

**Decision No. 5 of the Free Trade Commission of the United States-Mexico-
Canada Agreement (USMCA):**

**U.S. Interagency Input on Coordination on North American Trade Flows in
Emergency Situations**

U.S. Department of Agriculture

Existing or planned mechanisms and authorities to coordinate and consult with other U.S. federal Departments with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

Agricultural Research Service (ARS)

ARS' mission is to deliver scientific solutions to national and global agricultural challenges, which may include or lead to trade disruptions. ARS scientists are subject matter experts in plant, animal, and agricultural settings and therefore able to advise and provide information to make informed decisions for international negotiations and emergency actions. ARS works to protect and ensure the safety of the nation's agriculture and food supply through improved disease detection, prevention, and control. ARS collaborates closely with other USDA and U.S. government agencies to provide scientific and technical support to respond to emergencies that may impact agricultural trade and zoonotic diseases.

ARS research is authorized by the Department of Agriculture Organic Act of 1862 (7 U.S.C. 2201 note); Act of June 29, 1935 (7 U.S.C. 427); Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 note); Food and Agriculture Act of 1977 (P.L. 95-113), as amended (7 U.S.C. 1281 note); Food Security Act of 1985 (P.L. 99-198) (7 U.S.C. 1281 note); Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101-624) (7 U.S.C. 1421 note); Federal Agriculture Improvement and Reform Act of 1996 (FAIR) (P.L. 104-127); and Agricultural Research, Extension, and Education Reform Act of 1998 (P.L. 105-185).

Animal and Plant Health Inspection Service (APHIS)

APHIS' mission is to protect the health, welfare, and value of our Nation's plants, animals, and natural resources. In the event of a disruption of North American trade resulting in an emergency situation, APHIS has protocols in place with a number of other federal agencies, such as the U.S. Customs and Border Protection (CBP), that are critical in keeping U.S. agricultural industries free from pests and diseases and certifying that the millions of U.S. agricultural and food products shipped to markets abroad meet the importing countries' entry requirements. APHIS makes sure that all agricultural products shipped to the United States from abroad meet the Agency's entry requirements to exclude pests and diseases of agriculture.

APHIS International Services -- with personnel stationed overseas and in our headquarters offices in Riverdale, Maryland, and Washington, DC -- also focuses on keeping export markets open for American agricultural products by working with all the APHIS' programs, including Veterinary Services, Plant Protection and Quarantine, and Biotechnology Regulatory Services, to eliminate unjustified sanitary or phytosanitary (SPS) barriers.

Existing or planned mechanisms to coordinate with industries and other non-governmental stakeholders, including workers, most directly impacted by disruptions of North American trade flows in emergency situations.

Animal and Plant Health Inspection Service (APHIS)

APHIS, an emergency response agency, has in place a number of networks and works closely with all stakeholders, and workers, including APHIS' employees that could be directly impacted by emergency situations that could disrupt North American trade. Communication during emergencies situations is a critical element of APHIS' business continuity plan and APHIS routinely coordinates and consults through these systems. Preparation for such emergencies includes:

- The APHIS Emergency and Regulatory Compliance Services program; its work focuses on all issues related to emergency preparedness and response, as well as other critical enforcement and safety initiatives.
- An emergency alert system that connects all its workers (via email, text, and phone), in the event of an emergency. It provides notifications to employees about emergencies in their immediate area. If the need arises, it also helps APHIS managers check in and follow up with employees who may be in harm's way.

In the event of a national or international emergency, APHIS International Services' essential functions include: participating with the APHIS Administrator and other officials in planning and formulating; collaborating with other entities to develop and maintain systems for monitoring and reporting the presence and movement of plant and animal diseases and pests in North America, as well as all foreign countries; developing and maintaining cooperative relationships and programs with other U.S. Government agencies, foreign governments, industry, and international organizations; collaborating with other entities to develop and maintain systems for observing the effects of plant and animal diseases in foreign countries and evaluating their effect on the agriculture industry; developing and directing programs to enhance the trade in U.S. plants, animals, and their products in compliance with established international sanitary and phytosanitary standards; and, providing recommendations for policy and program changes, and promulgating requirements, procedures, and guidelines for conducting field activities that support APHIS programs.

Foreign Agricultural Service (FAS)

FAS leads USDA work on international negotiations on a broad range of topics spanning from improved market access to tariff concessions, food security to agricultural sustainability, and trade agreements, among other issues impacting trade. FAS oversees trade enforcement activities including, but not limited to, enforcing existing trade agreements, defending USDA's interests in formal dispute settlement, and operating the World Trade Organization's Sanitary and Phytosanitary Enquiry Point on behalf of the USG to address emerging foreign technical barriers to trade. Non-performance of this function could pose substantial risks to U.S. agriculture, as unilateral actions by foreign governments have the potential to cause billions of dollars, or more, in disrupted trade. These actions can be extremely difficult to reverse if not

addressed quickly – possibly resulting in sustained losses over time. The ability to address the most critical issues, quickly, can save thousands of U.S. jobs and help contribute to the economic stability of rural America.

The conduct of this mission essential function is required to fulfill 7 C.F.R. 2.43(1) and 7 C.F.R. 2.43 (2).

Coordination and consultation with industry and other non-governmental actors includes the private industry, academia, and NGOs.

Existing or planned mechanisms and authorities to coordinate and consult with state, local, tribal, or territorial governments with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

Animal and Plant Health Inspection Service

Consistent and close communication with all stakeholders, including our state, local, tribal or territorial government partners is an essential part of ensuring APHIS fulfills its mission. We work together to safeguard U.S. agriculture and natural resources from harmful plant pests and foreign animal diseases. We consult with and engage a wide range of stakeholders to ensure our strategies and programs are effective, including anticipation of potential emergency situations.

Existing or planned mechanisms to coordinate with government counterparts in Canada or Mexico with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

Animal and Plant Health Inspection Service

APHIS plays an important role in facilitating the safe trade of agricultural products. By conducting plant and animal health negotiations with both Canada and Mexico, APHIS uses these technical bilateral dialogs to stress the science and international standards to resolve trade issues. These negotiations result in protocols that both countries agree will sufficiently minimize the pest or animal disease risk of an imported or exported agricultural product. Recent examples include the establishment of a Joint Agency Group to support the U.S.- Canada Coordinated Phytosanitary Mitigation Framework and development of an action plan to implement the framework. APHIS also has a long-established Committee with Mexico to combat the spread of Foreign Animal Diseases, such as foot-and-mouth disease.

