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02/10/2010
J. [Signature]

**MEMORANDUM OF UNDERSTANDING
FOR THE EXCHANGE OF INFORMATION
Between
THE UNITED STATES DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
And
THE UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION**

The parties to this Memorandum of Understanding ("MOU") are the United States Department of the Treasury, United States Customs Service ("Customs") and the United States Consumer Product Safety Commission ("CPSC").

The objective of this MOU is to establish procedures and guidelines for the exchange of information pursuant to 44 U.S.C. 3510 between the CPSC and Customs; to accommodate, facilitate, and expedite the exchange of information, and to provide for reimbursement to Customs for the expenses incurred in procuring and maintaining the necessary equipment, developing software and programming.

Customs maintains two electronic systems relating to merchandise being imported into the United States, the Automated Commercial System ("ACS") and the Automated Manifest System ("AMS"). These systems, and in particular the ACS or any successor system, contain information relating to merchandise being imported, *i.e.*, the name and address of the importer, consignee, shipper, manufacturer, Harmonized Tariff System ("HTS") number(s), quantity and value of the imported merchandise. It has been determined that the information contained in these systems will facilitate the CPSC in fulfilling its statutory and regulatory duties and responsibilities, preventing the admission into the United States and interstate commerce of illegal, noncompliant or environmentally hazardous products. (See Attachment A for the listing of regulatory authorities established by Congress). In this regard, this MOU supersedes any MOUs now in effect or pending with the CPSC.

To accomplish these objectives, the two agencies will develop the capability of exchanging data from the ACS and AMS, or successor system(s) on the importation of consumer products in which the CPSC has a regulatory or statutory interest and has furnished Customs with the Harmonized Tariff System ("HTS") number(s).

I. Customs Agrees:

1. To collect and enter into the ACS and AMS information regarding the entry of various consumer products as identified by the HTS numbers furnished by the CPSC.
2. To maintain a list of HTS numbers provided by the CPSC and subsequently provide CPSC with a listing for verification of completeness and accuracy.

3. To provide, under 44 USC 3510, to the CPSC the information in the ACS and AMS regarding the importation of those consumer products identified by the CPSC as requested.
4. To provide training and orientation programs for CPSC personnel to enable them to access and query the ACS and AMS as necessary.
5. To assist CPSC in the enforcement of their laws and regulations regarding the importation of the listed products, to deny entry to that merchandise which the CPSC advises is contrary to their laws and regulations, and to support CPSC's efforts in refusing admission to those products which violate CPSC's laws and regulations or in otherwise providing opportunities to modify or comply.
6. To permit CPSC to share the information obtained as a result of this MOU with the various federal, state, foreign and local authorities for which there is a statutory or regulatory requirement or provision (15 U.S.C. 2078) but only for so long as the various agencies and authorities comply with the requirements for confidentiality as set forth herein. If an agency or instrumentality breaches confidentiality, Customs reserves the right to refuse to furnish the CPSC information until the CPSC agrees not to furnish any additional information to the violating agency or instrumentality.
7. On emergency matters, to provide information as legally permissible in as timely matter as possible upon direct written request from CPSC for such information which states what information is requested, why the information is needed and the nature of the emergency.
8. To cooperate with CPSC in developing ACS and AMS, or successor systems, programs for automated interface with CPSC systems.
9. To cooperate with CPSC for issuance of Importer Alerts whereby during specified time periods in which the importer Alert is active, Customs officials are authorized to provide the CPSC official with all entry documentation related to a specific shipment. This may include importer of record and manufacturer information as well.
10. To ensure that all port personnel inform the CPSC officers that entry records are being furnished under the conditions that the information will be used only for the purpose of Import Alerts (19 U.S.C. 1502(a)) and must not be released to third parties without Customs express permission.

