

Jonathan Corbett

382 NE 191st St. #86952

Miami, FL 33179

June 29th, 2016

To: U.S. Customs and Border Protection
Attn: Paperwork Reduction Act Officer
Regulations and Rulings, Office of Trade
90 K Street NE., 10th Floor
Washington, DC 20229-1177.

Re: Request for Comments - Agency Information Collection Activities: Arrival and Departure Record (Forms I-94 and I-94W) and Electronic System for Travel Authorization (81 FR 40892)

To Whom It May Concern:

I am a civil rights advocate specializing in travel-related privacy issues. As a U.S. citizen, I will never have to file an "ESTA," but I have 4 concerns regarding the proposal that are the basis for this **opposition** to the proposed rule:

1. **The rule will be ineffective for its stated purpose.** By introducing a field to optionally specify social media accounts, you are accomplishing nothing. According to the proposed rule, someone with criminal intent related to their entry into this country can simply fail to answer this question without penalty. Asking this question is about as effective as pornographic Web sites asking their visitors to "confirm" that they are over the age of 18 is at stopping teenage boys from looking at naked women. Further, I find it likely that your true intent is to introduce this change as "optional" such that it meets less opposition, and then change it to "mandatory" in the near future, much like the TSA just did with its nude body scanners. See "Passenger Screening Using Advanced Imaging Technology," 81 FR 11363.
2. **The rule is a burdensome invasion of privacy.** Quite frankly, the government has no business asking tourists to disclose their social media accounts. Nowadays, people use social media to communicate with their friends, family, and business contacts, and such information is highly personal. Absent suspicion, our government should not be asking

for this data. Further, by failing to define “social media” or put any boundaries on what information the government seeks to collect, travelers who wish to answer this question may be unclear as to what qualifies. Do I need to think back to the MySpace account that I created in 2003 and have not used since 2006? If I have a username for a chat room or message board, does that count? What about Tinder? Or perhaps I use the popular dating app for gay men known as Grindr. Do you think it’s reasonable that I would then need to indirectly disclose my sexual preference as a condition of entering this country? Or perhaps I use the Web site for connecting individuals with sexual fetishes known as FetLife. Will you then review my FetLife account and determine if my preferred variety of kinky sex is acceptable? If it is uncovered that I enjoy being dominated by women in latex bodysuits while ball gagged, will a CBP officer consider me the same level of security risk as one who prefers long walks on the beach and seeks a partner who loves Jesus? Speaking of Jesus, many people use social networking related to their religion (Christian Mingle, JDate, etc.). Now you’d like to know my religion, too?

3. **The rule does not specify how the data will be retained and used.** As I’m sure you are aware, the federal Privacy Act places significant burdens on government agencies that wish to collect or retain data. Until the government can identify *with specificity* how the data will be stored and how it will be used, it should not be collected. (A half-assed explanation that the data collection will provide “greater clarity and visibility” does not explain *with specificity*.)
4. **The rule will subject U.S. citizen-travelers to retaliation.** When the U.S. government implements a stupid rule affecting foreign visitors, other countries implement retaliatory rules on U.S. citizens seeking to enter their territory. The first instance of this was perhaps the U.S.-Canada border, which is now quite needlessly more difficult to cross than our border with Mexico, after U.S. authorities started demanding criminal record data from the Canadian government for the purpose of prohibiting Canadians with minor criminal convictions from entering. Now, a U.S. citizen cannot enter Canada if he is, for example,

convicted within the last 10 years of driving with a blood alcohol level of 0.05% -- a petty misdemeanor in every jurisdiction in the country that penalizes that level of "intoxication." Many other countries require visa fees only from U.S. citizens (or higher visa fees only for U.S. citizens), or fingerprinting only for U.S. citizens, in retaliation for what we do to their citizens. I don't want to have to share my Facebook details in order to travel, and if you implement this rule, it is all but certain that I shall have to do so as other countries decide to implement retaliatory rules.

Instead of coming up with useless rules that will burden both foreigners and U.S. citizens alike, why not work on doing things that will actually and easily protect the homeland, like securing our border with Mexico? (For the record, I'm not particularly concerned with the Mexican families who sneak across the border to build a better life for their children, but I *am* concerned that if an impoverished family of 4 can do it, a well-funded terrorist could do the same.)

Thank you very much for your time – I understand it is burdensome to have to file all of these comments before ignoring them and doing exactly what you planned to do anyway.

Sincerely,

Jonathan Corbett