In addition, APHIS administers the Foreign Service system for USDA in accordance with 7 CFR 371.8, by maintaining and administering the foreign service personnel system for employees of APHIS in accordance with section 202(a)(2) of the Foreign Service Act of 1980 ([22 U.S.C. 3922](#)), E.O. 12363, dated May 21, 1982, and the provisions of [§ 2.51\(a\)\(1\) of this title](#).

Foreign Agricultural Service (FAS)

FAS administers the Foreign Service (FS) system for USDA in accordance with 22 U.S.C. 3922. FAS can avail itself of its overseas FS personnel to liaise with host government and industry to convey critical information to/from Mexican and Canadian counterparts on agricultural trade disruptions (e.g., supply chain failures, status of food supply, animal/plant disease outbreaks, infrastructure losses, etc.).

U.S. Department of Commerce

Existing or planned mechanisms and authorities to coordinate and consult with other U.S. federal Departments with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

Part I of this Department Administrative Order (DAO) highlights the disaster and recovery efforts of the Department, Bureaus, and offices and that are authorized by law; however, the authorities that guide and support the Bureau's and offices' National preparedness activities across the framework areas may not be specific to disaster response and recovery efforts. The Department, Bureaus, and offices are authorized to provide the following disaster response and recovery efforts:

National Oceanic and Atmospheric Administration (NOAA)

- A. Providing weather forecasts and warnings;
- B. Participating in oil spill preparedness and response actions;
- C. Providing economic assistance in fishery disasters;
- D. Providing experts in a range of disciplines, including oil and chemical spill response, environmental damage assessment, habitation conservation and restoration, marine debris, and navigation management;
- E. Providing scientific, technical, and policy experts to support the response and recovery efforts;
- F. Providing military personnel with forecasts and imagery for their aircraft, ships, ground forces and facilities worldwide;
- G. Operating the Search and Rescue Satellite Aided Tracking System to detect and locate mariners, aviators, and other recreational users in distress;
- H. Maintaining real-time solar wind monitoring capabilities to provide timely and accurate warnings for severe space weather events; and
- I. Conducting emergency surveys for navigation hazards.

Bureau of Industry and Security (BIS)

BIS will support disaster preparedness, response, and recovery efforts by:

- A. Administering the Defense Priorities and Allocations System (DPAS) (15 C.F.R. Part 700), under Defense Production Act of 1950 Title I delegated authority, that is utilized by the Departments of Defense, Homeland Security, and Energy, and the General Services Administration, to prioritize the performance of contracts and orders for industrial resources needed to support national defense requirements, including homeland security, emergency preparedness, and critical infrastructure protection and restoration activities; and
- B. Authorizing other government agencies, foreign governments, owners and operators of critical infrastructure, or companies to utilize the DPAS to support homeland security, emergency preparedness, or critical infrastructure protection and restoration activities, as appropriate, in coordination with the Departments of Defense, Homeland Security, or Energy.

National Telecommunication and Information Administration (NTIA)

NTIA will support disaster preparedness, response, and recovery efforts by:

- A. Providing on-call support upon request to the Federal Communications Commission (FCC) to resolve Government frequency interference problems and frequency allocation and assignment requests;
- B. Maintaining and publishing the Emergency Readiness Plan for Use of the Radio Spectrum; and
- C. Maintaining the nationwide public safety broadband network by the First Responder Network Authority (FirstNet Authority).

Economic Development Administration (EDA)

EDA will support disaster preparedness, response, and recovery efforts by:

- A. Providing Federal economic development assistance to communities for long-term economic recovery planning, reconstruction, redevelopment and resiliency;
- B. Coordinating economic recovery activities on behalf of the Department and across federal government agencies -in its role as the Economic Recovery Support Function Coordinating Agency of the National Disaster Recovery Framework.

National Institute of Standards and Technology (NIST)

NIST will support disaster preparedness, response, and recovery efforts by:

- A. Conducting disaster and failure studies, including the development and maintenance of an archival data repository;
- B. Carrying out research needed to improve the structural safety of buildings and/or emergency response and evacuation procedures;

- C. Recommending changes to specific codes, standards, and practices based on findings from disaster and failure studies; and
- D. Carrying out its statutory responsibilities under the National Construction Safety Team Act, 15 U.S.C. § 7301 et seq., including the development of field investigation expertise and metrology.

Bureau of the Census (Census)

Census will support disaster preparedness, response, and recovery efforts by:

- A. Producing timely local data that are critical to emergency planning, preparedness and recovery efforts;
- B. Operating the “[My Community Explorer](#)”¹ a public data web application to provide real-time access to detailed Census Bureau and other federal data about the people living and working in areas being affected by hurricanes, floods, wildfires, winter storms, and Federal disaster declaration areas; and
- C. Operating Census Business Builder² web application to provide detailed demographic and economic data on the people and businesses in an impacted area.

Existing or planned mechanisms to coordinate with industries and other non-governmental stakeholders, including workers, most directly impacted by disruptions of North American trade flows in emergency situations.

The National Disaster Recovery Framework (NDRF) is a guide that enables effective recovery support to disaster-impacted States, Tribes, Territorial and Local jurisdictions. It provides a flexible structure that enables disaster recovery managers to operate in a unified and collaborative manner. It also focuses on how best to restore, redevelop and revitalize the health, social, economic, natural and environmental fabric of the community and build a more resilient Nation. The NDRF identifies specific responsibilities within noted Recovery Support Functions (RSFs) that are assigned to the heads of the noted Bureaus and operating units under the provisions of the NDRF RSF, which include:

Economic Development Administration (EDA)

- A. The Department of Commerce is identified as the lead Coordinating Agency of the Economic Recovery Support Function (ERSF) under the NDRF. DOC designated EDA to administer this role on the Department’s behalf.
- B. In this capacity, EDA leads the coordination of economic recovery assistance on behalf of the Department as well as the Federal Government.

¹ [My Community Explorer \(arcgis.com\)](#)

² [Census Business Builder](#)

- C. This includes assisting State, Local, Tribal, and Territorial (SLTT) partners and stakeholders with long-term economic recovery planning, reconstruction, redevelopment, and resilience.

National Oceanic and Atmospheric Administration (NOAA)

Under the NDRF, NOAA's supporting role includes: Predicting changes in the earth's environment and conserving and managing coastal and marine resources to meet the Nation's economic, social, and environmental needs.

Recovery Support Functions (RSF): The Economic Recovery RSF integrates the expertise of the Federal Government to help local, regional/metropolitan, state, tribal, territorial, and insular area governments and the private sector sustain and/or rebuild businesses and employment and develop economic opportunities that result in sustainable and economically resilient communities after an incident.

