



David L. Miller
Vice President
Global Policy and Economic Sustainability



April 22, 2009

Ms. Gail Rossides
Acting Administrator
Transportation Security Administration
U.S. Department of Homeland Security
601 S 12th Street
Arlington, VA 20598

Dear Administrator Rossides:

Since the terrorist attacks of September 11, 2001, both government and industry have taken a number of steps to ensure the security of America's critical transportation infrastructure and supply chain. As an executive of Con-way Freight, my company has a vested interest in a safe, secure and efficient transportation system. In addition to my duties with Con-way, I also serve as the Chairman of the Supply Chain Security Working Group, which is a part of the National Security Task Force of the U.S. Chamber of Commerce. The Working Group was organized this past January and combines dozens of different companies, trade associations, and other groups with interests in supply chain security. Establishing a strong partnership between government and industry is essential in making such programs successful, and I thank you for commitment to this effort.

One of the Working Group's main objectives is rationalizing or consolidating the various transportation security threat assessments and credentials to provide interoperability in today's integrated multimodal/intermodal environment. Such a vision was espoused in the early days of TSA by Admiral James M. Loy:

The idea is to have these [transportation] employees undergo only one standard criminal background investigation... Under the TWIC program drivers and other transportation workers will only have one card to deal with which would be acceptable across the United States.¹

The Supply Chain Security Working Group supports Admiral Loy's vision. Unfortunately, government efforts to date have created a fragmented regime that includes separate application and fingerprint processes, in addition to separate fees and costs, to obtain a Hazmat Endorsement (HME), a Transportation Worker Identification Credential (TWIC), a Free and Secure Trade (FAST) card, a Secure Identification Display Area (SIDA) card for different airports, among others. Today, a truck driver must pay \$96 for the HME to carry hazmat; \$132.50 for a TWIC to enter the ports (\$105.25 if driver already has an HME issued after May 31, 2005); \$50 for a FAST card at the border; and \$27 for a SIDA badge at each airport - a total

¹ Remarks of Admiral James M. Loy, Undersecretary of Transportation for Security, Transportation Security Administration, during Transportation Research Board 82nd Annual Meeting Chairman's Luncheon, January 15, 2003.


cost of \$305.50.² These direct costs of \$300 per driver are in addition to lost productivity, time off required by drivers to gather and submit their information, wait (and sometimes correct), and pick up the cards.

Two of these programs administered by TSA are redundant in that they perform the exact same background check: the TWIC and the HME. Both programs query the same databases for criminal, immigration, and other violations, utilizing the same disqualifying criteria, appeal, and waiver processes. The Working Group requests that TSA combine these two programs as a concrete step to rationalize transportation security credentialing. Congress provided TSA authority to do so in the 9/11 Commission Act of 2007³. Section 1556 of the Act states that TWIC card holders “shall be deemed to have met the background records check required under section 5103a of Title 49, United States Code” to carry hazmat. The Working Group believes that TSA should immediately implement Section 1556 and provide guidance to the states to accept a TWIC as proof that a driver has successfully passed a security threat assessment.

Subjecting transportation workers to multiple identical background checks is not good government policy and is a waste of private and government resources. Recently, the U.S. Small Business Administration (SBA) officially added TSA’s inaction in implementing Section 1556 to its Regulatory Review and Reform (r3) program Top 10 list of most egregious regulations on small businesses after a petition for consideration filed by the American Trucking Associations (ATA).⁴

The Supply Chain Security Working Group adds its voice to that of Congress, the trucking industry, SBA and others to request that TSA take immediate action to implement Section 1556 of the 9/11 Commission Act and establish a single security threat assessment and credentialing process as envisioned early on by TSA.

Regards,



David Miller
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Con-Way
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² TSA has contracted with a service provider that allows the States to submit necessary information for the STA background check databases for a fee of \$96 but States retain the option to submit this information directly—and the option to charge for any extra background checks or other administrative costs the State may choose to administer. Although most States utilize the TSA provider, several do not. The actual cost for an HME in Florida is \$98; the \$96 figure is used to reflect the federally mandated minimum rate before other State costs are factored in.

³ Public Law 110-53. August 3, 2007.

⁴ U.S. Small Business Administration. *Two New Regulations Added To 2009 r3 Top 10 Rules For Review And Reform*. February 27, 2009. <http://www.sba.gov/advo/press/09-07.html>

Cc: Secretary Janet Napolitano
Chairman Bennie Thompson
Rep. Peter King
Rep. Loretta Sanchez
Rep. Mark Souder
Acting Assistant Secretary Bridger McGraw, DHS
Deputy Assistant Secretary Kathy Kraninger, Office of Screening Coordination, DHS
Maurine Fanguy, Director, Office of Maritime and Surface Credentialing, DHS
Stephen Sadler, Director, Office of Screening Coordination, DHS