

Public Comment / Grievance Opposing ESTA Program Changes

Paperwork Reduction Act Objection

Agency: Department of Homeland Security (DHS) / U.S. Customs and Border Protection (CBP)

Program: Electronic System for Travel Authorization (ESTA)

OMB Control Number: 1651-0111

Submitted by: Concerned Citizen

Date: December 17, 2025

I. Introduction and Statement of Opposition

This comment is submitted in opposition to recent and proposed changes to the Electronic System for Travel Authorization (ESTA). The changes raise serious statutory and administrative law concerns, including violations of the Administrative Procedure Act and the Paperwork Reduction Act. The expansion of data collection, retention, and secondary use exceeds lawful authority and lacks adequate justification.

II. Administrative Procedure Act Concerns

Under 5 U.S.C. § 706, agency action must not be arbitrary or capricious. Expanding ESTA requirements without reasoned explanation, burden analysis, or consideration of less intrusive alternatives violates settled administrative law principles.

III. Paperwork Reduction Act Addendum (OMB Control No. 1651-0111)

The ESTA information collection is governed by the Paperwork Reduction Act, 44 U.S.C. §§ 3501–3521, and approved under OMB Control Number 1651-0111. Recent changes constitute a material modification of the approved collection under 5 C.F.R. Part 1320, requiring new OMB review, updated burden estimates, and renewed public comment. Enforcement of expanded collection absent valid approval is prohibited under 44 U.S.C. § 3512.

IV. Requested Action

CBP must suspend implementation of expanded ESTA data collection, submit a revised Information Collection Request to OMB, reassess burden and necessity, and restore compliance with statutory limits.

Where to Send This Comment

U.S. Customs and Border Protection – PRA Office

Email: CBP_PRA@cbp.dhs.gov

Office of Information and Regulatory Affairs (OIRA), OMB

Attn: DHS Desk Officer

Email: oira_submission@omb.eop.gov

Regulations.gov

Submit electronically via the ESTA-related docket on Regulations.gov, if applicable.

Respectfully submitted,

Concerned Citizen