Office of the Undersecretary for Economic Affairs (OUSEA)

Under the RSF, OUSEA's supporting role includes: Helping maintain a sound Federal statistical system that monitors and measures America's rapidly changing economic and social arrangements, improving understanding of the key forces at work in the economy and the opportunities they create for improving the well-being of Americans; developing new ways to disseminate information using the most advanced technologies; supporting the information and analytic needs of the Department.

Bureau of Economic Analysis's (BEA's)

Under the RSF, BEA's supporting role includes: Promoting a better understanding of the U.S. economy by providing the timeliest, relevant, and accurate economic accounts data in an objective and cost-effective manner.

International Trade Administration's (ITA's)

Under the RSF, ITA's supporting role includes: Creating opportunity for U.S. workers and firms by promoting international trade, opening foreign markets, ensuring compliance with our trade laws and agreements, and supporting the U.S. commercial interests at home and abroad.

Minority Business Development Agency's (MBDA's)

Under the RSF MBDA's supporting role includes: Fostering the growth and global competitiveness of minority business enterprises in America. MBDA invests in a national network of MBDA Business Centers, Specialty Centers, and other programs. MBDA programs offer customized business development and industry-focused services to provide greater access to capital, contracts and markets. This

includes, MBDA's Capital Readiness Program, which helps underserved entrepreneurs build capacity and access capital and networks.

U.S. Department of Defense

Existing or planned mechanisms and authorities to coordinate and consult with other U.S. federal Departments with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

U.S. Department of Defense

During the Korean War, Congress enacted the Defense Production Act of 1950 to ensure the availability of industrial resources to meet DOD's needs. The DPA facilitates the supply and timely delivery of products, materials, and services to military and civilian agencies in times of peace as well as in times of war. Since it was enacted in 1950, Congress amended the DPA to broaden its definition beyond military application and expanded coverage to include crises resulting from natural disasters or "man-caused events" not amounting to an armed attack on the United States. The definition of "national defense" in the Act has been amended to include emergency preparedness activities conducted pursuant to Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and critical infrastructure protection and restoration. In 2018, Congress reauthorized the DPA through September 30, 2025.

There are three major authorities of the DPA that are currently in effect, DPA Titles I, III, and VII.

- **Title I: Priorities and Allocation Authority:** authorizes the President to require priority performance on contracts or orders and allocate materials, services, and facilities as necessary or appropriate to promote the national defense. The President can delegate Title I authority to various agencies, including the Departments of Homeland Security, Commerce, Defense, and HHS, among others. The authority each department holds is based upon its area of expertise in different sectors such as industrial resources, water, or health resources.

Title I authority allows priority-rated contracts or orders to take preference over any other unrated contracts or orders if a contractor cannot meet all required delivery dates. It also enables agencies to issue three types of allocation orders that require a person or corporation to (1) reserve resource capacity in anticipation of a rated order; (2) take or refrain from taking certain actions or divert use of materials, services, or facilities from one purpose to another; or (3) limit the amount of a resource to be used for a specific purpose.

- **Title III: Expansion of Productive Capacity and Supply:** authorizes the President to provide a variety of financial incentives—loans, loan guarantees, direct purchases, and purchase commitments—to firms to meet a variety of national defense goals, including maintaining, restoring, and expanding the domestic industrial base. The financial incentives may be used only when certain conditions are met. For example,

purchase commitments may generally be made when, among other conditions, the President finds that the U.S. industry cannot reasonably be expected to provide the capability for the needed industrial resources, material, or critical technology in a timely manner. Title III financial incentives can help reduce the risks for domestic suppliers associated with the capitalization and investments required to establish, expand, or preserve production capabilities.

Executive Order 13603, signed in 2012, designated the authority to implement Title III actions to the Secretary of Defense and the heads of other federal agencies and designated the Secretary of Defense as the DPA Fund Manager. The Assistant Secretary of Defense for Industrial Base Policy provides management, direction, and oversight of the DPA Title III program, on behalf of the Under Secretary of Defense for Acquisition and Sustainment. The Air Force serves as the Executive Agent for DOD's Title III program and maintains a program office to execute the authority under the guidance of the Office of the Secretary of Defense. DOD typically awards technology investment agreements for these projects.

- **Title VII: General Provisions:** provides for a range of authorities, which include giving private firms that participate in voluntary agreements for preparedness programs limited protection from aspects of the antitrust laws and protecting contractors who honor priority-rated contracts from lawsuits brought by other customers. Title VII allows for establishing an executive reserve for employment in executive positions in the government during periods of national defense emergency. Title VII also provides for investigative authority to collect information on the U.S. industrial base. For example, the Department of Commerce completed assessments of the U.S. rocket propulsion industrial base and the U.S integrated circuit design and manufacturing industry in 2018 and 2019, respectively. It also completed an assessment of the impact of foreign sourcing on the health-related infrastructure in 2011, which Department of Commerce officials stated was its only assessment of health and medical resources as of June 2020.

U.S. Department of Homeland Security

Existing or planned mechanisms and authorities to coordinate and consult with other U.S. federal Departments with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

U.S. Customs and Border Protection

U.S. Customs and Border Protection (CBP) / U.S. Coast Guard Joint Protocols for the Expedious Recovery of Trade (Signed December 13, 2016)

In the event of disruption of North American trade flows in an emergency situation, the incident would be coordinated locally through stakeholder mechanisms in place at the impacted ports of entry. Depending on the disruption type and location, mechanisms can adapt. CBP also leads a Border Interagency Executive Council (BIEC), which involves both working-level and senior-level contacts at the key agencies with trade-related responsibilities at the border. CBP can outreach quickly to these contacts as needed during an emergency.

