May 18, 2017

Desk Officer, Department of State
Office of Information and Regulatory Affairs
Office of Management and Budget

Bureau of Consular Affairs
Visa Office
U.S. Department of State

RE: U.S. Travel Association, American Hotel & Lodging Association, and U.S. Chamber of Commerce Comment on DOS-2017-0019, *Supplemental Questions for Visa Applicants* **(DS-5535, New) (May 4, 2017)**

I.   SUMMARY

The U.S. Travel Association, the American Hotel & Lodging Association, and the U.S. Chamber of Commerce, as leading trade associations representing stakeholders in the travel and hospitality industry, write together to provide comment to the notice of request for emergency approval from the Office of Management and Budget (OMB) to the proposed information collection changes described in DOS-2017-0019, *Supplemental Questions for Visa Applicants*.

The security of travel is a critical focus and priority for the travel community. International travel to the U.S. for leisure and business purposes is a major driver for the American economy and a chief component of the domestic travel industry. Travel is also a highly competitive market that can be influenced by new and evolving security protocols. Therefore, changes to visa requirements can impact the willingness of international travelers to pick the U.S. as their destination of choice. The extent of this impact can be minimized by ensuring that modifications to U.S. visa policies are clearly and precisely communicated to the international traveling public and key stakeholders. New policies should also be paired with adequate resources and business practices to avoid unnecessary burdens on travelers, implemented with clear security benefits, and accompanied by an offsetting, welcoming message to minimize potentially negative perceptions among international visitors. This approach will sustain legitimate international travel to the U.S. and help keep our nation safe.
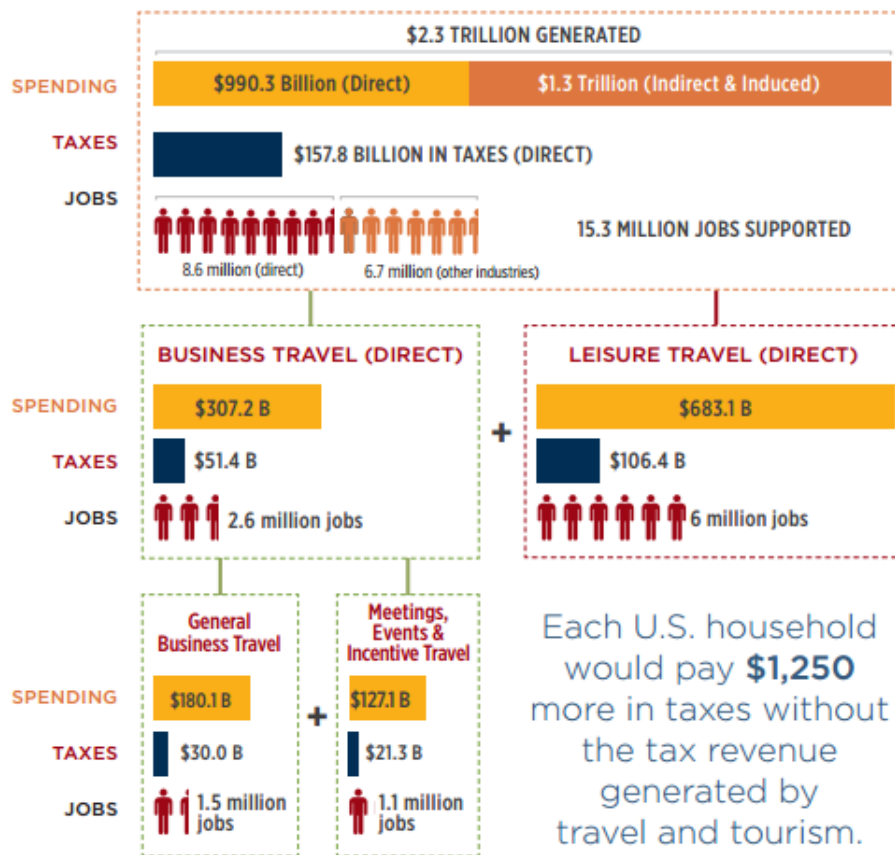
I.   INTEREST OF THE COMMENTING PARTIES

