



October 2, 2017

The Honorable Edward J. Ramotowski
Deputy Assistant Secretary of State
Bureau of Consular Affairs
U.S. Department of State
Harry S. Truman Building
2201 C Street NW
Washington, DC 20520

RE: U.S. Travel Association, American Hotel & Lodging Association, and U.S. Chamber of Commerce Comment on DOS-2017-0032, *Supplemental Questions for Visa Applicants* (DS-5535) (August 3, 2017) (OMB 1405-0226)

Dear Deputy Assistant Secretary Romatowski:

The U.S. Travel Association, the American Hotel & Lodging Association, and the U.S. Chamber of Commerce collectively submit the following comments on the State Department's proposal to extend the currently approved information collection on Form DS-5535, *Supplemental Questions for Visa Applicants*. This proposal largely mirrors the State Department's request earlier this year when it sought emergency approval from the Office of Management and Budget (OMB) to implement these increased vetting measures on an emergency basis. Our organizations are resubmitting our comments on that emergency proposal, as our general position on these issues has not substantively changed.

However, our organizations share an additional issue of concern regarding the current proposal, which is the possibility that these increased vetting measures will apply to more people than the State Department is currently suggesting to stakeholders. As in the emergency proposal issued earlier this year, the State Department estimates that the increased vetting measures will impact 0.5% of U.S. visas applicants worldwide, which is approximately 65,000 individuals per year, who present a threat profile that warrants enhanced screening. This enhanced screening would allow the State Department to inquire about the applicant's travel history, address history, employment history, social media history, passport history, and information regarding the individual's siblings, children, spouses/partners (current and former), phone numbers, and email addresses.

The State Department acknowledges that the 65,000 figure is based off its best current estimates using the limited data assembled from its consular posts, but the Department notes that an "updated estimate that reflects post experience will be provided in the Department's 30 day notice."¹ We collectively assume the reference to 30 day notice refers to the final notice that will be published in the Federal Register before this expanded information collection is implemented. Our organizations are concerned about the Department releasing updated estimates in its final notice in the Federal Register that will be much higher than 65,000. In short, the State Department would be expanding

¹ 82 Federal Register 36180, 36181 (August 3, 2017).

the scope of the application of these new requirements without properly apprising stakeholders of the actual impact of a policy change. Our organizations cannot properly analyze a proposal, much less receive meaningful feedback from our respective members on it, if key details of a proposal, such as its scope of application, will be implemented much more broadly than what was initially described in the Federal Register.

None of our organizations are dismissive of the State Department's concerns about national security. However, if the State Department realizes that the total estimate of visa applicants who fit a threat profile that warrants enhanced screening is larger than what the Department originally estimated, the State Department should provide the public with an opportunity to comment on this key modification to the policy in question. The Administrative Procedure Act requires that interested parties must be fairly apprised of the issues being contemplated in a rule change. Increasing the scope of this enhanced visa screening policy without providing stakeholders the ability to comment on that crucial point raises concerns about the State Department's compliance with the APA, regardless of the policy's merits or the Department's lack of information when the initial proposal was published in the Federal Register.

We thank the State Department for considering our views on this important issue.