Cybersecurity and Infrastructure Security Agency (CISA)

The CISA Act of 2018 (6 U.S.C. § 652(c)(4)) established the CISA Director as the National Coordinator for critical infrastructure and security and responsible for ensuring a unified national approach that addresses the full spectrum of risks to critical infrastructure. CISA leads, organizes, and coordinates cybersecurity and infrastructure security actions across Sector Risk Management Agencies (SRMAs) identified by National Security Memorandum on Critical Infrastructure Security and Resilience (NSM-22), whose responsibilities under 6 U.S.C. § 665d include supporting emergency preparedness and incident management. CISA strengthens the security and resilience of the Nation's critical infrastructure (CI) by fostering collaboration between government and industry, and analyzing and sharing information regarding current and emerging risks with private-sector entities. Information sharing and coordination between U.S. federal Departments is done through a variety of established mechanisms. Specifically, CISA is the co-chair for the Federal Senior Leadership Council, which coordinates and deconflicts the shared responsibilities and activities of Federal departments and agencies responsible for protecting and securing critical infrastructure. Further, regular meetings with individual or cross-Sector Government Coordinating Councils (GCCs), e-mail and alert notifications from CISA Central,³ the Homeland Security Information Network (HSIN) platform, etc. CISA also manages several federal advisory councils and committees where executive leaders from the public and private sectors offer their expertise on policies and strategies for protecting the nation's critical infrastructure as well as enhancing cybersecurity resilience. These include: the President's National Infrastructure Advisory Council (NIAC), the President's National Security Telecommunications Advisory Committee, the Critical Infrastructure Partnership Advisory Council (CIPAC), and the CISA Cybersecurity Advisory Committee (CSAC). CISA's Joint Cyber Defense Collaborative (JCDC) unifies cyber defenders from organizations worldwide. The JCDC is a diverse team of cross-industry organizations that proactively gather, analyze, and share actionable cyber risk information with group members.

CISA operationalizes critical infrastructure policies as the current SRMA for eight of the sixteen sectors and one subsector, regularly coordinates with other federal agencies, and supports the development of national partnerships that include public and private-sector partners across the Nation. CISA routinely facilitates meetings with the critical infrastructure related councils, advisory committees, etc.

Specific to the coordinated national response to an emergency, CISA serves as the Emergency Support Function (ESF) coordinator for ESFs #2 (Emergency Communications)

and #14 (Cross-Sector Business and Infrastructure), mechanisms to organize and drive interagency support and response to incidents within the National Response Framework.

Central to CISA's role in emergency situations is the provision of persistent situational awareness, near-real time operational reporting, and infrastructure vulnerability and risk analysis, including the implications of an emergency, regardless of cause, on the operations of individual critical infrastructure assets as well as implications for interdependent assets and overarching National Critical Functions enabled by interdependent infrastructure assets and supply chains. To that end, CISA maintains relevant CI data and analytic capabilities across the agency.

In addition, CISA offers services that could support the maintenance, re-establishment, or other issues that might disrupt North American trade flows. These services include, but are not limited to:

Regional Resilience Assessment Program (RRAP) which generates greater understanding and action among public and private sector partners to improve a regions' CI resilience. RRAPs resolve knowledge gaps, inform risk management decisions, identify resilience-building opportunities and strategies, and improves critical partnerships among stakeholders. Cross-border RRAPs, or shorter-term resiliency assessments can be done either bilaterally, or multilaterally.

CISA Exercises conducts cyber and physical exercises with government, sector, and international partners through exercise planning, tabletop exercises, and national exercises to enhance the security and resilience of critical infrastructure and share trends that inform CISA-wide development of risk mitigating resources. Exercises, like RRAPs, can be tailored for specific scenarios such as tabletop exercising cyber resiliency capabilities of industrial control systems with international partners.

CISA also offers several no-cost tools to chemical facilities via its ChemLock program. CISA's Office for Bombing Prevention leads the Bomb-Making Materials Assistance Program (BMAP) which assists in the prevention of sales of precursor explosive materials through outreach, training, and awareness.

Federal Emergency Management Agency

FEMA is postured for potential responses and consequence management to all threats and hazards using the National Response Framework (NRF) as a scalable, adaptable, and flexible framework. The NRF describes the federal response for all types of threats and hazards, including any impacts or disruptions to North American trade flows during an emergency. In the event of any emergency or incident, FEMA would coordinate closely with other federal departments and agencies, including other components within the Department of Homeland Security, and across different departments throughout the federal interagency, such as the Department of Transportation, and Department of Commerce, using the Emergency Support Function (ESF) construct to stabilize the incident.

Transportation Security Administration

Under the Aviation and Transportation Security Act, the Administrator is responsible for security in all modes of transportation, including exercising security responsibilities over all modes of transportation regulated by the Department of Transportation. 49 U.S.C. § 114(d)(2). Section 1980 of the FAA Modernization Act of 2018 makes clear that it is the intent of Congress for the Departments of Homeland Security and Transportation to maintain the security of all modes of transportation in the event of a disruption of North American trade flows during an emergency.

The TSA Administrator has unique statutory emergency authority to issue regulations and security directives immediately in order to protect transportation security. 49 U.S.C. § 114(l). TSA also has authority to require and administer security programs covering specific aspects of the aviation sector. Security programs give TSA unique ability to create enforceable policy quickly and flexibly. Under these authorities, in emergency circumstances, the regulations or security directives may be issued immediately, without notice and comment. When the Secretary of Homeland Security declares a national emergency, TSA is authorized to coordinate domestic components of the transportation system, coordinating and providing notice to other government agencies about threats to transportation, and carrying out other duties and powers relating to transportation during a national emergency as prescribed by the Secretary. 49 U.S.C. § 114(g).

Existing or planned mechanisms and authorities to coordinate and consult with state, local, tribal, or territorial governments with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

U.S. Customs and Border Protection

CBP conducts national forums and stakeholder engagements at the Headquarters (HQ) level. Stakeholder coordination is part of the core mission of CBP's Intergovernmental Public Liaison (IPL), which holds regularly scheduled meetings, facilitates conference participation, and schedules meetings in response to stakeholder requests. CBP also holds regular stakeholder engagements with state, local, tribal, and territorial levels of government, as applicable, at and surrounding ports of entry. This includes coordination with other law enforcement agencies. CBP requires all port-level and above locations to complete Continuity of Operations Planning (COOP) and Emergency Relocation Group (ERG) plans that may address maintaining or re-establishing trade in emergency situations.

Cybersecurity and Infrastructure Security Agency

In the context of its broader role, CISA maintains a variety of mechanisms to coordinate and consult specifically with state, local, tribal, or territorial governments, including during emergency situations. CISA coordinates and consults with various state, local, tribal, or territorial (SLTT) governments on a regular and ad hoc basis through three main mechanisms to foster and facilitate collaboration across all 16 Sectors and their representative sub-sectors.

