

April 10, 2018

The Honorable John Boozman
Chairman
Senate Committee on Appropriations
Subcommittee on Homeland Security
SH-141 Hart Senate Office Building
Washington, DC 20510
c/o [Adam Telle](#)

The Honorable Jon Tester
Ranking Member
Senate Committee on Appropriations
Subcommittee on Homeland Security
SH-311 Hart Senate Office Building
Washington, DC 20510
c/o [Scott Nance](#)

The Honorable John Carter
Chairman
House Committee on Appropriations
Subcommittee on Homeland Security
2110 Rayburn House Office Building
Washington, DC 20515
c/o [Donna Shahbaz](#)

The Honorable Lucille Roybal-Allard
Ranking Member
House Committee on Appropriations
Subcommittee on Homeland Security
2083 Rayburn House Office Building
Washington, DC 20515
c/o [Derek Newby](#)

RE: FY 2019 Homeland Security Appropriations

Dear Chairmen Boozman and Carter and Ranking Members Tester and Roybal-Allard:

The American Association of Port Authorities (AAPA) is the unified and collective voice of the seaport industry, and I am writing to you today to voice strong support for Department of Homeland Security (DHS) programs that impact port security, as you consider a FY 2019 Homeland Security Appropriations bill.

The port industry strongly urges the Committee to fund the Port Security Grant Program at its originally authorized level of \$400 million. The federal government must continue its efforts to secure seaports, which serve as international borders into our country for cargo, as well as international cruise and ferry passengers. Numerous components of DHS are involved in port security, including the U.S. Coast Guard, the Transportation Security Administration, the Federal Emergency Management Agency (FEMA), U.S. Customs and Border Protection (CBP) and the Domestic Nuclear Detection Office (DNDO).

Since 9/11, the Port Security Grant Program has been an important component in helping seaports harden security and protect these vital transportation hubs and maritime borders. At a minimum, AAPA would like to see level funding for this program, at \$100 million, although this level is 75 percent lower than the \$400 million called for in authorization legislation, which AAPA has supported in the past. AAPA also urges the Committee to continue to maintain management and control of this program at the federal level.

AAPA would also like to highlight concerns over the existing cargo scanning program, including the radiation portal monitors that were installed in all container ports after 9/11. These programs include DNDO and CBP. Our nation's scanning equipment is reaching its normal performance life. As a report released in 2013 by the DHS Office of Inspector General noted, there is no funding or funding plan for operation or replacement.

DHS has been unclear and inconsistent with its plans and has been trying to shift the burden of this program to the private sector, with little consistency or discussion with Congress or the industry. Discussions and negotiations are held in private, on a one-on-one basis, and what is negotiated is not consistent nor made public. This equipment and its maintenance are very costly, and any shifting of financial burden should only be done with Congress' approval after input from the public and private sectors that would be asked to bear this financial burden. More transparency on the future financial responsibilities of this program is essential. AAPA urges the Appropriations Committee to direct DHS to define a clear path forward in funding and to administer this program in a consistent and transparent way.

In addition, AAPA recommends that CBP be required to establish a framework in which the differences in marine port operations are considered and the costs of non-funded services or equipment are established. This includes rightsizing inspection facilities, building or retrofitting a cruise facility. CBP issues specifications for and is required to approve all federal inspection facilities. Ports and terminals complain that CBP typically requires far more space and furnishings than are needed, resulting in significant increases in costs to build facilities. Often, change orders are requested by CBP at the last minute, driving up building costs unnecessarily. There seems to be little concern for budget overruns or timely planning in CBP requests. These change orders should be documented and submitted to Congress in the form of an annual report to be evaluated.

Finally, AAPA strongly urges the Committee to provide additional resources to hire CBP officers and the ability to send CBP resources to our nation's seaports. Each year, roughly 1.2 billion metric tons of foreign trade cargo, including more than 45 million cargo containers, arrive at our seaports. Additionally, over 11 million international passengers begin their cruises via U.S. seaports. U.S. Customs and Border Protection is on the front line when cargo and passengers enter our country. CBP officers meet the ships at all ports of entry to check the manifests; screen incoming cargo; operate non-intrusive inspection (NII) equipment (including radiation portal monitors); provide specialists to examine imported fruits, vegetables and flowers for potentially harmful diseases; and other missions at our busy gateways. CBP is also responsible for screening all foreign visitors and returning American citizens and passenger ships that enter U.S. seaports. We are recommending that a minimum of 500 new CBP officers be hired annually, above the current annual attrition rate of 700 CBP officers.

For America's international gateways to function more efficiently, effectively and safely, CBP must be adequately funded and staffed. In FY 2015, when CBP was funded to hire 2,000 additional staff, fewer than 20 agents were assigned to seaports. This inequity of CBP resources cannot continue. Our nation's ports are in partnership with CBP in securing our supply chain and providing vital support in moving freight safely through our ports and out on to the national freight network.

CBP estimates that it is short 500 officers in the maritime environment. To address a shortage of staff and funds, Congress authorized a new Section 559 program that allows for reimbursable services and donation agreements. While this program can be helpful to enhance the efficient movement of maritime cargo, it is not a long-term solution. This program is not flexible for short-term needs, must compete for limited overtime hours for CBP officers and establishes an unfair playing field, where some ports must pay for CBP services, while other ports do not have to pay. The cost can be substantial for these services.

We strongly urge Congress to increase CBP FY 2019 funding and staffing resources directed to maritime activities.

Thank you for your consideration of these vital issues as you consider a FY 2019 appropriations bill for the Department of Homeland Security. As partners with DHS on securing international borders at seaports from acts of terrorism, AAPA and its members urge you to continue to fund and support a federally controlled Port Security Grant Program, and encourage more open discussion and consistency in the scanning equipment programs at DHS and increased maritime CBP staffing.

Sincerely,



Kurt J. Nagle
President & CEO