U.S. Travel Association (U.S. Travel) represents 1,200 member organizations, 350 city destinations, and all U.S. states and territories. The mission of U.S. Travel is to increase travel to and within the United States. We assist members with programs and platforms consistent with our mission and lead industry-wide initiatives to grow travel and the freedom to travel, helping policymakers understand how travel is essential to the economy, security, and image of the United States.

The mission of the American Hotel & Lodging Association (AHLA) is to be an indispensable resource serving, supporting, and advocating on behalf of the American hospitality industry. AHLA is the singular voice representing every segment of the hotel industry including major chains, independent hotels, management companies, REIT's, bed and breakfasts, industry partners, and more.

The U.S. Chamber of Commerce is the world's largest business federation, representing the interests of more than three million businesses and organizations of every size, sector, and region, as well as state and local chambers and industry associations. The Chamber is dedicated to promoting, protecting, and defending America's free enterprise system. Among the Chamber's many priorities is the expansion of international travel and tourism to the United States. The Chamber believes this can be accomplished simultaneously with improving our national security efforts.

We submit this comment collectively recognizing the significant impact that in-bound travel has on the United States, our business, and the American economy.

U.S. TRAVEL INDUSTRY IMPACT

$2.3 TRILLION GENERATED

SPENDING: $990.3 Billion (Direct) | $1.3 Trillion (Indirect & Induced)

TAXES: $157.8 BILLION IN TAXES (DIRECT)

JOBS: 15.3 MILLION JOBS SUPPORTED
- 8.6 million (direct)
- 6.7 million (other industries)

BUSINESS TRAVEL (DIRECT)
- SPENDING: $307.2 B
- TAXES: $51.4 B
- JOBS: 2.6 million jobs

+

LEISURE TRAVEL (DIRECT)
- SPENDING: $683.1 B
- TAXES: $106.4 B
- JOBS: 6 million jobs

General Business Travel
- SPENDING: $180.1 B
- TAXES: $30.0 B
- JOBS: 1.5 million jobs

+

Meetings, Events & Incentive Travel
- SPENDING: $127.1 B
- TAXES: $21.3 B
- JOBS: 1.1 million jobs

Each U.S. household would pay **$1,250** more in taxes without the tax revenue generated by travel and tourism.

Source: U.S. Travel Association
Note: Direct spending totals do not include international passenger fares

= 1 million jobs

II.   THE IMPACT OF INTERNATIONAL TRAVEL ON THE U.S. ECONOMY

International travel is not simply a convenience for the travelers that come to the United States – American citizens directly benefit from the jobs supported by international visitors. For instance, in 2016, international travel to the U.S. directly supported approximately 1.2 million American jobs and $32.4 billion in wages.[1]

The United States remains—by far—the single largest destination for global long-haul travel, and the second largest destination for overall global travel. There were 76.8 million total international visitors in 2016. Of those, approximately 38.6 million came from overseas markets and 38.2 million were from Canada and Mexico.[2] Each overseas traveler to the U.S. spends approximately $4,360 and stays on average 18 nights.[3] Top leisure travel activities for overseas visitors include: (1) shopping; (2) sightseeing; (3) fine dining; (4) national parks/monuments; and (5) amusement/theme parks.