These include the Cross-Sector Councils Call, the Federal Senior Leadership Council (FSLC), and the Sector Risk Management Agency (SRMA) Coordination Call. Each of these mechanisms bring representatives from all 16 sectors together on a regular basis to discuss on-going and emerging risk management concerns to identify potential opportunities for cross-sector learning and collaboration. The on-going maintenance of these engagements also provides CISA with an opportunity to quickly engage these groups on an ad hoc basis when needed to discuss emerging issues that require fast information sharing. Another mechanism is CISA's Regional Field Offices and associated field force, including Protective Security Advisors (PSAs), Cybersecurity Advisors (CSAs), Emergency Communications Coordinators (ECCs), and Chemical Security Inspectors (CSIs), who regularly engage state, local, tribal, or territorial governments across the United States

Federal Emergency Management Agency

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorizes FEMA programs and processes by which the federal government provides disaster and emergency assistance to Federal, State, Local, Tribal, and Territorial (SLTT) governments, eligible private non-profit organizations, and individuals. Ten strategically placed FEMA regional offices are the agency's permanent presence for SLTT communities across the Nation. Each region supports specific SLTTs and their ability to prepare for, respond to, recover from, mitigate, and protect against disasters, including consequence management from impacts to the North American trade flows. The Regional Administrator (RA) is the primary FEMA representative to SLTT elected and appointed leaders, including their emergency management agencies, and other Federal departments and agencies. Each FEMA region maintains an All-Hazards Plan that describes an all-hazards, whole-of-community approach to emergency management efforts, including incidents or events with impacts that could disrupt North American trade flows. Each regional office maintains a Regional Response Coordination Center (RRCC), an interagency coordination center that supports unified command and control of the federal government in anticipation or response to an incident. When activated, RRCCs coordinate the regional federal response efforts and maintain connectivity between impacted SLTTs, FEMA HQ through its National Response Coordination Center (NRCC), and other federal agency partners to ensure unified coordination; gain, maintain, and communicate situational awareness; deliver any requested federal resources; and coordinate a unified common public message. RRCCs are primarily staffed with FEMA Regional staff and supported by activated ESFs. In the event of significant impacts or disruptions of North American trade flows, FEMA will consider the impacts and consequence management and may activate its RRCC(s) or NRCC to coordinate the federal response. There are no specific criteria to activate our RRCCs/NRCC. Senior leadership will make that decision based on the available information, such as the need to coordinate a federal response and potential or actual impacts.

Transportation Security Administration

When the Secretary of Homeland Security declares a national emergency, TSA is authorized to coordinate domestic components of the transportation system, coordinating and providing notice to other government agencies about threats to transportation, and carrying out other

duties and powers relating to transportation during a national emergency as prescribed by the Secretary. 49 U.S.C. § 114(g). This authority allows the TSA to coordinate with state, local, tribal and territorial government with regards to transportation systems.

Existing or planned mechanisms to coordinate with industries and other non-governmental stakeholders, including workers, most directly impacted by disruptions of North American trade flows in emergency situations.

U.S. Customs and Border Protection

CBP has robust coordination with non-governmental stakeholders and industries. At the HQ level and locally, CBP interacts with trade groups such as brokers' associations, carrier groups, port authorities, importer and exporter associations, and other industry partners, including those based in the U.S., Canada, and Mexico. Local CBP teams reach out directly to industry and can work with HQ to leverage national-association contacts, email notification systems including CBP's Cargo Systems Messaging Service (CSMS), briefing calls and webinars, and social media. Programs such as the Customs Trade Partnership Against Terrorism (CTPAT) also offer mechanisms to coordinate with industry partners. Coordination as to the impact on local workers would most likely occur at the local port of entry level.

CBP also receives after-action input from the Commercial Customs Operations Advisory Committee (COAC) and other stakeholders to discern the effectiveness of the continuity of operations actions that were implemented. CBP has also conducted table-top exercises to identify potential gaps and improve planning and guidance for industry around supply chain disruptions.

Cybersecurity and Infrastructure Security Agency

CISA maintains a variety of mechanisms to engage specifically with industry and non-governmental stakeholders during emergency situations. A primary mechanism is through the Sector Coordinating Councils (SCCs). SCCs are self-formed and self-governed entities serving as the principal private sector entity working with government to coordinate activities in each critical infrastructure sector. SCC members are critical infrastructure owners and operators and/or relevant trade organizations that are representative of their respective sector. CISA has established and maintains strong partnerships with the SCCs, engaging daily to ensure situational awareness and operational agility. Additionally, CISA maintains ten Regional Field Offices and associated field force, including Protective Security Advisors (PSAs), Cybersecurity Advisors (CSAs) Emergency Communications Coordinators (ECCs), and Chemical Security Inspectors (CSIs), who regularly engage industry partners across the United States.

To aid information sharing essential to industry coordination, CISA administers the Protected Critical Infrastructure Information (PCII) Program, which is an information-protection program to enhance information sharing between the private sector and the government. PCII establishes uniform procedures on the receipt, validation, handling, storage, marking,

and use of critical infrastructure information (CII) voluntarily submitted infrastructure owners and operators and the government, including information that could be used to support crisis management.

CISA also administers the Private Sector Clearance Program (PSCP), which ensures that critical infrastructure private sector owners, operators, and industry representatives who apply are processed for the appropriate security clearances. Participation in PSCP allows private sector stakeholders to access classified information to make more informed decisions, specifically in the protection, security, and resilience of their critical infrastructure assets.

Federal Emergency Management Agency

FEMA's primary partnerships with business and industry partners are through both the National Business Emergency Operations Center (NBEOC) and Emergency Support Function (ESF) #14: Cross-Sector Business and Infrastructure. ESF #14 is engaged to align and facilitate cross-sector operations among business, infrastructure, and government partners to stabilize community lifelines, critical supply chains, and national critical functions.⁴ FEMA activates our NBEOC to bring together industry partners to understand disaster impacts and advise us of emerging issues and challenges that are inhibiting economic activities and supply chain.

Transportation Security Administration

TSA maintains strong partnerships with private and public aviation and surface transportation stakeholders through security guidance, intelligence dissemination, and information sharing. Surface transportation mode (e.g., freight and passenger railroads, public transportation agencies, highway motor carriers, and pipeline), Industry Engagement Managers are responsible for notifying foreign Owner/Operators, that operate within the United States, of TSA regulatory requirements.

TSA maintains International Industry Representatives (IIR) in both Mexico and Canada who serve as the main liaisons between TSA and foreign air carriers. TSA also has U.S.-based IIRs who liaise with U.S. aircraft operators for passenger and all-cargo service to these countries. IIRs are responsible for notifying air carriers of changes to TSA's security program requirements, including the issuance of Security Directives or Emergency Amendments. Mexico and Canada do not have IIR-equivalent positions, however, Transport Canada conducts stakeholder engagement similar to an IIR.

