

To:
CBP PRA Officer
U.S. Customs and Border Protection
Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch
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Subject: OMB 1651-0139, U.S. Customs and Border Protection, Department of Homeland Security

This comment is in regards to the proposed information collection by U.S. Customs and Border Protection, Department of Homeland Security, published February 21, 2017 [OMB 1651-0139], which would ask holders of 10-year B1/B2 visas from the People's Republic of China (P.R.C.) to divulge additional information through the Electronic Visa Update System (EVUS) regarding their social media accounts.

The proposed information collection should *not* be adopted in its current form as it:

- Fails to provide practical utility to the agency in carrying out its functions of identifying inadmissible aliens;
- Inaccurately specifies the burden of information collection on Chinese social media platforms; and
- Fails to consider the burdens from reasonable reciprocal requirements on U.S. travelers at P.R.C. border crossings.

These objections are explained in greater detail below.

Practical utility to the agency (a)

The stated function of the proposed change is to facilitate more efficient identification by Customs and Border Patrol (CBP) agents of inadmissible aliens. There seem to be, however, few credible examples where facilitating access to public social media posts would serve such a purpose. It would be illogical for an inadmissible alien to 1) reveal information pertinent to inadmissibility through a public platform with privacy settings set to allow open viewing of this information; and to further 2) identify these social media platforms to CBP pursuant to this change. By contrast, there exist examples where aliens traveling to the U.S. have been incorrectly flagged because of public posts, including leading to incorrect determinations of inadmissibility.

Accuracy of burden calculations (b)

If the intention is to collect information on common social media platforms used by P.R.C. citizens, the diversity and large volume of these platforms make the estimated budget calculation of 25 minutes per response to be a gross underestimate:

- This does not include the large startup costs of training CBP officials to review Chinese-language platforms, making it distinct from previous requirements under the Electronic System for Travel Authorization (ESTA);
- This does not specify the need for specialized Chinese-fluent CBP staff, and the resulting impacts on time and costs.

Given these, the CBP should, if such change goes into effect, limit the “drop down menu of options for selection” to those only already in use through ESTA.

Reciprocal burdens on U.S. travelers (b)

Short-term business traveler, tourist, and student visa validities were extended to 10 years under a reciprocal arrangement between the U.S. and the P.R.C. in 2014, with the goal of improving relations and stimulating economic growth. Annually, there are 3.1 million U.S. travelers to China. If the proposed change were to go into effect, there is a reasonable expectation that reciprocal requests could be made of these three million U.S. travelers. This harms the interests of U.S. citizens exposed to unnecessary additional screenings and potential refusal of entry at border crossings. The additional burden that could be imposed on U.S. travelers from reciprocal requirements by the P.R.C. should be considered in the agency’s calculation.

Sincerely,

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