

Statement of  
Senator Susan M. Collins

**“One Year Later: A Progress Report on the SAFE Port Act”**

Committee on Homeland Security and Governmental Affairs  
October 16, 2007

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**Just a year ago, the SAFE Port Act was signed into law. I was the co-author of that legislation, along with Senator Murray, Chairman Lieberman, and Senator Coleman.**

**This law was a necessary response to our heightened security concerns. About 95 percent of our foreign trade enters the United States through seaports, including more than 11 million containers a year. Ports are tempting targets for those trying to move explosives, biological and chemical toxins, radiological and nuclear weapons, or even terrorists themselves into our country. An attack at a port could cause tremendous loss of life and damage to critical**

**infrastructure. It also could have devastating consequences for the entire economy – disrupting commodity shipments, material for manufacturers, and products headed to market. The SAFE Port Act addresses these vulnerabilities.**

**Soon after the Act’s signing, the Department of Homeland Security began implementing its port-security enhancements. The Act authorized and strengthened two important programs: the Customs-Trade Partnership Against Terrorism, or C-TPAT, and the Container Security Initiative, or CSI.**

**C-TPAT requires importers to adopt security enhancements in exchange for fewer inspections and, when warranted, prioritized inspections. A recent survey of C-TPAT members showed that after joining the program, they doubled their average expenditures on**

**supply-chain security – and that a majority felt the benefits at least matched the added costs. This is clear evidence that this program is succeeding.**

**CSI places U.S. Customs inspectors in foreign ports to target high-risk cargo and to ensure that it is inspected before heading to the United States. In the last year, DHS has continued to expand that program strategically and now has inspectors in 58 foreign ports that account for 85 percent of cargo shipped to the United States.**

**Here on American soil, DHS also has installed more than 1,000 Radiation Portal Monitors at critical seaports and land ports of entry to detect radiation before containers are allowed to enter the domestic supply chain. As required by the SAFE Port Act, by the end of this year, DHS will scan at least 98 percent of cargo for radiation at our major seaports.**

**DHS has established the Secure Freight Initiative to develop and test integrated scanning systems that combine radiation-detection equipment and non-intrusive X-ray machines in seven foreign ports. Three of these ports –in Honduras, Pakistan, and England – will scan 100 percent of their U.S.-bound cargo, allowing us to evaluate the technological and other challenges. This will fulfill the law’s requirement for pilot projects in three foreign ports.**

**Beyond that statutory requirement, limited operational testing will take place in four other foreign ports. This testing will provide important information to help address the technical and logistical challenges associated with larger and more complex ports. Until this technology is proven in these pilot projects, I believe that requiring the scanning of all cargo bound for the U.S. at every foreign port is misguided. It is contrary to the risk-based, layered system of security established by the SAFE**

**Port Act, which required 100 percent scanning of all cargo designated as high-risk.**

**The SAFE Port Act also authorized \$400 million in port-security grants for five years, totaling \$2 billion. As we will hear from Captain Jeff Monroe, the Director of Ports and Transportation in Portland, Maine, this funding has already produced significant improvements to the security of our ports. The multi-year approach will allow our ports to pursue multi-year security projects.**

**I am pleased that DHS met the July deadline for issuing a Strategy for Enhancing International Supply Chain Security. This strategy document addresses all aspects of container security, from its packing at a foreign factory, to its arrival at a U.S. port and its entrance into the national transportation system, to its destination at a retail business or manufacturing plant.**

**One key aspect that is missing from this strategy, however, is that it does not detail how the private sector will be involved in responding to and recovering from a port-security incident. Port terminals and relevant recovery equipment are almost entirely in the hands of the private sector. The federal government needs to be able to communicate with the private sector quickly and effectively following an incident to determine what vital goods DHS can let in and how the private sector can assist in restoring normal operations at the affected port.**

**An important area in which DHS has been too slow to comply with the new law's mandates involves the Transportation Worker Identification Credential, or TWIC. To enhance security at U.S. seaports, it is critical to control access to their secure areas. The TWIC card will enable ports to limit access to only those who do not present a security threat to the port. The SAFE Port Act set**

deadlines and testing requirements for the TWIC program. Ten ports were supposed to have the TWIC system online by July 2007. That deadline has not been met. The first enrollment center for TWIC cards finally opens *today*, in Wilmington, Delaware.

Although DHS has announced that 12 enrollment centers will be operational this year, the Department will almost certainly miss the January 2008 deadline for TWIC implementation at another 40 ports.

This slow progress raises questions about the Department's decision to require all merchant mariners and workers who need access to secure areas of ports to have TWIC cards by the end of September 2008. DHS has not even announced when the remaining 135 enrollment centers will open. Without more certainty in this schedule, how many merchant mariners, especially those on long

**deployments at sea, can possibly hope to meet this deadline?**

**Overall, the Department has made good progress implementing the provisions of the SAFE Port Act, but there are areas, such as the TWIC program, where the Department must do more to achieve the promise of the new law.**

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