Additionally, TSA's Intelligence and Analysis serves as TSA's lead office for sharing transportation security intelligence, conducting intelligence reporting on transportation security incidents of concern, developing all-source intelligence, and vetting products that provide security and transportation industry professionals with timely, relevant information needed to prevent or mitigate threats. In the field, TSA has Field Intelligence Officers at TSA field locations across the United States to improve rapid coordination with

⁴ See https://www.fema.gov/sites/default/files/2020-07/fema_ESF_14_Business-Infrastructure.pdf

governmental and private sector partners on evolving transportation threats. Additionally, TSA in conjunction with the Office of the Director of National Intelligence and industry partners are operationalizing the Aviation Domain Intelligence Integration and Analysis Cell (ADIAC) to enhance government and industry two-way aviation security information sharing on threat awareness. Similarly, TSA operationalized the Surface Information Sharing Cell (SISC) to increase information sharing on threats to surface transportation. The agency will continue to facilitate unclassified and classified briefings with aviation, surface, and other transportation sector stakeholders.

Also, TSA has expanded its Exercise Information System (EXIS) program to help prepare surface transportation providers through practical exercises and workshops to improve the ability to respond to security incidents, including disruptions of North American trade flows in emergency situations. In December 2022, TSA conducted a simulation exercise under the EXIS program with Baja California Railroad (BJRR), a Mexican Railroad, and members of both local, state and federal agencies on both sides of the U.S.-Mexico border. The exercise created new security partnerships with Mexican counterparts and led to additional training for BJRR and requests from other Mexican railroad entities to partner with TSA in similar cross-border exercises. TSA plans to conduct a similar exercise with Transport Canada and continue conversations with Transport Canada on additional exercises at the U.S.-Canada border.

Existing or planned mechanisms to coordinate with government counterparts in Canada or Mexico with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

U.S. Customs and Border Protection

CBP Office of International Affairs is a HQ component that can assist Canada and Mexico; but, if an emergency is isolated to a specific location, local ports of entry also have communication mechanisms in place with government counterparts adjacent to the port of entry. The Planning and Preparedness Branch (PPB) within the Emergency Response Division (ERD) is available to provide support and assistance to all Office of Field Operations Field Offices across the nation to ensure they can continue their mission essential functions. CBP management at the local level will reach out to ERD/PPB and to the Law Enforcement Operations Division (LEOD) for situational awareness and request for assistance if there is an emergency that requires immediate attention.

CBP's Customs Trade Partnership Against Terrorism (CTPAT) program also partners with Canada and Mexico Customs Authorized Economic Operator (AEO) programs on facilitation benefits for our most trusted partners.

Cybersecurity and Infrastructure Security Agency

CISA maintains a robust, growing international focus, which includes coordinating significant bilateral engagements with both Canada and Mexico. CISA engages in the

Critical Five (C5) forum – the FVEY forum dedicated to Critical Infrastructure. In addition, CISA maintains a presence in the Global Chemical Congress. CISA’s Regional Offices conduct activities with partners across U.S. borders in order to form and strengthen partnerships and protect critical infrastructure.

Federal Emergency Management Agency

FEMA has responsibility for domestic incident management and response in the United States. To the extent FEMA would be involved in addressing issues related to the disruption of North American trade flows in an “emergency” situation, we would refer to existing bilateral agreements at the federal and state levels with Canada and Mexico, respectively, to coordinate on impacts. Where appropriate, FEMA may support U.S. interagency-led mechanisms to address disruption to trade flows.⁵ FEMA maintains a bilateral Memorandum of Understanding (MOU) with our counterpart agency in Mexico, which is written at a high-level to cover cooperation for disaster preparedness and training generally.

Transportation Security Administration

Under TSA, the legacy Federal Aviation Administration Civil Aviation Security Liaison Officer (CASLO) program was renamed the TSA Representative (TSAR) program. TSARs are the in-country, resident, principal advisors on transportation security affairs to U.S. Ambassadors and other embassy officials. Also, when necessary, the TSAR serves as the on-site coordinator for DHS. This responsibility requires that contact with foreign officials at a cabinet or ministerial level is established and maintained. TSARs have regular contact with their host government’s civil aviation authorities and other transportation security officials to promote an effective worldwide transportation security system and to coordinate and respond to potential emergencies. TSA has TSARs in both Mexico and Canada, while Canada has a similar position based in Washington, D.C. TSA’s responsibilities for transportation security includes aviation and surface, and during disruptions of trade flows in emergencies, TSA can assist host government and industry to consider alternatives that would allow trade to continue to flow by leveraging its various policies and programs or providing Amendments, as appropriate, to TSA programs.

U.S. Department of State

Existing or planned mechanisms and authorities to coordinate and consult with other U.S. federal Departments with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

Crisis Management: The Executive Secretariat (S/ES) Office of Crisis Management Strategy (CMS), under the authority of the Secretary, may convene a crisis task force in the Operations Center, including those that impact or disrupt North American trade flows. In

⁵ For a compendium of U.S.-Canada emergency management assistance mechanism, see <https://www.dhs.gov/publication/compendium-us-canada-emergency-management-assistance-mechanisms>

addition to the regional and functional bureaus designated to participate, other federal departments or agencies having action responsibilities in the crisis may be represented on the task force.

Energy Resources Coordination: The Bureau of Energy Resources (ENR) works with energy-producing countries to ensure sufficient global energy supply and sufficient availability of energy resources, including during emergency and crisis situations. For example, following Russia's invasion of Ukraine, ENR engaged in energy diplomacy with oil producing partner governments and the International Energy Agency to secure two historic emergency oil stock releases to protect the global economy from the social and economic shock resulting from Russia's war against Ukraine.

Minerals Security: ENR works with the private sector and partner governments, including through initiatives like the Minerals Security Partnership (MSP), to promote diversification of critical mineral development and processing to bolster supplies and ensure that no single actor has disproportionate control over supply chains, including those that are vital to U.S. defense industries. In the event of supply chain disruption, the United States can work through the MSP, diplomatic engagement, and private sector outreach to identify alternative sources of supply. Canada is a member of the MSP.

Executive Order 12656: E.O. 12656 assigns national security emergency preparedness responsibilities to Federal departments and agencies, including for the Secretary of State to coordinate with heads of other federal agencies.

Existing or planned mechanisms and authorities to coordinate and consult with state, local, tribal, or territorial governments with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

State has no formal mechanism, but the Department's Subnational Diplomacy Unit (led by the Special Representative for City and State Diplomacy) and the Office of Foreign Missions (OFM) can, on an ad hoc basis, connect relevant teams with local, city, and state governments related to specific disruptions or vulnerabilities.

