

**Departmental Advisory Committee on the Commercial Operations of U.S.
Customs & Border Protection**

Dec. 5, 200

W. Ralph Basham
Commissioner, U.S. Customs & Border Protection
1300 Pennsylvania Ave., NW
Washington, DC 20229

Subject: Physical Site Security Harmonization

Dear Commissioner Basham

This responds to your request for recommendations for harmonization of U.S. Customs & Border Protection (CBP) and Transportation Security Administration (TSA) security requirements and validations. That request came at the Aug. 7, 2008 meeting of the Commercial Operations Advisory Committee.

Interested members of the trade have discussed the need for harmonizing security related federal programs as much as feasible in order to assure the lowest cost of implementing federal requirements, consistent with the highest degree of security effectiveness. The workgroup believes that there is a substantial opportunity for US Customs & Border Protection and the Transportation Security Administration to harmonize materially identical minimum physical security requirements.

We understand that the legislative mandate of the TSA, and the requirements imposed on cargo shippers and logistics providers is mandatory and domestically focused. We further understand that the CBP Customs-Trade Partnership Against Terrorism (C-TPAT) program is voluntary, maritime focused and extends internationally. Nevertheless, we believe that:

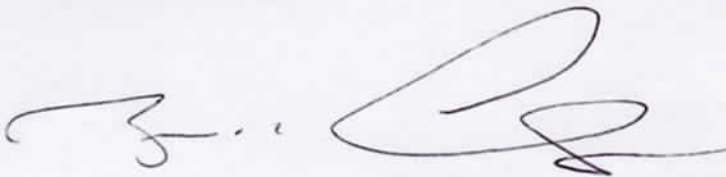
1. Physical security guidelines can and should be the same for shippers of goods on the one hand, and providers of logistics services on the other hand, within their respective domains.
2. Where a facility is subject to C-TPAT and TSA then the more restrictive provision of the two should prevail.
3. The two agencies can and should develop a shared service resource to provide for security related validations according to those guidelines. In this scenario a field inspector could inspect a given facility for either agency according to that agency's standard.
4. DHS should determine and define means by which TSA programs can be extended to "tail to tail" cargo originating at airports outside the United States.

5. DHS should create an advisory committee that encompasses and harmonizes the cross modal security related guidelines of TSA and C-TPAT and which consults with other government agencies.

The workgroup is appreciative of the need to keep truly sensitive information out of the hands of those that would do us harm. However, we do not believe physical security minimum standards fall into the category. Nonetheless, if the Department of Homeland Security believes the information is sensitive, then we re-iterate there is a need to create a trade advisory committee with the necessary security clearances to enable meaningful discussion.

Respectfully submitted,

Departmental Advisory Committee on the Commercial Operations of US Customs & Border Protection

A handwritten signature in black ink, appearing to read 'Bruce Leeds', with a large, stylized flourish extending to the right.

Bruce Leeds, LCB, CCS
Trade Chair

CC: Jason Ahearn, CBP
Kip Hawley, TSA
Michael Chertoff, DHS
Stephen Heifetz, DHS