Europe remains, and is projected to remain, the largest overseas market for in-bound travel to the United States. However, Asia is projected to continue to increase its share from 24 percent in 2008 to a projected 31 percent by 2020.[4] Specifically, China, has moved from the 22nd-largest overseas source market in 2000 to the third largest in 2015, and is projected to be the largest by 2021.[5]

VISITATION TO THE U.S. BY WORLD REGION						
	Share of total			U.S. arrivals, thousands		
	2008	2014	2020	2008	2014	2020
Europe	50%	42%	37%	12,783	14,586	16,931
Asia	24%	28%	31%	6,179	9,697	14,101
Oceania	3%	5%	5%	852	1,586	2,061
Latin America & Caribbean	18%	22%	21%	4,531	7,754	9,360
Middle East	3%	4%	4%	681	1,226	1,980
Africa	1%	1%	2%	315	514	844
Total Overseas	100%	100%	100%	25,341	34,938	45,276

Source: U.S. Department of Commerce, October 2015 forecast table (based on 2014 data)

TOP 5 INTERNATIONAL MARKETS TO THE U.S. (2015 ARRIVALS)

ORIGIN OF VISITOR	2015
Canada	20.7 million
Mexico	18.4 million
United Kingdom	4.9 million
Japan	3.8 million
China	2.6 million

TOP 5 HIGH-GROWTH TRAVEL MARKETS THRU 2021 *(forecasted)*

ORIGIN OF VISITOR	ARRIVALS % CHANGE '21/'15
China	121%
India	72%
Argentina	50%
South Korea	43%
Taiwan	40%

Source U.S. Travel estimates based on U.S. Department of Commerce - National Travel and Tourism Office

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[1] U.S. Travel Association estimates.
[2] *Ibid.*
[3] *Id.*
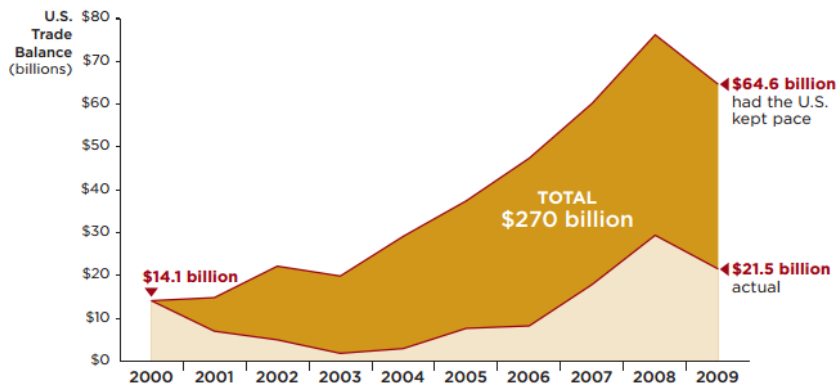[4] U.S. Department of Commerce, October 2015 forecast (based on 2014 data).
[5] U.S. Department of Commerce.

III. CLOSED TO TERRORISM, OPEN FOR BUSINESS

The U.S. travel and hospitality industry deeply understands the enormous responsibility of the U.S. government to keep travelers and U.S. citizens safe from terrorism in a constantly changing global threat dynamic. The rise of ISIS and other terrorist groups seeking to do harm to individuals and travel modes is a concern we share. The industry was devastated after the attacks of 9/11 when our business nearly came to a halt because of traveler anxiety over security concerns.

FIGURE 7. LOST EXPORTS FROM INTERNATIONAL TRAVEL: $270 BILLION, 2000–2009

Source: U.S. Travel Association

*This figure includes travel and international passenger fares.

Our understanding of the threat is the reason our organizations have led the way on industry support for key travel security initiatives adopted by the U.S. government since 9/11. This includes trusted traveler programs like TSA Pre✓® and Global Entry, enhancements to passenger vetting and screening including expansion of preclearance to airports around the world, and the modernization of the Visa Waiver Program (VWP) to a world-class information sharing and intelligence gathering program with 38 member countries. In 2015, all of the named associations in this comment supported the *Visa Waiver Program Improvement Act* that gave the Department of Homeland Security more authority than ever to ensure VWP countries follow program requirements, particularly the security enhancement provisions included in the legislation.