The Office of Mexican Affairs and the Office of Canadian Affairs also regularly engage with border communities, including state, local, tribal, and territorial governments, through existing fora and on an ad hoc basis as needed. Additionally, through our border consulates, the Department of State maintains regular communication with border states and local governments.

Existing or planned mechanisms to coordinate with industries and other non-governmental stakeholders, including workers, most directly impacted by disruptions of North American trade flows in emergency situations.

State engages with and coordinates regularly with stakeholders on multiple priorities, and has no single formal mechanism for engaging stakeholders. State can leverage industry, labor,

and civil society contacts across the region related to incidents or concerns in specific sectors (e.g., digital, telecom and ICT, energy, semiconductors, transportation, agriculture, medical and public health, etc.).

Canada: The United States and Canada established the Emergency Management Consultative Group (EMCG) in 2009 to better prevent, prepare for, respond to, and recover from natural and manmade incidents, emergencies, and disasters. U.S. co-chairs, DHS and State, and the EMCG meet twice a year. Interagency participants include DOD, DOT, HHS, and EPA and their Canadian counterparts. Past agendas have covered COVID-19 response (including within tribal communities), building resilient communities, emergency communications, national level exercises, community vaccination operations, emergency preparedness campaigns, and emergency communication and interoperability.

U.S. Department of Transportation

Existing or planned mechanisms and authorities to coordinate and *consult with other U.S. federal Departments* with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

Office of the Secretary

The Office of International Transportation and Trade of the U.S. Department of Transportation is the main point of contact with counterparts in Canada and Mexico on a wide range of transportation policy matters and plays a convening role for the U.S. government to coordinate and ensure effective communication on transportation related activities for both the northern and southern borders. In addition, this same office represents DOT on the U.S.-Canada Emergency Managers Consultative Group and is leading projects to address transportation resiliency at the U.S.-Canada border.

The Office of Intelligence, Security and Emergency Response ensures the development, coordination, and execution of plans and procedures for the DOT to balance transportation security requirements with the safety, mobility, and economic needs of the Nation through effective intelligence, security, preparedness, and emergency response programs.

Federal Aviation Administration

The Federal Aviation Administration (FAA) oversees and operates the safest, most complex aerospace system in the world. This includes the provision of air navigation services throughout U.S. sovereign and U.S. controlled international airspace, as well as ensuring the highest levels of safety throughout for all airspace users. Under 49 Code of Federal Regulations (CFR) §40104, the FAA is mandated to promote and achieve global improvements in the safety, efficiency, and environmental effect of air travel with foreign counterparts, industry, and international organizations such as the International Civil Aviation Organization (ICAO). As such, the FAA carries a strategic priority to strengthen U.S. global aerospace leadership and bilateral and regional partnerships with civil aviation

authorities and air navigation service providers to coordinate, harmonize, and effectively manage cross flight information region (FIR) boundary operations between countries.

During emergency situations, the FAA is well prepared to immediately collaborate with appropriate domestic and international government entities on the safe and efficient management of civil air transportation across international borders. This is supported through established air traffic facility operating and contingency procedures, as well as bilateral technical assistance and safety oversight agreements.

Existing or planned mechanisms and authorities to coordinate and *consult with state, local, tribal, or territorial governments* with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

Office of the Secretary

The Transportation Operations Center (TOC) serves as the DOT's focal point during emergencies for situational awareness, information fusion and sharing, decision support product development, and DOT's liaison with Federal, state, local, territorial, tribal, and private sector operations centers. The TOC monitors reports from all sources 24/7 and provides timely situational awareness reporting relating to all threats and all hazard events and incidents that have the potential to or are impacting the safety and security of the Nation's transportation sector to include personnel, facilities, and resources.

During response and recovery operations, the TOC hosts the Secretary's Emergency Response Team (ERT) and serves as the focal point for coordinating and reporting on the Department's response and recovery efforts in accordance with Emergency Support Function. During ERT activations, the TOC collects response and recovery information from DOT and Federal, state, local, territorial, tribal, and private sector entities that enable the Office of Intelligence, Security, and Emergency Response to provide status reports and decision-making support to DOT senior leadership. Partner agencies include: DHS, DOD, DOS, HHS, DOJ, DOI, DOL, Department of Agriculture, DOE, USCG, National Infrastructure Coordinating Center, TSA, and FEMA. Stakeholders include: NSC, DOT Leadership and Operating Administrations, Secretary's ERT, and Private transportation service providers.

The National Transportation Response and Recovery Program (NTRRP) is responsible for coordinating the Department's preparedness, response, and recovery activities in all-hazard incidents and to support the Secretary's responsibilities under the National Response Framework (NRF), Emergency Support Function - 1 (ESF-1) Transportation, and the National Disaster Recovery Framework (NDRF), Infrastructure Systems, Community Planning and Capacity Building, and Health and Human Service Recovery Support Functions (RSF). The Regional Transportation Representatives (RETREPs) and numerous Regional Emergency Cadre (RET-C) members represent all DOT Operating Administrations. In each region, the RETCO is designated as the Secretary's executive-level representative to ensure preparedness, response, and recovery activities are effectively carried out. RETREPs handle

the day-to-day program issues and coordinate disaster and special events planning efforts between DOT and Federal, State, Local, Tribal and Territorial, and private sector emergency planners. During incident and event responses, RETREPs lead transportation operations in FEMA's various operation centers in headquarters and affected regions. The cadre members are highly trained and subject matter experts who may be activated during an incident or event. In addition, the NTRRP interacts with and leverages the DOT's Operations Center which provides coordination of response and recovery activities with the Department's Operating Administrations through the Emergency Coordinators.

Federal Highway Administration

In emergency situations, the Federal Highway Administration (FHWA) Division offices are a critical point of contact for State DOTs. Division office staff are notified immediately, in case of emergency events, and are involved in identifying a solution. Staff members work closely with State and local DOTs to redirect traffic and ensure communication between States, if and when, necessary. FHWA also acts as a liaison between CBP and State DOTs.

If the disruption is in conjunction with a natural disaster or other category of Presidentially declared Major Disaster, States may issue special permits for vehicles carrying relief supplies in excess of the federal weight limits, traveling on the Interstate highways. The Federal Emergency Management Agency (FEMA) oversees declarations of Major Disasters. FHWA regulates vehicle size and weight and supports States and truckers with information on special permit authorities.

