U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

AUG 15 2008

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Mr. Setha Low
President, American Anthropological Association
2200 Wilson Boulevard, Suite 600
Arlington, Virginia 22201-3357

Dear Mr. Low:

Thank you for your July 25, 2008, correspondence regarding U.S. Customs and Border Protection's (CBP) inspection of electronic devices at U.S. ports of entry.

All persons, baggage, and other merchandise arriving in or leaving the United States are liable to inspection and search by CBP officers. Various laws enforced by CBP authorize such searches (see, for example, 19 United States Code (U.S.C.) 482, 1581, 1582). As part of the inspection process, CBP officers must verify the identity of persons, determine the admissibility of aliens, and look for possible terrorists, terrorist weapons, controlled substances, and a wide variety of other prohibited and restricted items.

It is important to understand that CBP enforces numerous laws that concern material that may be in paper or electronic form. For example, 19 U.S.C. 1305 prohibits, among other things, the importation of material that is obscene, or that contains any threat to take the life of or inflict bodily harm upon any person in the United States, or that is treasonous or seditious. CBP also enforces trademark and copyright laws that are directed at written material, among other things.

To enforce the above laws, CBP officers sometimes inspect hardcopy material and also laptops and other electronic devices that persons are attempting to bring into the United States. In conducting such border searches, CBP officers strictly adhere to all constitutional and statutory requirements, including those that are applicable to privileged, personal, and business confidential information. For example, the Trade Secrets Act (18 U.S.C. 1905) prohibits Federal employees from disclosing, without lawful authority, business confidential information that they obtain access to as part of their official duties. Moreover, CBP has strict policies and procedures that implement these constitutional and statutory safeguards.

Thank you for your letter and for providing us an opportunity to comment upon the issues of concern to you. If we may offer further assistance, please contact Mr. Erik Shoberg, Director, Tactical Operations, at (202) 344-3783.

Sincerely,

Susan Mitchell
Executive Director, Operations
Office of Field Operations