



# Homeland Security

December 13, 2007

The Honorable Dianne Feinstein  
United States Senate  
Washington, D. C. 20510

Dear Senator Feinstein:

I appreciate the discussions we have had over the last few weeks concerning the agricultural mission within U.S. Customs and Border Protection (CBP). I want to inform you of two actions the Department of Homeland Security is taking to address the concerns you have raised.

First, at my direction, the Assistant Commissioner of Field Operations at CBP has sent a memo to all field offices (attached) reaffirming that the Agriculture Specialists are to be specifically assigned to agricultural inspection activities and will be dedicated to the mission of protecting the Nation's food supply and agricultural industry from pests, diseases, and related bio-threats, absent exigent operational circumstances. To promote consistent implementation of this policy, the memo also outlines measures that CBP is taking to ensure that the activities of Agriculture Specialists are accurately recorded in CBP's Overtime and Scheduling System.

Second, as of January 2, 2008, a new position will be established within CBP to improve oversight of the agricultural mission across all CBP field offices. Named the Deputy Executive Director, Agriculture Operational Oversight, the new position will report to the Executive Director for Agriculture Programs and Trade Liaison at CBP headquarters. The Deputy Executive Director will be charged with ensuring a more consistent application of agriculture inspection policy across all ports. The position will also serve as a primary point of contact for Joint Agency Task Force coordination issues for the Department, the Animal and Plant Health Inspection Service (APHIS) within the Department of Agriculture, and stakeholders, and it will be responsible for outreach to Federal and State officials on border inspection issues. The Deputy Executive Director will oversee the Joint CBP/APHIS Agriculture Quality Assurance program and monitor agricultural performance measures for risk and efficiency. This office will also ensure compliance with all directives and policies specific to the agricultural programs, to include conducting field audits and reviews of Agriculture Specialist activities, and correcting deficiencies. In addition, the Deputy Executive Director will work to ensure that Agriculture Specialists have the equipment and resources needed to perform the agricultural inspection function. (A memo to field offices describing the new position in more detail is attached.)

I greatly appreciate your engagement on these critical issues, and I look forward to continuing our discussions with respect to your questions on agricultural referrals to secondary inspection. The measures we are undertaking are a direct result of our constructive dialogue, your dedication to the agricultural community, the essential work done by CBP Agriculture Specialists, and the desire to protect American agriculture from harmful pests and diseases.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Chertoff", with a long horizontal flourish extending to the right.

Michael Chertoff

Enclosures

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**U.S. Customs and  
Border Protection**

DEC 10 2007

MEMORANDUM FOR: Directors, Field Operations  
Director, PreClearance

FROM: Assistant Commissioner  
Office of Field Operations

SUBJECT: Utilization of Agriculture Specialists and Related Time and  
Attendance Information (TC-FY-08-0222)

The purpose of this memorandum is two-fold, first, to ensure that Agriculture Specialists (CBPAS) are performing inspectional activities directly related to the protection of American agriculture; and second to provide clear guidance on the utilization of Cost Management Information System (CMIS) codes housed within COSS that are specifically designed for use by CBPAS.

Directors, Field Operations must ensure that CBPAS are assigned to agricultural inspectional activities at the individual ports of entry. It is imperative that assignments for these employees are dedicated to the mission of protecting the nation's food supply and agricultural industry from pests and diseases absent exigent operational circumstances.

Clear guidance on the use of CMIS codes are housed in the Customs and Border Protection (CBP) Overtime and Scheduling System (COSS) and are structured to reflect the range of operational functions combined within CBP. CMIS codes are focused on Customs-, Immigration- and Agriculture-related functionality to reflect and define the totality of services offered by CBP. CMIS aides the Agency in aligning the personnel labor information in COSS to CBP financial reporting requirements. Further, CMIS enhances the Agency's ability to track User Fee-related activity costs, provide more accurate cost information to external parties (i.e. Congress), and help to establish baseline cost information necessary for developing and monitoring annual budgets.

CBPAS perform the mission of protecting American agriculture from harmful pests and diseases. Further, this work must be accurately recorded in COSS using the appropriate CMIS codes. To accomplish this, Directors of Field Operations (DFOs) shall ensure that CBPAS are assigned and utilized in alignment with that mission.

