



February 9, 2026

Seth Renkema, Chief
Economic Impact Analysis Branch
U.S. Customs and Border Protection
Office of Trade, Regulations and Rulings
90 K Street NE, 10th Floor
Washington, D.C. 20229-1177

Re: Arrival and Departure Record (Form I-94) and Electronic System for Travel Authorization (ESTA), OMB Control Number 1651-0111, 90 Fed. Reg. 57208 (Dec. 20, 2025)

Dear Chief Renkema:

The U.S. Chamber of Commerce (the Chamber) respectfully submits these comments on U.S. Customs and Border Protection's (CBP) proposed revisions to information collection associated with the Electronic System for Travel Authorization (ESTA) and Form I-94.¹ Our members—across every size, sector, and region—depend on predictable, secure, and efficient mobility to support training at U.S. facilities, service customers, participate in time-sensitive meetings and conferences, and invest in the U.S. economy. Under the current Administration, the Department of Homeland Security (DHS) has achieved unprecedented success at securing our nation's borders. The Chamber and its members look forward to working with DHS and CBP to create a risk-based screening process that advances national security without harming our economic security and damaging U.S. competitiveness in the global economy.

Overview of the Proposed Changes

Travelers from 42 countries currently visit the United States visa-free under the visa waiver program (VWP). These countries are among America's closest allies. To qualify for VWP, these countries must demonstrate stringent security screening, share data with U.S. law enforcement, issue travel documents containing anti-tampering security features, among other stringent measures. Visitors on VWP may stay for no more than 90 days and may not change their status to any other visa category. VWP is a unique security partnership that facilitates

¹ Agency Information Collection Activities; Revision; Arrival and Departure Record (Form I-94) and Electronic System for Travel Authorization (ESTA), 90 Fed. Reg. 57,208 (Dec. 10, 2025).

low-risk travel from trusted allies while maintaining robust information-sharing and screening.² An estimated 19 million visitors come to the United States annually through VWP with an almost flawless compliance record.³

The ESTA application is a necessary step for travelers from eligible countries to visit the United States on VWP. By design, ESTA is faster and more predictable than nonimmigrant visa processing, and only countries with extremely low levels of visa violations are admitted to this exclusive program. Congress intended the VWP and ESTA to operate as a streamlined, low-burden screening mechanism for travelers from trusted partner countries—not as a *de facto* visa application.⁴ In most cases, ESTA applicants get a response nearly instantly, and certainly within 72 hours, even in rare situations.⁵

The proposed changes would: (1) make five years of social media identifiers mandatory; (2) add sweeping “high-value data elements” including ten years of email addresses, five years of phone numbers, extensive family-member biographic details, IP addresses and photo metadata, and biometrics up to and including DNA (“when feasible”); and (3) decommission the ESTA website so that the mobile application is the sole submission channel.⁶ These measures create significant risks of discouraging legitimate travel and generating false positives that hinder lawful entry. Yet, there is no clear evidence of corresponding security enhancement—particularly for travelers from historically low-risk VWP countries. Layering in decade-long look-backs, expansive family data, and potential biometrics beyond what many visa applicants must provide undermines that design and blurs the line between VWP and visa processing—diminishing the program’s economic and diplomatic benefits.

² See generally Visa Waiver Program, U.S. Customs & Border Prot., <https://www.cbp.gov/travel/international-visitors/visa-waiver-program> (last modified Nov. 12, 2024) (last visited Jan. 30, 2026).

³ Stewart Verdery, *How Homeland Security Could Empty U.S. Stadium Seats*, Wash. Post. (Jan. 23, 2026).

⁴ Abigail F. Kolker & Adam G. Levin, Cong. Rsch. Serv., R46300, Adding Countries to the Visa Waiver Program: National Security and Tourism Considerations 2–3 (Oct. 8, 2024).

⁵ CBP Reminds Travelers to Allow 72 Hours for ESTA, U.S. Customs & Border Prot. (Dec. 11, 2018), <https://www.cbp.gov/newsroom/national-media-release/cbp-reminds-travelers-allow-72-hours-esta> (last visited Jan. 30, 2026).

⁶ 90 Fed. Reg. at 57,209–11 (Dec. 10, 2025) (describing proposed mandatory social media, high-value data fields, and ESTA website decommission).

Discussion

I. The Economic Impact

A. Adverse impact on business travel

International inbound travel is a major contributor to the U.S. economy. For example, it makes possible exports through face-to-face sales and after-sales service; sustains job growth across aviation, lodging, retail, and hospitality sectors. For business travelers, the predictability and efficiency—especially within the VWP—are critical. Any obstacle to business transactions across international boundaries can result in lost opportunities, delayed or cancelled projects, which ultimately translate to lost economic opportunities for the American people.⁷

As drafted, the proposal would impose substantial new data-collection requirements and remove the secure website in favor of a mobile-only process. Even without the proposed expansion in data collection, CBP estimates approximately 14.48 million ESTA mobile submissions at 22 minutes each. Requiring applicants to retrieve five-year social media identifiers, ten-year email histories, five-year phone numbers, and expansive family details would push completion time well above that baseline for the majority of travelers.⁸ The expanded data collection also can mean an increase in false positive “hits” triggering more administrative reviews and erroneous rejection of legitimate travelers. The inevitable result is fewer short-notice trips (a core use case for ESTA), itinerary cancellations, and higher corporate travel costs that disproportionately hit small and mid-sized exporters. U.S. businesses will have greater difficulty bringing staff and partners to the United States for trainings and conferences, putting the United States at a competitive disadvantage.