II. CPSC AGREES TO:

1. Furnish Customs with a list of HTS numbers of those consumer products in which it has a regulatory or statutory interest and promptly notify Customs of any deletions, additions or changes to the list.
2. Make a written request setting forth the information required and for what reason it is needed, in the event that CPSC needs information over and above that maintained in the ACS or AMS.
3. Provide Customs with a list of the specific countries targeted, in the event that CPSC regulations require CPSC to review import information based upon country of origin,
4. Intercede on Customs behalf and assume responsibility for any and all expenses, costs or liabilities arising from an Importer Alert, in the event of any unauthorized release of information resulting from the release of such information.
5. Reimburse Customs for all costs incurred in the event that Customs has to search its ACS, AMS, or successor systems, archives for information (e.g., imports with a specific country of origin within a designated time period) upon request by CPSC.
6. Place and remove holds on cargo in a timely manner.
7. Procure the necessary equipment, software, and programming resources to develop the capability to utilize the data furnished by Customs.
8. Reimburse Customs for the cost of training provided, telecommunications, and file maintenance as needed for the initial implementation of the connectivity.
9. Provide for a valid and current Office of Personnel Management Full Field Background Investigation of those personnel for whom CPSC is requesting access to the ACS and AMS and provide Customs with a list of the personnel passing the background investigation and authorized to have access to ACS, AMS, or successor systems.
10. Have agencies provide Customs with a listing of the personnel authorized to access ACS and AMS, or successor systems, to review certain data (e.g. cargo manifests, entry data). Ensure that only authorized personnel are provided ACS, AMS or successor system, security access codes.
11. Perform file maintenance on a timely basis, when appropriate.

III Confidentiality:

1. The information described in this MOU is transferred to the CPSC from Customs under the authority of 44 U.S.C. 3510(a) with the understanding that the CPSC is subject to and responsible for implementation of the Computer Security Act of 1987, the Privacy Act, and Office of Personnel Management and Office of Management and Budget regulations concerning information security that are in effect at the time of transfer. In addition, CPSC personnel are subject to the Trade Secrets Act (18 U.S.C. 1905) which imposes personal liability upon Federal employees who disclose confidential information contrary to the provisions of that Act.
2. CPSC understands and acknowledges that the information maintained in ACS, AMS, or successor system, is highly sensitive commercial, financial, and proprietary information; should only be reviewed by authorized CPSC personnel on a need-to-know basis; and should be kept secure. CPSC agrees that the information obtained will be used only for the purpose of enforcing CPSC laws and regulations.
3. Customs considers all ACS information and a substantial portion of the information in AMS or successor system, to be confidential commercial information, exempt from disclosure pursuant to the Freedom of Information Act ("FOIA") and prohibited from disclosure by the Trade Secrets Act. As such, no ACS or AMS, or successor system, information may be released without Customs express written permission except as set forth in paragraph 4 hereunder and subject to the provisions of paragraph 5. CPSC agrees that any request for ACS or AMS, or successor system, information pursuant to 5 U.S.C. 552 or 5 U.S.C. 552a, or from any federal, state, foreign or local agency or instrumentality not falling within the provisions of this MOU, will be sent directly to Customs for any response.
4. It is specifically recognized that the federal, state, foreign or local agencies and authorities referred to above have responsibilities under their respective regulatory authority and the rules and regulations issued thereunder for the oversight of assessments on various imported consumer products. Consequently, CPSC may provide the various agencies and authorities with ACS or AMS or successor system, data containing elements from the entry summary process on various products. This information will be provided to the agencies and instrumentalities with the understanding that such data shall be reviewed only by authorized personnel on a need-to-know basis, shall be kept secure, and shall not be passed on to third parties.
5. The agencies referred to above are responsible for any inappropriate disclosure of confidential information either by agency or personnel. In the event of any unauthorized or improper release, the CPSC will intercede on Customs behalf if the agencies referred to above fail to do so and CPSC will assume responsibility

for any and all expenses, costs, liabilities arising therefrom. Such unauthorized or improper disclosure may result in denial of future access to files containing disclosed data. (This paragraph does not preclude the regional offices from procuring and releasing summary and statistical data reports on information within their purview.)

