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MEMORANDUM OF AGREEMENT
BETWEEN
BUREAU OF CONSULAR AFFAIRS, DEPARTMENT OF STATE
AND
THE UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

1. PURPOSE:

RELEASE IN FULL

In order to assist the U.S. Customs Service (hereafter, "Customs") in identifying individuals engaged in activities which violate the controlled substances and other criminal statutes of the United States, the Bureau of Consular Affairs (hereafter, "Consular Affairs") agrees to release to Customs information from applications for United States passports under the terms and conditions of this Agreement (the "National Passport Program").

2. AUTHORITY:

The release or exchange of information covered by this Agreement is governed by, and in furtherance of the administration of, the following statutes and legal authorities:

- 5 U.S.C. 552a;
- 22 U.S.C. 211a, et seq.;
- 18 U.S.C. 1541, 1542, 1543 and 1544;
- E.O. 11295;
- 19 U.S.C. 482, 1467, 1499, 1581, 1582 and 1590;
- 22 U.S.C. 401;
- 18 U.S.C. 1956 and 1957.

3. RESPONSIBILITIES:

A. CUSTOMS:

In order to carry out the objectives of the National Passport Program, Customs agrees that it will:

- 1) Provide all personnel designated to participate in this program with such training and information as will assist personnel in the identification of suspected narcotics traffickers and couriers;

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2) Establish a Customs contact point to which information from passport files covered by this Agreement may be conveyed or released to Customs by each Regional Passport Office;

3) Treat all passport information and documents it may receive under this Agreement in accordance with the provisions of 5 U.S.C. 552a; and,

4) Inform designated Consular Affairs personnel of any case in which investigations undertaken by Customs on the basis of information received from passport files under this Agreement disclose a possible violation of the passport statutes.

B. CONSULAR AFFAIRS:

In order to carry out the objectives of this Agreement, Consular Affairs agrees that it will:

1) Provide designated Customs personnel with such information concerning passport policies and procedures as necessary to achieve the objectives of the National Passport Program;

2) Provide Customs with a list of Consular Affairs personnel who have been designated to participate in the implementation of this Agreement, including the designated contact at each of its 14 Regional Passport Offices;

3) Provide Customs with copies of, or information taken from, applications for U.S. passports in cases where the applicant conforms to Customs "profiles" of suspected drug traffickers, couriers, or individuals engaged in similar criminal activity;

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4) Ensure that all passport information and documents released to Customs under this Agreement are properly accounted for in accordance with the provisions of 5 U.S.C. 552a;

5) Inform designated Customs personnel whenever investigatory or similar action has been initiated by the Department of State with respect to an individual passport applicant on whom information previously was released to Customs; and,

6) Establish reasonable procedures to safeguard information concerning this Agreement against disclosures which could frustrate the Customs program or enable individuals to circumvent the law.

4. OVERSIGHT AND REVIEW:

A. REPORTS:

The signatories agree that Consular Affairs and Customs each will prepare and exchange semiannual reports providing information concerning program activities, including: recent developments; statistical data; problem areas requiring resolution, and results achieved under the program.

B. MEETINGS:

The signatories agree to meet semiannually during the first year after implementation of this Agreement and annually thereafter for the purpose of reviewing the Agreement. Additional meetings may be called by either party with seven days notice.

5. MODIFICATIONS/TERMINATION:

This Agreement may be modified at any time by mutual agreement of Consular Affairs and Customs; and, may be terminated upon 30 days notice by either Consular Affairs or Customs.

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6. EFFECTIVE DATE:

This Agreement shall be effective as of March 8, 1991.

Elizabeth M. Tamposi

Elizabeth M. Tamposi
Assistant Secretary
for Consular Affairs

3/6/91
Date

Carol Hallett

Carol Hallett
Commissioner
U.S. Customs Service

4-11-91
Date

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