

December 20, 2013

Rep. John Carter, Chairman  
Subcommittee on Homeland Security  
House Committee on Appropriations

Rep. David Price, Ranking Member  
Subcommittee on Homeland Security  
House Committee on Appropriations

Senator Mary Landrieu, Chairman  
Subcommittee on Homeland Security  
Senate Committee on Appropriations

Senator Dan Coats, Ranking Member  
Subcommittee on Homeland Security  
Senate Committee on Appropriations

RE: FY 2014 Homeland Security Appropriations Conference Report

Dear Chairman Carter and Ranking Member Price:

As the House and Senate work on a conference report to determine funding priorities for the Department of Homeland Security in FY 2014, we write to request that you consider the benefits of adopting our two top priorities for port security in the coming year.

- **Funding the Port Security Grant Program (PSGP)** at the Senate's proposed level of \$100.6 million and keeping the program's administrative authority at the federal level;
- **Commissioning a study of port cargo scanning programs** conducted by the Department of Homeland Security to ensure that there is a plan for adequate federal funding to replace and expand scanning equipment as needed, and that they have the capability to accommodate changes in port infrastructure such as for the use of on-dock rail.

#### **Port Security Grant Program (PSGP)**

AAPA is heartened that the House and Senate have recognized the importance of the Port Security Grant Program and have recommended FY14 appropriations levels for it at \$97.5 and \$100.6 million, respectively. While we would like to see a higher level of funding, we endorse your current decisions to fund the program at these levels. For many years we have been concerned about the erosion of funding for this program; in 2008 and 2009 nearly \$400 million each year was both authorized and appropriated.

Included in the President's FY14 DHS budget request was a proposal for bundling Port Security Grants with other FEMA non-disaster grant programs and devolving control of them to individual States. AAPA strongly opposes this move. State governments, while responsible for many important tasks, are not primarily focused on securing international borders. If given discretion over how federal security grant monies will be spent, AAPA is concerned States will not prioritize seaport security, resulting in a distribution of funds not based on relevant standards for such decision-making.

Our economy, our safety, and our national defense depend largely on how well we can construct and maintain a security infrastructure at our ports. According to the 9/11 Commission Report, “opportunities to do harm are as great, or greater, in maritime and surface transportation” as they are in other transportation sectors. We urge members of the conference committee to prioritize securing seaport infrastructure by funding the Port Security Grant program and maintaining control of it at the federal level.

### **Cargo Scanning Programs**

We request a study to be conducted and an action plan to be designed regarding gaps in port security focused on the current state of our ports’ cargo scanning programs, their ability to adapt to future planning needs such as their use in on-dock rail, and for the costs of replacing them.

DHS strengthened the cargo scanning programs at ports in the wake of the 9/11 terrorist attacks, to prevent weapons of mass destruction from being smuggled into our country. With the passage of time, however, funding has been cut and a lack of federal management has crept into the program. Nearly a year ago, in February 2013, the Department of Homeland Security Office of Inspector General (OIG) released a report on Radiation Portal Monitors (RPMs) demonstrating that they are being poorly used and mismanaged by CBP, and that neither CBP nor the Domestic Nuclear Detection Office (both within DHS) has a plan to replace the monitoring equipment once it has reached the end of its useful life. We would like to work with DHS to solve these programs based upon recommendations from a study and action plan about them.

Without explanation, funding priorities have appeared to move away from these scanning programs; local port authorities and private terminal operators are now being asked to shoulder much of the financial burden imposed by these federal efforts to protect our country from further terrorist attacks. Issues including questions of liability, ownership, and other responsibilities surround the uncertainty of operation that has been introduced due to DHS’ neglect of these programs.

AAPA commends the DHS OIG for bringing this issue back to the fore, nearly a year ago, and encourages Congress and DHS to reinvigorate momentum on finding a solution to the problems that confront us. We recommend that another study now be commissioned that picks up where the OIG report left off. Where the OIG report found specific problems with the scanning programs in the present and past, a new report can focus on specific solutions for funding and operating scanning programs and ensuring that they can be adapted for future port planning needs.

Additionally, AAPA has asked Congress to mandate that DHS implement RPM inspections for on-dock rail and a pilot program for this process has already been conducted. But DHS has not permitted this option, resulting in a continuation of the current system, resulting in inefficiencies. We hope that this issue will be studied as well.

Ports are international gateways into the United States and port authorities have worked as partners with the federal government in securing our borders and keeping America safe. The American Association of Port Authorities and our members hold security as a top priority, and we look forward to continuing our partnership with Congress, DHS, and other sectors of the federal government to keep America safe. We firmly believe that in order for this partnership to be most effective, the Port Security Grant Program should remain under federal control and funded at \$100.6 million in FY14; and that a study of cargo-scanning programs should be conducted to ensure their appropriate operation in the present and ability to adapt to future needs.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kurt J. Nagle", with a long horizontal flourish extending to the right.

Kurt J. Nagle  
President and CEO  
KJN:kp