Our organizations have also been advocates for giving the Department of State (State), and the Department of Homeland Security (DHS) [including Customs and Border Protection (CBP) and the Transportation Security Administration (TSA)] the resources these agencies need to do their job effectively and efficiently—including monies for additional consular officers and CBP officers at ports of entry, resources for TSA officers at screening checkpoints, funding for the deployment of a workable biometric exit system in accordance with U.S. law, and support for expansion of Visa Security Units (VSUs) in high-risk posts around the world.

Today, win-win security programs that combine terrorism prevention with facilitation of legitimate travel using technology, information sharing, and intelligence have rendered obsolete the mindset of a zero-sum choice between security and travel—meaning that a robust security posture and facilitation can co-exist without jeopardizing our safety or the economic benefits that flow from travel to communities across the United States. In a dynamic and competitive international travel market, consumers have choices to make when it comes to where they choose to travel, either for leisure or business purposes. Consumers in this context are not just individuals or families planning a summer vacation; consumers can be multinational companies or organizations choosing whether to host a conference with hundreds, and in some cases thousands, of invitees in the United States or somewhere

else in the world. Maintaining market share requires us to take deliberate and strategic actions to maintain our standing. In the context of this proposal, we would recommend that State consider the following approach to meet these objectives:

A. Align and tailor resources to minimize burdens on travelers.

B. Provide clear and precise communication regarding new policies to minimize chaos and confusion for travelers and key stakeholders.

C. Implement new procedures with tangible security benefits to make the homeland safer.

D. Include a welcome message for legitimate travelers to minimize perception issues.

Smart and modern security can blend these two goals in a way that reduces threats (recognizing that we will never eliminate all threats) and keeps America closed to terrorism, but open for business.

A. ALIGN AND TAILOR RESOURCES TO MINIMIZE BURDENS ON TRAVELERS

The Department of State's notice for emergency approval from OMB estimates that this proposal will impact only 0.5 percent of international travelers, or 65,000 individuals. We appreciate that these new requirements are currently slated to only target a small slice of visa applicants that often already undergo enhanced review through the Security Advisory Opinion (SAO) process. However, the language in the proposal appears to be quite broad stating that individuals that present a threat profile that requires enhanced screening will be subject to the new requirements. The inevitable desire for more information on all applicants means that these new rules could grow to impact a substantially larger share of the international travel market than what is outlined in the proposal. As such, we would ask State to consider the following:

- **Avoiding backlogs**. For decades, the State Department has wrestled with persistent backlogs on visa applications.[6] While State has made some headway in reducing these delays, we are concerned that the incorporation of more data points in visa applications could create processing problems, especially if new demands are not met with appropriate resource allocations. We would ask that State, working with DHS and OMB, as well as congressional appropriators, consider how these policies might impact the workload of the various agencies tasked with vetting and dedicate the additional resources needed to ensure implementation does not cause visa backlogs. This may include retaining additional consular officers in high demand posts. The SAO program had been plagued with extremely long decision wait times for many years after the 9/11 attacks. These delays generally have been improved but adding more layers of data and additional investigative leads to process runs the risk of returning to lengthy wait times. Taking three to four months to review a visa may mean that the reason for that traveler to visit the U.S. has come and gone.

- **IT investments**. All too often visa processing has been slowed by information technology issues. For instance, in 2014, a computer bug shut down the ability of State to process visas

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[6] For instance, backlogs on tourist visas at U.S. consulate posts date back to at least 1992. U.S. Government Accountability Office, *Backlogs of Tourist Visas at U.S. Consulate Posts*, April 30, 1992, available at http://www.gao.gov/products/NSIAD-92-185.

for days.[7] We recommend that as State moves forward with this proposal it considers investments in the backbone architecture of visa processing.