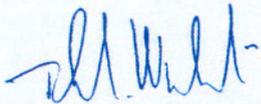
As part of the continuing Unified COSS Location Rotation Process (UCLRP) (TC-06-1630), Directors, Field Operations (DFO) are responsible for monitoring and overseeing this process to ensure agriculture-related work activities are accurately recorded. For your convenience, the UCLRP tasking and CMIS codes are posted to the CBPnet under the OFO tab. As part of the

UCLRP, DFOs must continue to complete the quarterly analysis and submit findings to Headquarters for analysis.

For clarification, CMIS codes beginning with the letter "Q" should be utilized to capture agriculture-related activities. The role of the CBPAS is to interpret and enforce agricultural regulatory requirements through agricultural inspections of travelers and cargo. Appropriate activities are listed in the CBPAS position description and in Appendix 2 and 3 of the DHS – USDA Memorandum of Agreement of 2003 (attached).

I am directing all DFOs to ensure that CBPAS are assigned to agricultural inspectional activities at the individual ports of entry. Assignments for these employees must be dedicated to the mission of protecting the nation's food supply and agriculture industry from pests and diseases, absent exigent operational circumstances.

If you have any questions regarding this matter, please have a member of your staff contact Ava Fleming at 202-344-2675.



Thomas S. Winkowski

Attachments

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Memorandum:

**To:**

**From:** Assistant Commissioner  
Office of Field Operations

**Subject:** Establishment of Deputy Executive Director,  
Agriculture Operational Oversight,  
Agriculture Programs & Trade Liaison (APTL)

This memorandum addresses the establishment of a Deputy Executive Director position in the Agriculture Operational Oversight position within the Agriculture Programs & Trade Liaison (APTL) division within Customs and Border protection (CBP) Office of Field Operations (OFO).

In order to address the concerns of agricultural stakeholders and to provide better operational oversight for the Agricultural Mission within CBP, I am creating a new Deputy Executive Director, Agriculture Operational Oversight position in APTL. The Deputy Executive Director will report to the Executive Director for APTL.

**BENEFITS OF CREATING NEW POSITION:**

CBP is creating a new position and office in OFO Headquarters that will be charged with further coordinating agricultural activities. Establishing this position will result in more consistent application of agriculture inspection policy across all ports. It will also provide a primary point of contact for Joint Agency Task Force (JATF) coordination issues for APHIS, USDA, DHS, and agriculture industry stakeholders.

Program improvements that will be realized are coordination and implementation of the JATF Action Plans, Agriculture Partnership Council and stakeholder outreach. This position will oversee the Joint CBP/APHIS Agriculture Quality Assurance program and monitor agricultural performance measures for risk and efficiency. It will allow CBP to utilize trend analysis and redirect targeting and resources to areas of highest risk. The office will also ensure that all directives and policies specific to the agricultural programs are executed and in compliance with CBP agriculture mission.

To enhance operational oversight this office will ensure resources are available for agriculture programs in the field. This specific responsibility will ensure that all Agricultural Specialists will have all the equipment and other resources needed to facilitate and improve the agricultural inspection function. Additionally, this Deputy Executive Director will ensure appropriate staffing levels and budget allocation for agricultural programs as well as initiate and monitor special agricultural operations. The Deputy Executive Director will meet regularly with state and

federal counterparts to maximize efficiencies. Emphasis will be placed on ensuring that CBPAS are specifically assigned to agricultural inspectional activities at the individual ports of entry.

The new office will issue memoranda, musters, and conduct conference calls, to clarify the expected activities, duties, functions, roles and responsibilities of the Agricultural Specialist (AS) in conducting CBP's mission. This individual will ensure that AS accurately record agriculture inspection activities in the CBP Overtime and Scheduling System (COSS). This will better align the personnel labor information in COSS to CBP financial reporting requirements. Furthermore, the Deputy Executive Director will enhance the Agency's ability to track User Fee-related activity costs and help establish baseline cost information necessary for developing and monitoring annual budgets. He will visit and conduct field audits and reviews of the AS activities and compliance with the CBP Agricultural commitment.

**CHAIN OF COMMAND:**

The new Deputy Executive Director will work through the current chain of command in the field and is not in the supervisory chain for field Agriculture Specialists.

**TIMEFRAME FOR CREATION OF NEW POSITION:**

The new Deputy Executive Director will be in place and the office will be operational no later than January 2, 2008.