

# United States Senate

WASHINGTON, DC 20510

October 30, 2013

The Honorable Rand Beers  
Acting Secretary  
U.S. Department of Homeland Security  
Washington D.C. 20528

Dear Secretary Beers:

Recent reports and first-hand accounts from pilots indicate a significant rise in the number of unwarranted stops and searches of U.S. general aviation (GA) aircraft that did not cross the U.S. border by the Air and Marine Division of the Customs and Border Protection (CBP) agency.

While we appreciate law enforcement efforts to protect our national interests and combat illegal activity, the abrupt increase in the number of stops and searches of personnel aboard general aviation aircraft raises concerns that CBP may be violating our citizens' Fourth Amendment rights.

It is our understanding that in ongoing communications between the CBP and Members of Congress that CBP has claimed authority under 14 C.F.R. §§ 61.3(l) and 91.203, and 49 U.S.C. § 44103(d) for conducting these stops and searches of GA aircraft. We do not disagree that agents working for CBP have limited authority to stop a plane and ask for proof of an airman certificate, medical certificate, authorization, or license. However, we wholly disagree with agents demanding access to search an aircraft without reasonable suspicion or probable cause that illegal activity is occurring.

No later than November 15, 2013, please provide us with the following information:

- A record of every stop and search of general aviation aircraft in the United States by CBP agents since the beginning of calendar year 2009. These records should be broken down by state and should include the relevant facts surrounding each search. Specifically, we want to know the reason(s) these searches took place, what "reasonable suspicion" existed that led to a stop and what "probable cause" CBP agents had to conduct these searches.

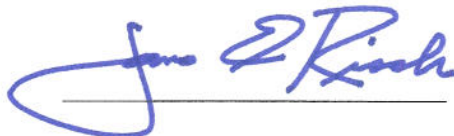
Thank you again for attention to this matter. We look forward to hearing back from you soon.

Sincerely,



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U.S. Senator Pat Roberts (R-KS)

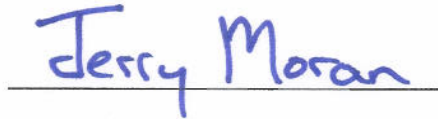


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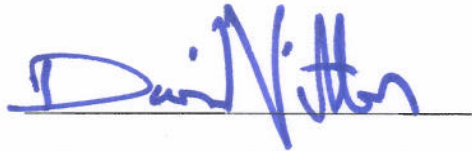
U.S. Senator James Risch (R-ID)



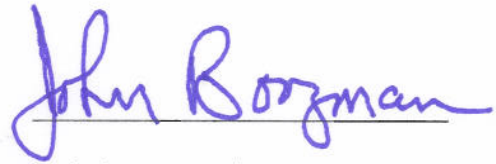
U.S. Senator James Inhofe (R-OK)



U.S. Senator Jerry Moran (R-KS)



U.S. Senator David Vitter (R-LA)



U.S. Senator John Boozman (R-AR)



U.S. Senator Mike Crapo (R-ID)



U.S. Senator Mike Johanns (R-NE)