IV It is Mutually Understood and Agreed That:

The above provisions will be exercised to the extent authorized by law, Department of Treasury and Consumer Product Safety Commission directives, statutes, and regulations, and consistent with the respective agencies' missions.

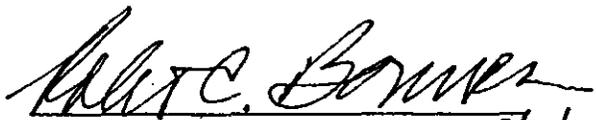
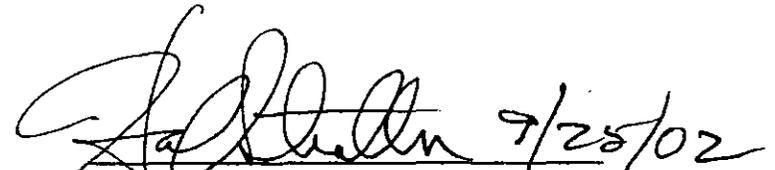
1. Transfers of funds contemplated by this MOU will be made quarterly and in accordance with Interagency Agreement (CF-236).
2. The general guidelines of this MOU may be supplemented by specific guidelines in accordance with local needs, subject to approval by both parties hereto.
3. This MOU is a formal expression of the purpose and intent of both parties concerned. This MOU is an internal government agreement and does not confer, grant, or authorize any rights, privileges, or obligations on any persons other than the undersigned parties and their official representatives.
4. It is understood that the information subject to this MOU is subject to the provisions of the Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), the Trade Secrets Act (18 U.S.C. 1905), the Computer Security Act of 1987, and the Office of Personnel Management (OPM) and Office of Management and Budget (OMB) regulations concerning information security, and 44 U.S.C. 3510.
5. This MOU shall become effective upon the date of final signature and is intended to be in force until terminated by either party upon ninety (90) days notice or amended by mutual agreement of the undersigned.
6. Annex A contains an Interconnection Security Agreement ("ISA") that outlines the technical details necessary to satisfy the stated technological information requirements within this MOU. The ISA specifically addresses the operational information system capabilities required and may be replaced, by mutual agreement, at anytime to implement an improved technical capability to ensure the continuance of the business operations stated in this MOU. Any subsequent update to the ISA does not require an update to this MOU unless the technical solution also impacts upon the agreement set forth in this MOU.

United States Customs Service
Office of Regulations and Rulings
799 Ninth Street, N.W.,
Washington, D.C. 20220

United States Consumer Product Safety Commission
Office of Compliance
4330 East-West Highway
Bethesda, Maryland 20814

THE UNDERSIGNED PARTIES ON THIS DATE, THE 3rd DAY OF
October, 2002, HEREBY AGREE TO ENTER INTO AND BE BOUND BY
THIS MEMORANDUM OF UNDERSTANDING.

ENTERED INTO AND AGREED UPON:

			
Robert C. Bonner	Date 9/19/02	Hal Stratton	Date 9/25/02
Commissioner		Chairman	
U.S. Customs Service		U.S. Consumer Product Safety Commission	

ATTACHMENT A
REGULATORY AUTHORITY

Consumer Product Safety Act, Pub. L. 92-573, codified at 15 U.S.C. §§ 2051-2084.

Federal Hazardous Substances Act, Pub. L. 86-613, codified at 15 U.S.C. §§1261-1278

Flammable Fabrics Act, Pub. L. 83-88, codified at 15 U.S.C. §§ 1191-1204.

Poison Prevention Packaging Act, Pub. L. 91-601, codified at 15 U.S.C. §§ 1471-1476.

Refrigerator Safety Act, Pub. L. 84-930, codified at 15 U.S.C. § 1211-1214.

