

**Appendix for Memorandum of Agreement (MOA) between the US Department of  
Homeland Security (DHS) and the US Department of Agriculture (USDA)  
Article 8, Communication and Liaison**

**I. Purpose**

This Appendix provides guidance to establish and enhance communication and liaison between USDA Animal and Plant Health Inspection Service (APHIS) and DHS Customs and Border Protection (CBP) to coordinate actions and facilitate operations to prevent terrorism and protect the Nation's agricultural infrastructure and natural resources.

**II. Background**

The Homeland Security Act of 2002 (the Act). Section 421 of the Act transferred to DHS functions of APHIS relating to agricultural import and entry inspection.

Memorandum of Agreement. The Secretary of USDA and Secretary of DHS signed the MOA required under Section 421(e) of the Act, on February 28, 2003. Article 8 of the MOA pertains to communication and liaison.

**III. Responsibilities**

USDA APHIS and DHS CBP Understand and Agree to:

1. Each agency will designate a Chief Liaison and an alternate Chief. The Chief Liaison will be responsible for providing information to key contacts and subject-matter experts who will work directly with their counterparts to share information, identify issues, resolve problems, and complete work. Contacts may be made at various levels between the organizations to cooperate, clarify, and resolve local work issues.
2. Provide subject matter experts for joint working groups and projects, as appropriate and approved by both agencies.
3. Prior to releasing jointly collected information (such as WADS, 280 data, pest interceptions, quality assurance findings) APHIS and CBP will discuss and agree on the quality, format, and type of data/information that may be released to the public. Jointly collected data will not be released to the public by either party except as agreed by both parties.

USDA APHIS Understands and Agrees to:

USDA APHIS understands and agrees to abide by the procedures set forth below for requesting information from CBP. CBP has the ultimate discretion as to whether to grant APHIS' request for information.

## **SITE VISITS**

USDA APHIS must submit requests in writing for site visits to the ports of entry (POE) for federal employees, state employees or any other persons APHIS determines need to view the operations of CBP's POEs. These site visits may include, but are not limited, to visits by USDA APHIS headquarters and regional personnel, agency officials, state agricultural and forestry employees, and joint quality assurance teams.

1. USDA APHIS' requests for site visits must be submitted in writing and shall contain the following information:
  - a. Organization requesting site visit
  - b. Organization contact
  - c. Purpose of visit
  - d. Itinerary while at CBP worksite
  - e. Date and time of visit
  - f. If individuals on the site visit are not American citizens, then APHIS must provide their Passport Numbers
  - g. If individuals on the site visit are not federal employees, then APHIS must provide their Dates of Birth
2. APHIS understands that the granting of such site visit requests is contingent on several factors, including sufficient staff to accommodate visit, current alert status, purpose of visit, and security-related issues. If CBP cannot meet the request due to scheduling conflicts, CBP and APHIS will work cooperatively to reschedule an alternate date, if possible.
3. USDA APHIS will make local contacts/arrangements with the CBP Port Director, or designee, for access to FIS areas by local APHIS Veterinarian Medical Officers, Identifiers, or Safeguarding Intervention and Trade Compliance (SITC) Officers.

## **DATABASES AND INFORMATION**

1. USDA APHIS can submit requests in writing for access to new or additional CBP databases in order to fulfill its responsibilities, which are delineated in part by Article 3 of this MOA, and to aid in development of science-based targeting information to modify policies and regulations according to identified risk. When requesting such access, APHIS will identify the purpose of the request, the specific data access needs, and the names of the APHIS employee that have the appropriate security clearances to access the data requested.
2. USDA APHIS' access to certain CBP databases such as ATS, ACE, TECS (Level 1) will be sustained after the effective date of this agreement provided that the individual users continue to meet the necessary background investigations and other security requirements.

3. If USDA APHIS wishes to request access to new or additional CBP databases, such request must be in writing and must include the following information:
  - a. Type of Information requested
  - b. Whether the data relates to importations, inspections, interceptions and/or information contained in manifests to conduct risk analysis
  - c. Identify where this data may be kept or compiled such as databases or port record
  - d. Justification for data request
  - e. Any other information needs necessary for APHIS to develop science-based targeting information for APHIS to modify policies and regulations according to identify risk.
4. USDA APHIS agrees to provide CBP with access to necessary information and data systems maintained by APHIS relating to agricultural inspection activities performed by CBP.

#### **AGRICULTURAL ALERTS OR CHANGE IN DIRECTIVES**

1. USDA APHIS will provide CBP with Agricultural Alert information, as outlined below, for transmission to CBP Agricultural Specialists:
  - a. Subject of Alert
  - b. Time Sensitivity (general or urgent)
  - c. Reason for policy change (if necessary)
  - d. Point of contact and phone number
  - e. Invoice information (if available)
2. USDA APHIS will provide CBP advance notice on directives or policies that relate to and impact on the operations of CBP relative to the agricultural mission.

#### **DHS CBP Understands and Agrees to:**

CBP understands and agrees to abide by the procedures set forth below for requesting information from USDA APHIS. CBP has the ultimate discretion as to whether to grant APHIS' request for information.

#### **SITE VISITS**

1. CBP will provide USDA APHIS a written response to any request to access CBP ports of entry and other facilities under its control. To the extent and when possible, CBP will accommodate APHIS' request for access to CBP POEs.

#### **DATABASES AND INFORMATION**

1. CBP will review any written requests from APHIS pursuant to this Agreement for access to databases and information to determine whether to provide APHIS with

additional access to CBP databases and information systems. CBP will make this determination based on the circumstances of the request, the data being requested, APHIS reasons for needing such access to databases or information, and any other information necessary to make its determination.

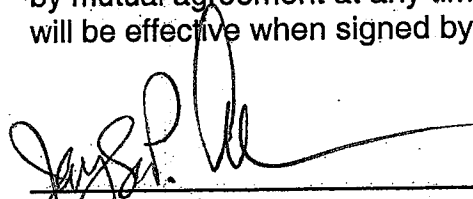
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#### **AGRICULTURAL ALERTS OR CHANGE IN DIRECTIVES**

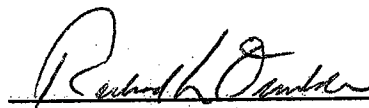
1. CBP agrees to receive and process APHIS Agricultural Alerts and other information. CBP Agricultural Inspection Policy and Programs (AIPP) will designate a contact person who can accept and process Urgent Alerts at all times. To the extent possible, CBP agrees to process these Alerts on a timely basis and communicate them appropriately to the ports of entry.
2. CBP agrees to communicate and consult with APHIS regarding new any CBP Agricultural Inspection (AI) operational policy change that could affect current agricultural risk mitigation efforts at US ports of entry or abroad.

#### Effective Date and Changes to This Appendix

This document will serve as an appendix to Article 8 of the MOA and can be amended by mutual agreement at any time by agreement of the parties in writing. This agreement will be effective when signed by both designated officials.

  
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Jayson P. Ahern  
Assistant Commissioner, Office of Field Operations  
Customs and Border Protection

2/20/05  
DATE

  
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Richard L. Dunkle  
Deputy Administrator, USDA APHIS  
Plant Protection and Quarantine

2/28/05  
DATE

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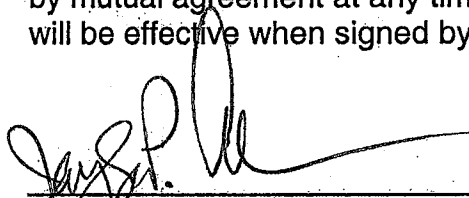
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