

United States Senate

WASHINGTON, DC 20510

February 12, 2014

Brian de Vallance
Assistant Secretary, Legislative Affairs (acting)
U.S. Department of Homeland Security
300 7th St. SW, Washington, D.C. 20024

Dear Mr. de Vallance:

Thank you for your recent correspondence on February 3, 2014. While we appreciate your attention to this matter and the information you provided, the response has not fully answered the questions that we posed to DHS last October. At this time, we wish to accept your previous offer to brief us in regards to the CBP stops and searches of general aviation aircraft. We would like to discuss a few of the issues that were not fully addressed in the letter and spreadsheet. Please provide answers to the following questions, in writing, prior to the briefing.

Questions arising from your response letter:

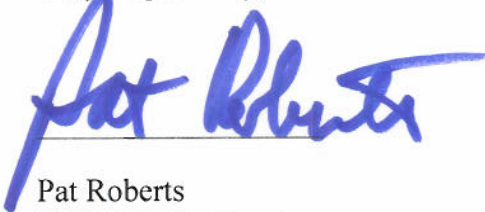
1. If CBP's core mission is securing the land and maritime borders, why is CBP monitoring domestic flights of GA aircraft that did not cross a border, and stopping and searching flights well within the border?
2. The regulatory and statutory authorities that you cite are federal aviation law. Has the FAA requested that you take this action? Please provide documentation in which the FAA has asked you to conduct pilot certificate or ramp inspections.
3. On Page 2, you break down the number of OAM's investigations and research on GA flights. How do you define "law enforcement action," "law enforcement contact" and "violation rate"?
 - a. Is a "violation rate" a conviction?
 - b. In these statistics, what percentage of the "criminal and regulatory violations" were criminal, and what percentage were regulatory?
4. You state that: "The fact that the AMOC researches a flight does not necessarily indicate contact between a general aviation pilot and a law enforcement officer." How is it determined that a contact needs to be made based on your research?

Questions arising from the spreadsheet:

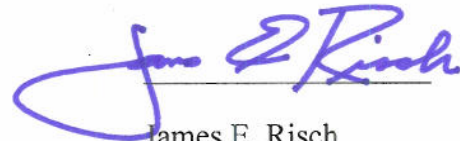
1. What are the reasons for each stop and search? The details leading up to a stop are not included.
2. In our original letter from October 2013, we asked for not only a record of every stop, but the reason(s) these searches took place, specifically what reasonable suspicion or probable cause existed for CBP's actions. Can you please provide these reason(s)?
3. Many of these stops are conducted by local law enforcement acting at the request of CBP. Please provide the guidance and reasoning provided to local law enforcement.
4. "Pilot Consent" is given as a frequent reason under the "Reason for Search" column. What details led to the pilot giving consent and what was the reasonable suspicion and probable cause that led to asking for the pilot's consent?
5. In the "Result" column, how many of these "arrests" and "seizures" resulted in criminal convictions? There is no indication that ANY of them resulted in a finding of criminal activity. Please confirm.
6. We are aware of CBP interdictions of GA aircraft in 2009 and more than one in 2010? These facts are not reflected in your chart. Please explain.

We look forward to your briefing and written responses.

Very respectfully,



Pat Roberts
United States Senator



James E. Risch
United States Senator