ATTACHMENT B
DATA ELEMENTS

District Port	4 N
Unlading Port	4 N
Entry Date	8 N (ccyyymmdd)
Entry Number	11 N
Entry Type	2 N
Mode of Transport	2 N
Carrier/Vessel Name	20 AN
Importer Number	12 AN
Importer Address	
Name	32 AN
Address line 1	32 AN
Address line 2	32 AN
City	21 AN
State	2 AN
Zip	9 N
Consignee Number	12 AN
Consignee Address	
Name	32 AN
Address line 1	32 AN
Address line 2	32 AN
City	21 AN
State	2 AN
Zip	9 N
Broker Number	12 AN
Broker Address	
Name	32 AN
Address line 1	32 AN
Address line 2	32 AN
City	21 AN
State	2 AN
Zip	9 N
Entry Line Number	4 N
Harmonized Tariff Number	10 N
Quantity	12 N
Unit of Measure	3 AN
Line Value	10 N
Country of Origin	2 A
SPI Indicator	1 N

INTERCONNECTION SECURITY AGREEMENT

Between

U.S. Consumer Product Safety Commission (CPSC)

and

The United States Customs Service (USCS)



DECEMBER 2001

**U.S. Consumer Product
Safety Commission (CPSC)**

**Department of the Treasury
United States Customs Service**

INTERCONNECTION SECURITY AGREEMENT

1. INTERCONNECTION STATEMENT OF REQUIREMENTS.

- a. The U.S. Consumer Product Safety Commission (CPSC), Office of Compliance (EXC), seeks establishment of an interconnection between the US Customs Service (Customs) mainframe computers containing the Automated Manifest System (AMS) and the Automated Commercial System (ACS) databases and the CPSC NT server connected to the CPSC local area network (LAN). The interconnection and the requirements imposed by this agreement are for the express purpose of permitting CPSC to review selected import product data contained in the Customs mainframe at the Newington Data Center.
- b. The CPSC is responsible for protecting the public against unreasonable risks of injury associated with consumer products. To this end, the Office of Compliance is responsible for conducting or supervising the conduct of compliance and administrative enforcement activities under all acts administered by the CPSC. These acts include the Consumer Product Safety Act, the Flammable Fabrics Act, the Federal Hazardous Substances Act, the Poison Prevention Packaging Act, and the Refrigerator Safety Act. The import data review will increase CPSC/EXC's ability to accomplish the Commission's compliance and administrative enforcement activities in a timely and resource efficient manner.
- c. A secured telecommunications link that includes encryption devices between the Newington Data Center and CPSC would guarantee that data would remain secure during its transmission and processing.

