., Hezbollah)?
- (7) Does your administration intend to issue any waivers for economic restrictions and sanctions on IRGC and its affiliates as part of a political agreement with Iran to restore the nuclear deal without IRGC having to first abandon terrorism completely and verifiably?
- (8) Has your administration taken any action to obtain relief for victims of IRGC terrorism from persons and entities linked to IRGC that may benefit from lessened FTO penalties as a result of your administration's exercise of executive power to issue broad waivers?

Sincerely,



Jim Banks
Member of Congress



W. Gregory Steube
Member of Congress



Claudia Tenney
Member of Congress



Robert Wittman
Member of Congress

CC:

U.S. Secretary of State Anthony Blinken

U.S. Secretary of Homeland Security Alejandro Mayorkas