- U.S. – Canada Transportation Border Working Group (TBWG)- The Federal Highway Administration and Transport Canada co-organize the TBWG which brings together multiple transportation and border agencies, and other organizations, to coordinate transportation planning, policy implementation, and the deployment of technology to enhance border infrastructure and operations. USG participants include DHS/CBP, GSA, as well as states and provinces, and regional authorities.
- U.S. – Mexico Joint Working Committee on Transportation Planning (JWC) - The JWC is a binational group whose primary focus is to cooperate on land transportation planning along and across the U.S.-Mexico border and the facilitation of efficient, safe, and economical cross-border transportation movements. The group is comprised primarily of transportation professionals from the Federal Highway Administration (FHWA), the Mexican Secretariat of Communication and Transportation (SCT), staff within states departments of transportation in the U.S. and Mexico, and other federal officials in the U.S. and Mexico. USG participants include DHS/CBP, GSA, as well as states and provinces, and regional authorities.

Pipeline and Hazardous Materials Safety Administration

In emergency situations, the Pipeline and Hazardous Materials Safety Administration (PHMSA) headquarters and regional staff coordinate with state and local Departments of Transportation to evaluate the impact of the emergency on pipelines and hazardous materials

transportation and implement any appropriate waivers, permits, or enforcement stays or discretion that may be necessary to ensure the continued safe movement of hazardous materials. PHMSA, through delegation by the Secretary, has authority to waive compliance with any part of the hazardous materials regulations in a declared emergency or disaster that is in the public interest (49 U.S.C. §5103(c)).

Existing or planned mechanisms to *coordinate with industries and other non-governmental stakeholders, including workers, most directly impacted by disruptions of North American trade flows in emergency situations.*

U.S. Department of Transportation

DOT has a robust coordination with non-governmental stakeholders and industries. At the HQ level and locally, DOT interacts with trade groups such as transportation associations, carrier groups, port authorities, and other industry partners, primarily based in the U.S.

Federal Highway Administration

In circumstances where infrastructure is privately owned, FHWA works with ownership to address disruptions and acts as a liaison between these authorities and the U.S. federal government.

Federal Railroad Administration

Railroad owners must follow the Federal Railroad Administration (FRA) safety regulations and report accidents and incidents as detailed in Title 49 Code of Federal Regulations (CFR). FRA works closely with railroad owners in emergency situations to reduce harm and ensure the continued safety of the U.S. rail network. This includes border locations and crossings.

Pipelines and Hazardous Materials Safety Administration

PHMSA has strong coordination with non-governmental stakeholders and industries. At the HQ level and locally, PHMSA interacts with trade groups such as shippers, carriers, oil and gas terminal operators, and other industry partners, including those based in the U.S., Canada, and Mexico. In the event of an emergency or disaster industries may receive relief from certain hazardous materials transportation or pipeline safety requirements through multiple mechanisms. Stays of enforcement or enforcement discretion provide temporary relief from specific regulatory requirements (e.g., during the COVID-19 national health emergency certain requirements for transporting hand sanitizer were waived through enforcement discretion). If a specific company requires alternative transport provisions an emergency special permit can be issued to provide alternative compliance arrangements and facilitate transportation of hazardous materials.

Existing or planned mechanisms to *coordinate with government counterparts in Canada or Mexico with regard to activities related to maintaining, re-establishing, or otherwise*

addressing issues related to the disruption of North American trade flows in an emergency situation.

Office of the Secretary

The Office of International Transportation and Trade of the U.S. Department of Transportation is a HQ component that can assist to coordinate with Canada and Mexico with regard to activities for maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation. If an emergency is isolated to a specific location, local DOT operating administrations also have communication mechanisms in place with government counterparts to provide support and assistance to ensure they can continue their mission essential functions.

In addition, the Bureau of Transportation Statistics (BTS) represents the DOT in the North American Transportation Statistics (NATS) Interchange which is a trilateral collaboration for the development of comparable information on transportation in Canada, Mexico, and the United States. Official participants in the NATS Interchange include Transport Canada, Statistics Canada, the U.S. Department of Transportation, the U.S. Census Bureau, the Mexican Secretariat of Communications and Transport, the Mexican Institute for Geographical and Statistical Information, and the Institute for Mexican Transportation.

Federal Aviation Administration

See response to Question 1.

Federal Highway Administration

See response to Question 2 on the established working groups that U.S. co-leads with Canada and Mexico - TBWG and JWC activities.

Federal Motor Carrier Safety Administration

The Federal Motor Carrier Safety Administration (FMCSA) can declare an emergency which triggers the temporary suspension of certain federal safety regulations, including Hours of Service, for motor carriers and drivers engaged in specific aspects of the emergency relief effort as detailed in 49 CFR 390.23. Relief from Federal Motor Carrier Safety Regulations is limited to a maximum of 30 days, unless extended by FMCSA. FMCSA has at times issued emergency declarations allowing regulatory relief to motor carriers and drivers providing assistance to locations in Mexico or Canada (for example, during the British Columbia floods in 2021).

Pipelines and Hazardous Materials Safety Administration

PHMSA has strong connections with governmental counterparts in Canada and Mexico through informal and formal mechanisms at both the regional and HQ levels. Requests for emergency waivers, stays of enforcement, etc., can be initiated through these connections.

U.S. Department of the Treasury

Existing or planned mechanisms and authorities to coordinate and consult with other U.S. federal departments with regard to activities related to maintaining, re-establishing, or otherwise addressing issues related to the disruption of North American trade flows in an emergency situation.

Secretary of the Treasury

Section 318 of the Tariff Act of 1930 gives the Secretary of the Treasury authority to respond to certain emergencies by:

- allowing duty-free importation of food, clothing, and medical, surgical, and other supplies for use in emergency relief work;
- eliminating, consolidating, or relocating any Customs office or port of entry;
- modifying hours, altering services rendered at any location, or reducing employees at any location; or
- taking any other action necessary to respond directly to a national emergency or specific threat.

Some of these authorities depend on the President's declaration of an emergency, and Treasury coordinates with the Executive Office of the President and other Executive Branch agencies to identify the need both for Presidential action and the exercise of any of these measures. Treasury also coordinates with Customs and Border Protection, a bureau of the Department of Homeland Security, which would implement the Secretary of the Treasury's emergency relief decisions in these areas.

In addition, Section 318 gives the Commissioner of Customs authority to close temporarily any Customs office or port of entry in an emergency.

Section 318 requires that the Secretary of the Treasury or the Commissioner of Customs notify Congress of a decision to exercise any of these authorities.