

Congress of the United States
Washington, DC 20515

Mr. Michael Chertoff
Secretary, Department of Homeland Security
NAC Building 17170
Washington, DC 20393

Mr. Ralph Basham
Commissioner, US Customs and Border Protection
1300 Pennsylvania Avenue. NW
Washington, DC 20229

August 1, 2008

In re: Development of a pilot program should precede implementation of the proposed Customs 10+2 rule.

Dear Secretary Chertoff and Commissioner Basham:

Customs and Border Protection (CBP) states as part of its mission the dual goals of securing and facilitating trade. Questions raised by a variety of stakeholders over the proposed Customs 10+2 rule, which was promulgated as a result of enactment of the Safe Ports Act of 2006, suggest to us that those dual goals may be out of balance and in need of recalibration by CBP.

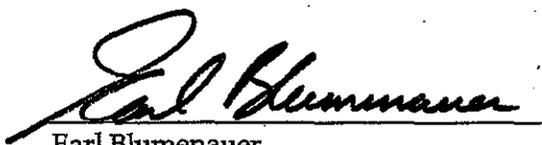
The Safe Ports Act required CBP to develop an advanced data collection system for shipments coming into US ports. The proposed 10+2 rule creates such a system, but it also creates delays in the import supply chain. These delays undermine the agency's trade facilitation objective. Additionally, the proposed rule treats all importers the same, regardless if they are trusted shippers, members of Customs Trade Partnership Against Terrorism (CTPAT), or first-time shippers.

Estimates vary regarding the amount of delay caused by the proposed rule. CBP estimates a 24-hour delay for the first year, dropping to a 12-hour delay thereafter. The business community, however, has documented that applying the rule in real time to company supply chains will delay cargo by 2-5 days depending on the complexity of the supply chain. For example, implementation of the existing 24-Hour Manifest Requirement imposes delays of 72 hours—not 24 hours—because of practical requirements, as ocean carriers gather, review for accuracy, and communicate manifest information to CBP, which in turn requires 24 hours to clear the cargo for lading. These delays have a negative impact on just-in-time supply chains (and hence on import dependent US manufacturing), while exposing cargo to risk while being delayed in foreign ports.

In light of these reasonable concerns, we suggest that Customs consider enacting a real time pilot program with a small but diverse group of volunteer importers before full scale implementation of the rule. We also believe that Customs should give some consideration to those companies that have validated supply chains through the CTPAT program.

We look forward to working with you on this proposed rule and any new initiatives to improve national security while facilitating trade. Thank you for your attention in this matter.

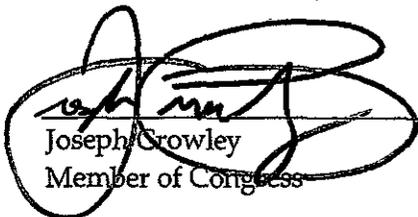
Very truly yours,



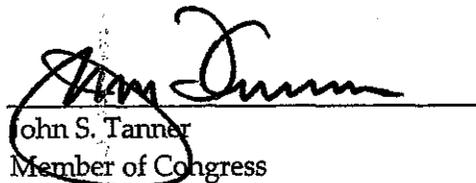
Earl Blumenauer
Member of Congress



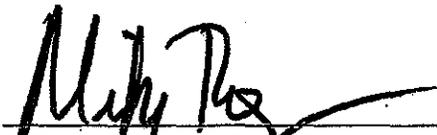
Ron Kind
Member of Congress

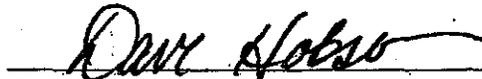


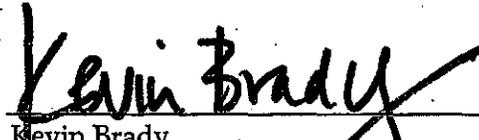
Joseph Crowley
Member of Congress



John S. Tanner
Member of Congress

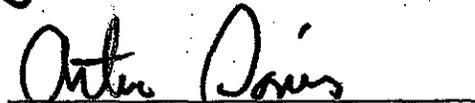

Mike Rogers (Ala.)
Member of Congress

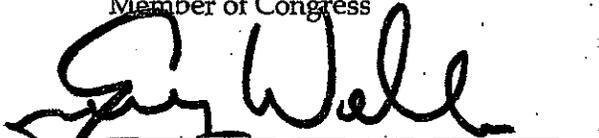

David L. Hobson
Member of Congress

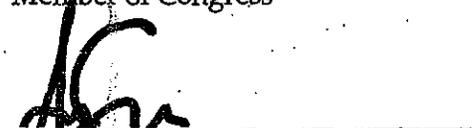

Kevin Brady
Member of Congress

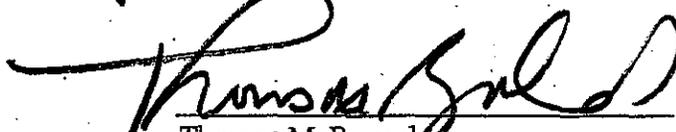

Joe Knollenberg
Member of Congress

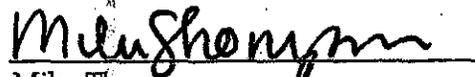

Ken Calvert
Member of Congress

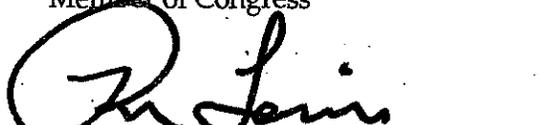

Artur Davis
Member of Congress

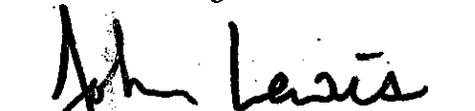

Jerry Weller
Member of Congress

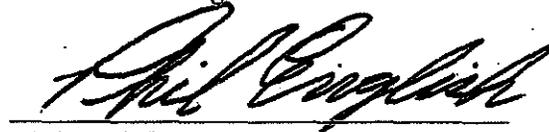

John Shumkus
Member of Congress

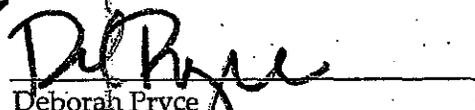

Thomas M. Reynolds
Member of Congress

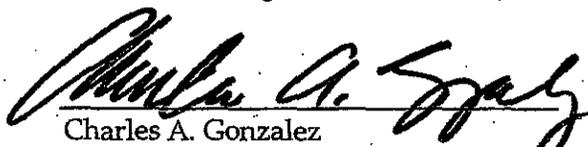

Mike Thompson
Member of Congress

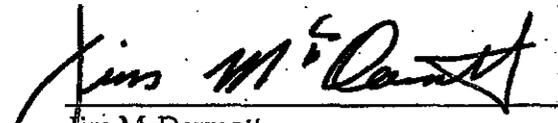

Ron Lewis
Member of Congress


John Lewis
Member of Congress


Phil English
Member of Congress


Deborah Pryce
Member of Congress


Charles A. Gonzalez
Member of Congress


Jim McDermott
Member of Congress