- **Support for Visa Security Units**. Our organizations were supportive of the recent appropriations agreement that included additional funding for Visa Security Units (VSUs) and hope that this will help in high-risk countries where additional vetting may be needed. When Congress considers the fiscal year 2018 budget, State and DHS should work together to provide lawmakers the information to determine resource allocations for high-priority posts among the approximately 200 remaining visa-issuing posts.

B. PROVIDE CLEAR AND PRECISE COMMUNICATION FOR TRAVELERS AND STAKEHOLDERS

Ensuring that in-bound travelers understand that changes to the visa application process are coming and know what to expect will be key in successful implementation of this proposal. Our organizations have received concerns that some of the information may be difficult for applicants to provide in an accurate and timely manner and that there could be confusion as to what to provide to State. We have seen through prior experience that chaos and confusion on entry policies can lead to a potentially chilling effect on travel and cause anxiety about coming to the United States.

We urge State as it moves forward effectuating these new information collection processes to consider how to best implement internal and external communications functions to minimize burdens on international travelers. This should include communication to travelers, other agency stakeholders and employees, Congress, and external stakeholders. We understand that State is continuing to fill key leadership roles and until those positions are filled, internal and external communication and coordination will be a challenge, but it is a necessary component when making modifications to the visa process. As these strategies are developed, we would ask that State consider the following:

- **Travel history during the last 15 years**. Individuals that have traveled extensively around the world for business or leisure travel could have difficulty documenting the exact dates of their travel as their passports may not have visa entry stamps or may not have stamps that are readable. The 15-year period would also likely cover travel activity under a prior passport which an applicant may no longer have in his or her possession. Those traveling by car across borders or through trusted traveler programs could have similar challenges in accurately providing a lengthy travel history. State should clearly outline how it will handle these concerns and communicate this to travelers.

- **Social media platforms and identifiers**. Social media is a broad term and it is not clear from the proposal what constitutes social media for U.S. government purposes. While social media platforms like Facebook and Twitter are well understood, other applications or websites may contain social media-type functions such as posting reviews, multi-player gaming, or accounts with vendors which could fall under a broad definition of social media. In many cases, individuals may maintain multiple accounts on the same platform, such as having personal and business accounts. This proposal will need to address treatment of abandoned accounts, companies that cease to operate, and future platforms that are not even envisioned now. State should determine how to provide this clarity to minimize visa denials for legitimate travelers.

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[7] Martyn Williams, *State Department Computer Crash Slows Visa, Passport Applications Worldwide*, PC World, July 24, 2014, available at http://www.pcworld.com/article/2458180/state-department-computer-crash-slows-visa-passport-applications-worldwide.html.

- **Make clear passwords are not being requested**. We support the State Department's decision to not include a requirement for visa applicants to provide passwords for social media accounts. Travelers and privacy advocacy groups are concerned that U.S. government officials, whether consular officials or border inspectors—will still require applicants or travelers to provide access to password-protected social media accounts or documents hosted on laptop computers or other devices. As part of this emergency request, State should make it a priority to clearly communicate to consular officials that they will neither require applicants to provide passwords to unlock accounts or devices, nor punish applicants using passwords to protect their electronic activities.

- **Names for all current/former spouses, or civil/domestic partners**. While reporting the name and date of birth for a former spouse might seem to be an easy task, there are instances where honest mistakes to accurately report this information can be made by visa applicants. For example, a former spouse or domestic partner could marry someone else, change their name, and move away to another country where the applicant might be unable to properly identify the former spouse's new name, or have a way to contact them. Another example could involve a former spouse that changes the way he or she presents his or her name in public and to the putative visa applicant, but unbeknownst to this visa applicant, the former spouse did not legally change his or her name. Our organizations trust State in its conclusion that a visa applicant's marital and relationship history can have utility for visa vetting; we simply urge State to be mindful that there are situations where ascertaining the proper information is difficult and sometimes impossible, and that honest mistakes can arise.

- **Need for internal stakeholder training.** State should use more precision in defining the populations that require increased vetting. Providing this type of clear guidance to consular officers will help ensure that this process is implemented effectively.