B. Adverse impact on travel and tourism

International visitors play a vital role in strengthening the U.S. economy, contributing significantly through both spending and job support. According to the U.S. Travel Association, in 2024, inbound international travelers spent \$181 billion in the United States, representing a major component of our nation’s travel related economic activity. In addition, the travel industry generates nearly \$3 trillion in total economic output and supported 15 million American jobs during the same year.⁹

Looking ahead, the Commerce Department forecasts 85 million international travelers will visit the United States this year, contributing about 20% of all travel spending in the United

⁷ U.S. Travel Ass'n, Economic Impact of the U.S. Travel Industry: 2024 National Data (Mar. 2024).

⁸ 90 Fed. Reg. at 57,210 (estimating 14,484,073 ESTA mobile respondents; 22 minutes per response; 5,310,827 annual burden hours).

⁹ U.S. Travel Ass'n, Economic Impact of the U.S. Travel Industry: 2024 National Data (Mar. 2024).

States.¹⁰ Moreover, a recent survey of international travelers from VWP countries conducted by the World Travel & Tourism Council (WTTC) revealed that two-thirds of the over 4,500 travelers surveyed said they were aware of the proposed policy already, with a large share saying it would make our nation feel less welcoming and less attractive for both leisure and business travel. Further, over one-third of those surveyed revealed that they would be somewhat or much less likely to visit the United States due to the new proposal. The potential decline in travelers—over a 23% reduction from VWP countries—could cost the United States an estimated \$15.7 billion in lost visitor spending and over 150,000 lost jobs. This would be devastating to not just the travel economy, but to states and communities across the country.¹¹

Using the aforementioned estimate of approximately 19 million VWP visitors each year, quantitatively, if even 10% of VWP travelers redirect trips (a very conservative estimate) elsewhere, the United States would forgo roughly 2 million visitors annually, \$5–8 billion in direct spending, and 40,000–60,000 supported jobs. If deterrence approaches one-third of the ESTA travelers, these estimates will triple. While these are only estimates, they illustrate the scale of risk when our policies deter international travelers, especially those from the 42 trusted countries that are eligible for VWP.

Foreign visitors are especially valuable because they spend \$4,000 on average, roughly eight times as much as the typical domestic traveler.¹² Airlines, hotels, restaurants, and recreational destinations all share in the windfall, as do hospitals receiving “medical tourists,” to give just one additional example. The timing of the proposed changes is uniquely damaging because the 2026 FIFA World Cup and America’s 250th anniversary (A250) depend on significant international visitors to realize projected gains. Impeding the ESTA process and deterring spontaneous and short-notice trips would reduce significantly the very trips that drive event-related revenue across lodging, restaurants, attractions, and local transportation.¹³

C. Adverse impact on U.S. national interest

The proposed changes to the ESTA application process and the additional burden imposed on travelers from the 42 friendly VWP countries can undermine U.S. national interests. In addition to discouraging business travel, tourism, and scientific and academic exchanges, the

¹⁰ Travel and Tourism Forecasts, Int’l Trade Admin., Nat’l Travel & Tourism Off., <https://www.trade.gov/travel-and-tourism-forecasts> (last visited Jan. 30, 2026).

¹¹ World Travel & Tourism Council, *Planned U.S. Border Social Media Changes Could Reduce Visitor Spend by USD \$15.7 Billion and Impact 157,000 American Jobs*, (Jan. 28, 2026), <https://wttc.org/news/planned-u-s-border-social-media-changes-could-reduce-visitor-spend>.

¹² U.S. Travel Ass’n, *Restore International Inbound Travel*, <https://www.ustravel.org/issues/restore-international-inbound-travel> (last visited Feb. 2, 2026).

¹³ *Id.*

new burden can harm U.S. leadership in the international community. Barriers to entry for low-risk visitors also erode U.S. soft power by signaling distrust toward long-standing allies.

Instead of deterring travel from low-risk visitors, U.S. policy should preserve our ability to attract key partners and thought leaders. For example, with international standards setting activities, a significant barrier to hosting global technical, scientific, or professional gatherings in the United States is the difficulty foreign participants face navigating revised ESTA or I-94 requirements. Because successful collaboration relies on timely, predictable travel for known experts, delays stemming from new documentation or processing steps can disrupt U.S.-based events and diminish the country's capacity to lead important discussions. Concern about how these proposed changes will impact travel may well lead conference organizers to select venues for major international conferences outside the United States. Establishing streamlined or dedicated processes for low risk VWP visitors—particularly recognized professionals, delegates, and repeat travelers—would help ensure U.S. leadership in global dialogue and policy development.

