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September 20, 2013

Jonathan R. Cantor, Acting Chief Privacy Officer
Privacy Office
Department of Homeland Security
Washington, DC 20528

RE: Notice of Privacy Act system of records, Docket No. DHS-2013-0021

Dear Mr. Cantor:

The Aircraft Owners and Pilots Association (AOPA), representing the interests of nearly 400,000 pilots and aircraft owners nationwide, respectfully requests a 90-day extension of the comment period on the proposal to establish a new Department of Homeland Security / U.S. Customs and Border Protection – 019 Air and Marine (AMOSS) System of Records. AOPA maintains that the standard 30 day period currently allotted is insufficient for the public to fully consider the new system of records and meaningfully comment on its creation or its exemption from privacy act disclosure as proposed.

The issue of Customs and Border Protection's (CBP) involvement with domestic general aviation is currently under scrutiny from Congress. Requests have been made for Inspector General Investigations into CBP's authority to monitor purely domestic general aviation activity as well as CBP's current use of its resources in furtherance thereof. The findings of such investigation will be extremely relevant and vital to an appropriate consideration of the proposed System of Records by a fully informed public. An extended comment period is necessary to allow for an investigation and public consideration of the findings.

Additionally, the System of Records Notice (SORN) indicates the intent to issue a separate Notice of Proposed Rulemaking (NPRM) "to exempt this system of records from certain provisions of the Privacy Act, elsewhere in the Federal Register." To date, no such NPRM has been published. Without it, any consideration of the issue is incomplete. The time to comment on the proposed system of records must necessarily include time to consider the reasons for the proposed exemption of the records from the privacy act.

The timing and nature of this proposal raise additional concerns that require time to investigate and consider. According to the SORN and information available on CBP's website regarding its operations, AMOSS, as a surveillance system, is already in place

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and already stores information. More time is needed to fully understand what is being proposed versus what is already in existence, and how the yet to be issued NPRM to exempt the system of records from the privacy act will impact the public, particularly the general aviation community. This is especially true in light of the current scrutiny CBP is under regarding the exact type of surveillance for which an exemption under the privacy act is now being proposed.

In light of the importance of this issue and other concerns outlined above, AOPA maintains that it is in the public interest to extend the time to comment by 90 days. Similarly, AOPA requests that the effective date of the system be extended by at least 90 days to provide for receipt and consideration of all comments prior to the system going into effect. If you have any questions regarding our request, please contact Mr. Craig Spence at (301) 695-2000. Thank you in advance for your consideration.

Sincerely,



Ken Mead
General Counsel/Executive Vice President

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization of nearly 400,000 pilots. Representing two thirds of the pilots in the United States, AOPA is the largest civil aviation organization in the world. Our mission is to effectively serve the interests of members as pilots or aircraft owners to establish, maintain, and articulate positions of leadership to promote the economy, safety, utility, and popularity of flight in general aviation aircraft.