C. **IMPLEMENT NEW PROCEDURES WITH TANGIBLE SECURITY BENEFITS TO MAKE THE HOMELAND SAFER**

Our organizations do not purport to have a full understanding of the threat picture posed by individuals or classes of individuals. We do understand that terrorist travel from countries of concern continues to guide the U.S. government in terms of visa policy and appreciate the need to examine whether there is potential for a visa applicant to have traveled to a terrorist training camp or be affiliated with a terrorist group or a lone wolf actor.

Our experience, however, is that there is sometimes an assumption that "more is better" on the collection of traveler data. We would urge State and U.S. government agencies tasked with vetting traveler information to consider whether growing the data haystack further runs a risk of making data increasingly less manageable and therefore less actionable to prevent acts of terrorism. We highlight the following questions not to argue with the government's reasoning but to raise key questions that we hope State will consider if, and when, these information collection changes are implemented:

- **Terrorist truthfulness**. We raise as a concern that the only travelers that are likely to comply truthfully with the request for additional social media information are legitimate travelers, as opposed to those seeking to do harm against the United States. State should evaluate whether requirements regarding social media accounts will yield honest and actionable information from individuals who want to engage or are engaging in criminal or terrorist activity.

- **Barriers to entry**. We respect the authority of the State Department to approve or deny visa applications. However, we are concerned as to how information collected by the U.S. government will be used to decide whether an applicant is approved for admission. We urge State to ensure that this information will not be used in a manner that creates a chilling effect on in-bound travel to the U.S. or increase denials without a legitimate security reason. For instance, we would caution against denying the applications of individuals who disagree with U.S. government policy but are not a security threat, and we advocate for the adoption of rules and guidance to avoid such outcomes.

- **Mistaken identities**. With the unique anonymity of the internet, and the ease which someone can pretend to be another person on social media, we would ask State to consider how it will attempt to minimize mistaken identities. The same could go for hacking of social media accounts where the actual user did not have control over what was being posted on his or her account. State should consider for how visa applicants can find redress if the U.S. government has denied their visa for these reasons, as the justification for the denial was due to something that was outside the applicant's control.

D. INCLUDE A WELCOME MESSAGE TO LEGITIMATE TRAVELERS

Finally, we urge State to consider how it will implement visa changes in a manner that will not create a perception that visa applicants are not welcome to visit the United States. Right or wrong, the American economy will feel the consequences of misunderstandings with international travelers. Tightening of visa restrictions is often perceived by international visitors as an effort to keep legitimate travelers out, as opposed to a security enhancement to prevent terrorists from entering. Perceptions matter for international travelers, and policies that do not convey a clear and offsetting message of welcome for legitimate travel may have the unintended consequence of deterring people from coming to the United States. This will not just have an impact on the travel industry—but will have broader negative repercussions for other sectors of the U.S. economy. Given these dynamics, we ask State to consider the following:

- **U.S. government welcome message**. We ask that the U.S. government formally decide what tools it can use to send a strong message of welcome to legitimate international travelers. As new policies are developed, this welcome message should be purposefully interwoven into the rollout.

- **Use of Brand USA to help communicate message**. The State Department and Brand USA should collaborate on a messaging campaign incorporating information about new enforcement and security policies and plans to educate temporary travelers to the United States, as well as working with the travel industry to send welcoming messages to international travelers to promote travel to the United States abroad. Brand USA is a public-private partnership that began in 2011 to spearhead a coordinated marketing effort to promote the United States as a travel destination. Brand USA's charter permits the organization to play a role in the communication of U.S. entry policies to international visitors – the Administration should see them as a tool in delivering these messages.

IV.   CONCLUSION

Thank you for taking the time to hear our concerns and understand better the intersection between international travel and our American economy. Our organizations look forward to working with you to keep America closed to terrorism, but open for business.