D. Reciprocity on Americans traveling abroad

Reciprocity has long been common in visa policy, and several governments have already mirrored U.S. visa actions. Additional ESTA burdens heighten the likelihood of retaliation affecting U.S. executives, engineers, exporters, and technical experts who require rapid mobility. Such reciprocal measures raise costs, delay legitimate travel, and can harm American business interests worldwide.

II. Operational Burdens, Timeline Risks, and Mobile-Only Concerns

CBP's estimate of 22 minutes per ESTA mobile submission across ~14.48 million respondents already equates to more than 5.31 million burden hours annually. The added effort to compile five-year social media and phone histories, ten-year email histories, and multi-platform family data will extend completion times, increase error rates, and trigger more secondary reviews—undercutting the 72-hour decision expectation many travelers rely on for short-notice business and tourism trips.

Eliminating the website disadvantages travelers without compatible devices, constrains assisted applications by airlines and travel managers, and creates a single-platform dependency where photo-quality, permissions, or app stability can block travel when no web fallback exists. Fraud by third-party websites should be countered through targeted enforcement and public guidance, not by removing a secure channel used by legitimate travelers.

III. Privacy, Data Protection, and Duty-of-Care

Mandatory disclosure of multiyear social media identifiers, historical contact details, IP addresses, and photo metadata raises significant privacy and cybersecurity concerns. Biometrics—including DNA—are immutable. If compromised, they cannot be reissued like passwords. Requiring broad identifiers for nontraveling relatives further expands exposure

without clear necessity, and these requirements appear inconsistent with data minimization principles embedded in federal privacy frameworks and the Paperwork Reduction Act (PRA) (see below).¹⁴

Beyond data security, there are numerous other concerns with this rule. A mobile-only process with live photo capture and geolocation increases device and data risks for employees traveling with personal and corporate equipment, forcing employers to implement new safeguards that do not meaningfully improve security outcomes. At the same time, the government's ability to safeguard this highly sensitive information remains uncertain. Collectively, these requirements risk creating a chilling effect on international travel to the United States. Such consequences would directly impact organizations with global workforces—including those who regularly bring employees here for meetings or other important business reasons that benefit the U.S. economy and enhance our competitiveness.

IV. Paperwork Reduction Act: Necessity, Minimization, and Alternatives

Guidance from the Office of Management and Budget (OMB) requires agencies to demonstrate that each data element collected has independent practical utility, and that less burdensome alternatives have been fully considered. Moreover, the PRA requires agencies to demonstrate practical utility, minimize burden, and adopt the least burdensome approach consistent with statutory goals. The record does not quantify the incremental security value of universal five-year social media identifiers, decade-old emails, five-year phone histories, or expansive family biographical information for low-risk VWP travelers, nor does it define 'when feasible' biometrics. CBP should publish realistic burden models that reflect real-world lookup time, clearly articulate use-cases and decision criteria, and evaluate narrower, risk-triggered alternatives that address specific threats without suppressing lawful travel.¹⁵

Recommendations

To balance national security with economic security, the Chamber recommends the following:

1. CBP should retain both the web-based and mobile application channels while strengthening each with improved image quality checks, clearer applicant guidance, prominent antifraud messaging, and enhanced assisted application tools that carriers and employers can use to support travelers.
2. CBP should abandon plans to collect social media, DNA, biometric information, or the detailed look-back employment, email, address information, and the substantial amount of information about extended family members considered in the notice. There are no

¹⁴ *Supporting Statements | A Guide to the Paperwork Reduction Act*, <https://pra.digital.gov/clearance-process/supporting-statement/>

¹⁵ 5 C.F.R. § 1320.8(a)(5), (d)(1)(iv).

data, analyses, or arguments that support a need for gathering such information, and the chilling signal such measures would send would impose very substantial economic costs on the U.S. travel and hospitality sector, which accounts for approximately 10% of GDP.

3. In alignment with the Paperwork Reduction Act, CBP and DHS should publish updated burden estimates and a transparent alternatives analysis that evaluates narrower historical look-backs and more limited sets of identifiers tied to proven screening value.

Conclusion

Protecting national security and sustaining America's competitive edge are mutually reinforcing goals. The United States today is already deploying carefully calibrated, risk-based screening and state-of-the-art identity verification tools, and on this basis, we can safeguard our borders while maintaining the efficient, predictable mobility that powers innovation, trade, leadership, and shared prosperity. As drafted, the proposed revisions to ESTA and I-94 would deter precisely the lawful travelers who strengthen America's economy and alliances. The Chamber urges CBP to alter the proposal in light of the concerns and recommendations expressed above.

Sincerely,

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