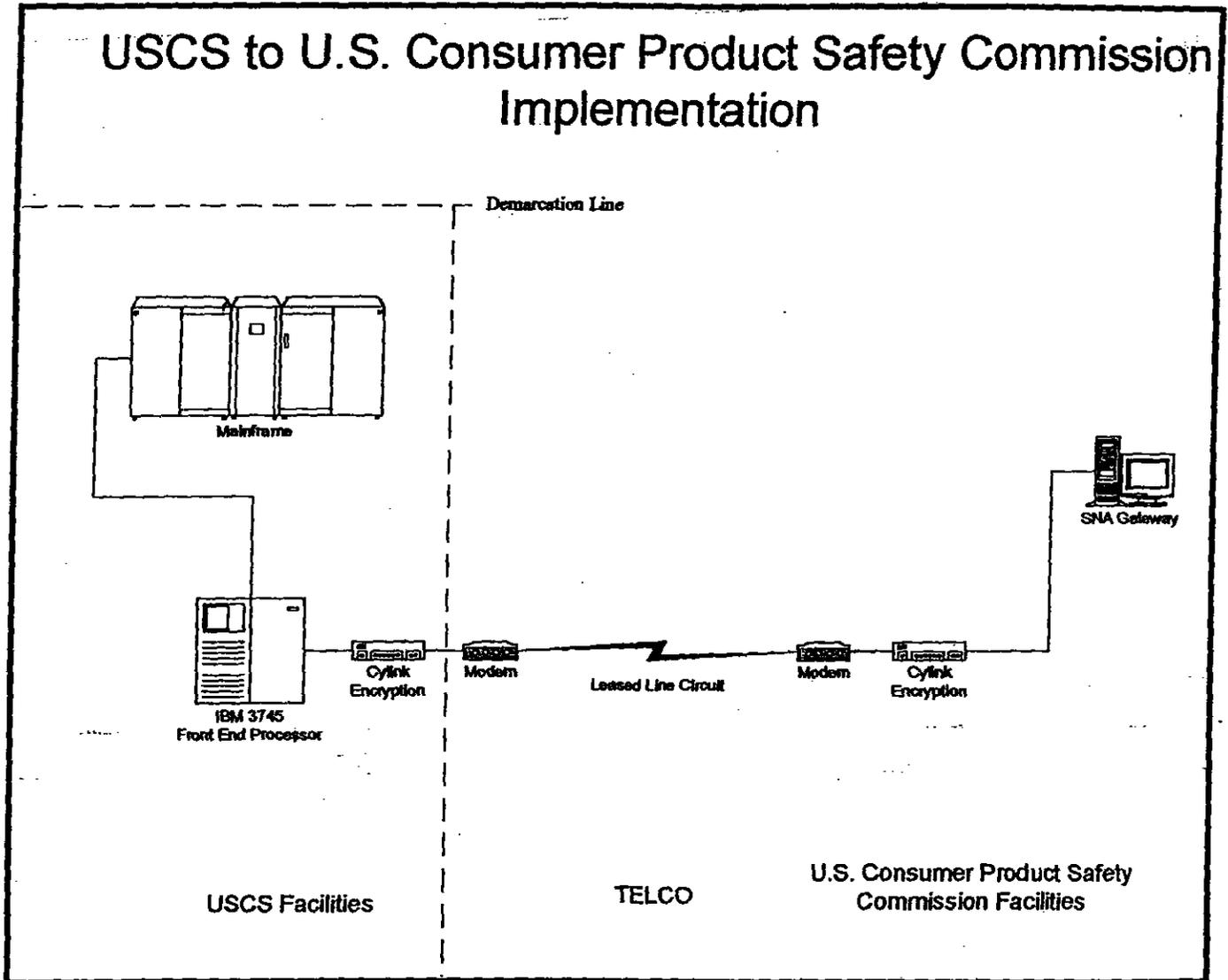
SYSTEM SECURITY CONSIDERATIONS.

- a. **GENERAL DESCRIPTION** - The interconnection between Customs and the Consumer Product Safety Commission (CPSC) will allow for the secure transmission of data between the Customs AMS and ACS databases and qualified CPSC personnel with Customs approved security clearance to view the data. Secure access to the Custom's AMS and ACS databases will allow CPSC officers to generate appropriate assignments to field personnel based on the information.
- b. **SECURITY DETAILS** - The security of the data on the proposed link between Customs and CPSC will be protected by the use of link encryption devices from CYLINK (Link-Encryptor, LTAC NRZ Triple DES). CPSC's local area network (LAN) has been migrated from Novell's IPX protocol stack to the IP protocol stack. The connection at the CPSC end is located within the CPSC computer room, which is a controlled access facility requiring pre-programmed keycards to gain access. This connection terminates into a dedicated NT server running SNA/IP gateway software on Microsoft Host Integration Server 2000 connected to the CPSC local area network (LAN). This NT server (SNA gateway) will have a dedicated group defined for qualified users requiring access to the Customs AMS and ACS databases. This will be the only group having the appropriate file access rights defined to access the SNA software. Access will be through a dedicated Windows NT or Windows 2000 workstation accessible only by approved users.
- c. **TRUSTED BEHAVIOR** - The CPSC system and users are expected to protect Customs AMS and ACS data in accordance with the Consumer Product Safety Act, the Freedom of Information Act, Privacy Act, Unauthorized Access Act (18 U.S. Code 2701 & 2710), and the Trade Secrets Act.
- d. **DATA SENSITIVITY** - The sensitivity of the data being accessed at Customs is Sensitive-But-Unclassified.
- e. **USER CLEARANCE** - All CPSC users with access to the Customs ACS database will have a valid and current Office of Personnel Management (OPM) defined Full-Field Background Investigation that is honored by Customs. CPSC is responsible for conducting required periodic reinvestigations.
- f. **FORMAL SECURITY POLICIES** - CPSC policy documents that govern the protection of the data are CPSC Order 0750.1 and 0760.1. All Customs security policies and procedures are outlined in the CIS HB 1400-05A.
- g. **NEW SECURITY AWARENESS TRAINING** - CPSC will assign the appropriate representatives from its Information Systems Division to review any new security measures specifically put in place to access the Customs AMS and ACS databases. This awareness training will be accomplished prior to any access to the Customs data.

