



**U.S. Customs and  
Border Protection**

Commissioner

**AUG 12 2013**

Mr. Ken Mead  
General Counsel/Executive Vice President  
421 Aviation Way  
Frederick, Maryland 21701

Dear Mr. Mead:

Thank you for your June 19, 2013 letter on behalf of members of the Aircraft Owners and Pilots Association (AOPA), regarding encounters between your members and U.S. Customs and Border Protection (CBP) Office of Air and Marine (OAM) agents and officers at various airports within the United States.

In response to your inquiry, law enforcement officers and agents within CBP are vested with the enforcement authorities granted to customs officers and immigration officers under federal law. OAM officers and agents may exercise authorities under 14 C.F.R. §§ 61.3(l) and 91.203, as well as 49 U.S.C. § 44103(d), to inspect a pilot's operating certificate and related aircraft documents. These authorities are premised upon an individual's operation of an aircraft, not the aircraft's connection to the border.

In the course of conducting a pilot certificate inspection, facts may arise meriting further investigation or search to the extent authorized under the Constitution and consistent with federal law. Each interaction and event must be evaluated independently based on the facts present at the time of the encounter. Depending upon the circumstances presented, and by way of illustration, these interactions may at times include:

- A limited search of a person and his immediate vicinity for a weapon based on reasonable suspicion that the person is armed and dangerous;
- A protective sweep based on reasonable suspicion that a person is hidden who intends to impede or assault the law enforcement officer; or
- A mobile conveyance search based on probable cause that contraband or evidence is onboard the aircraft.

To further this dialogue, CBP's Office of Air and Marine stands ready to discuss the exercise of these and other law enforcement authorities and to collaborate with your members.

With regard to your concern pertaining to FOIA requests submitted by your members, the FOIA office is in dialogue with those parties regarding their requests.

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Thank you for your interest in U.S. Customs and Border Protection. Should you need additional assistance, please do not hesitate to contact my office at (202) [REDACTED]

Sincerely,



Thomas S. Winkowski  
Acting Commissioner