- h. **NATURE OF INFORMATION BEING ACCESSED** – The interconnection and the requirements imposed by this agreement are for the express purpose of permitting CPSC to review selected import product data contained in the Customs mainframe at the Newington Data Center. The interconnection between Customs and the CPSC will allow for the secure transmission of data between the Customs AMS and ACS databases and qualified CPSC personnel with appropriate security clearance to view the data.
- i. **USER COMMUNITY** – Only CPSC users who have undergone a valid and current OPM Full Field Background Investigation will have access to the Customs AMS and ACS databases.
- j. **REVISED/NEW RESTRICTIONS** - Client software to allow access to the Customs AMS and ACS databases will be run from a server that will only allow access from the station that has the physical MAC addresses (network address of the users workstation) of the hardware authorized to run the client software. A single dedicated workstation will be utilized at the user location. This workstation will run the “NT Workstation” operating system requiring that an appropriate logon and password be entered to gain access.
- k. **PARAMETERS EXCHANGED** - Other than the use of a Customs provided user login ID and password to the Customs system, no additional security parameters will be exchanged. (e.g. public/private keys, x.509 certificate)
- l. **AUDIT TRAIL** – CPSC will utilize all logging capabilities provided by the operating systems and applications used by CPSC personnel on any CPSC systems regarding access to the Customs AMS and ACS database. These logs will be maintained and available for inspection by Customs if required.
- m. **REPORTING INCIDENTS** – Security incidents discovered by CPSC or Customs will be reported to the Computer Security Incident Response Center (CSIRC) operating within the Newington Data Center (NDC) complex. The policy governing the reporting of Security Incidents is in CIS HB 1400-05A.

SECTION 3 - TOPOLOGICAL DRAWING.

The Customs data facility maintains a 24-hour physically secure facility where access is controlled using restricted access and all visitors are escorted. The Line of Demarcation, thus the line of responsibility, rests at the Customs modem.

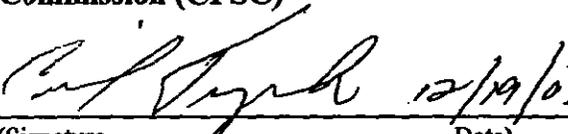


SECTION 4 - SIGNATORY AUTHORITY. This ISA is valid for three (3) years after the latest date on either signature below if the technology documented herein does not change or if there are not other intervening requirements for update. At that time it must be reviewed, updated, and revalidated. Either party may terminate this agreement with thirty days-advanced notice or in the event of a security exception that would necessitate an immediate termination of this agreement.

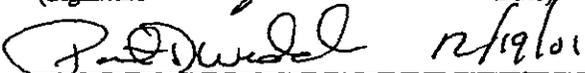
Carl G. Truszynski
Chief – Network Engineering/ISIS
U.S. Consumer Product Safety
Commission (CPSC)

Charles M. Mayer
Executive Director
Infrastructure Services Division
Office of Information and Technology
U.S. Customs Service

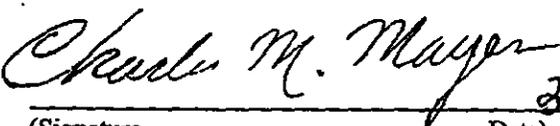
Patrick D. Weddle
Assistant Executive Director/EXIS
U.S. Consumer Product Safety
Commission (CPSC)



(Signature) Date) 12/19/01



(Signature) Date) 12/19/01



(Signature) Date) 2-21-02