

August 2, 2016

The Honorable Duncan Hunter
Chairman
House Committee on Transportation and
Infrastructure
Subcommittee on Coast Guard and Maritime
Transportation
223 Cannon House Office Building
Washington, DC 20515
c/o John Rayfield

The Honorable Martha McSally
Chairwoman
House Committee on Homeland Security
Subcommittee on Border and Maritime
Security
1029 Longworth House Office Building
Washington, DC 20515
c/o Paul Anstine

The Honorable John Garamendi
Ranking Member
House Committee on Transportation and
Infrastructure
Subcommittee on Coast Guard and Maritime
Transportation
2438 Rayburn House Office Building
Washington, DC 20515
c/o Dave Janson

The Honorable Filemon Vela
Ranking Member
House Committee on Homeland Security
Subcommittee on Border and Maritime
Security
437 Cannon House Office Building
Washington, DC 20515
c/o Alison Northrop

Dear Chairmen Hunter and McSally and Ranking Members Garamendi and Vela,

Thank you for the opportunity to provide your Committees with follow up port security funding and policy recommendations from the July 7 joint hearing titled *An Examination of the Maritime Nuclear Smuggling Threat and Other Port Security and Smuggling Risks in the U.S.*

Security is based on partnerships, information sharing and leveraging existing resources. We believe that enacting and engaging on the AAPA recommendations outlined in this document will make our ports and communities more secure and efficient.

During the hearing, Ranking Member John Garamendi requested follow up information on specific port security policy and funding resource needs and challenges. The following are recommendations from the American Association of Port Authorities' (AAPA) Security Committee:

FBI Classified Briefings

Security leadership must have access to complete and timely information that could impact their threat environment and help drive operational decision-making for port security assets as well as influence strategic security program development. Ports are critical infrastructure, vital components to our national economy and local communities. Because of their importance both nationally and locally, ports have long been identified as potential targets. Through the Port Security Grant Program and First Responder programs, ports have an excellent and proactive

relationship with local law enforcement. However, with potential threats emanating overseas, ports and their security leadership need to be cued into the national security apparatus.

Recommendations

Security Clearance. AAPA recommends that Port Security Directors and Port Directors be processed and awarded a secret level security clearance by the Department of Homeland Security (DHS).

FBI Classified Briefings. AAPA recommends that Port Security Directors and Port Directors be included in monthly classified briefings currently provided to local and state law enforcement agencies.

CBP Staffing Resources

Dedicated CBP staffing at our nation's seaports is a top priority. CBP is a partner of the port and is the first step for our freight network and the first wall for the security of our community and supply chain. The dwindling resources for CBP maritime staffing is both troubling and dangerous. Our nation's seaports handle more than 11 million maritime imported containers of all sizes and over 11 million international passengers each year. In FY 2015, when CBP was funded to hire 2,000 staff, fewer than 20 officers were assigned to seaports. We cannot let this disproportionate approach to security continue.

As CBP Commissioner Todd Owen testified at the July 7 hearing and communicated to the AAPA Security Committee, CBP is well aware of these staffing shortages and has sophisticated staffing charts that would place available CBP staff at maritime facilities once resources and directives are put in place. While the 559 program has been helpful for ports to secure CBP staffing resources, it is not a long-term solution. AAPA has concerns about the approach of ports having to rent an officer if resources are not available for their region. This sets up an uneven playing field in which some ports have their needs met with federal resources, while other ports must pay for CBP services.

Recommendations

Directive language identifying maritime CBP staffing needs as a priority should be included in the end-of-year CR or omnibus. Sending a strong message and directive would begin the process to rebuild the CBP maritime staffing shortage in the near-term.

While CBP maritime staffing is an immediate priority, long-term CBP hiring practices and retention will be an ongoing issue. CBP has continued to encounter challenges in fulfilling and maintaining its staffing levels, even with the resources that Congress has provided. A dedicated hearing to examine CBP hiring practices and criteria would allow greater insight on how CBP staffing decisions are made at headquarters.

Operations and Equipment Guidelines Between Ports and CBP

CBP and ports are partners in security and efficiency. Neither can be accomplished if the relationship is predicated on a constant state of negotiation. Increasingly, ports are reporting overly complicated and sometimes contentious negotiations with local CBP on funding operational

responsibilities and equipment. CBP responsibilities for federal mandates must be clarified and enforced on the local level if we are to maintain a high level of national security.

CBP and ports rely on Radiation Portal Monitors, or RPMs, to detect dirty bombs in containerized cargo shipped into this country. RPMs are detection devices that provide CBP with a passive, non-intrusive process to screen trucks and other movements of freight for the presence of nuclear and radiological materials. Mandated in the Security and Accountability for Every (SAFE) Port Act of 2006, the 22 largest container ports by volume must have RPMs, and this has been expanded to all container ports ensuring all containers entering the U.S. are screened for radiation.

Almost ten years have passed since RPMs were mandated. However, a decade into this program, questions have been raised regarding who pays for the maintenance of the RPMs, who is responsible for paying for new portals during a port expansion and what is the long-term obligation for the next generation of RPMs? A DHS Office of the Inspector General report in 2013 titled *United States Customs and Border Protection's Radiation Portal Monitors at Seaports* states that "Initial estimates of the deployed RPMs showed an average useful life expectancy of 10 years."

What we hear repeatedly from our member ports is that the lack of clarity in funding and administering the RPM program has become a real hindrance in how we protect our ports.

We are quickly approaching the end of the first generation of RPMs' life expectancy. Ports, such as, Tampa, Miami, Jacksonville, Long Beach, NY/NJ, and Mobile have all reported complicated and sometimes contentious discussions with its regional CBP officers on the ongoing responsibilities related to the RPMs.

A recent example is the Port of Jacksonville (JAXPORT) where CBP requested that JAXPORT assume financial responsibility for the RPMs technology sustainment, i.e., hardware, software, and connectivity. This is significant given the complex and critical nature of these federally owned and currently maintained systems. There is too much at stake for ports and CBP officers to have to engage in policy and funding negotiations. Congress and the Administration must set a clear path on the RPM program.

Recommendations

RPM detection is a federally mandated program. CBP should request adequate federal funding to purchase, install and maintain all RPM equipment at ports throughout the United States, including port expansion based on rising freight volumes.

The current RPM program requires a thorough assessment. CBP funding surrounding the performance and future implementation of this technology should ultimately be increased to cover necessary costs to include manpower as well.

Rightsizing cruise facilities. CBP is required to approve all federal inspection facilities. Ports complain that CBP requires far more space than they actually need resulting in significant increases in costs to build facilities. Savings in building these facilities could be used for staffing purposes.

Cruises are often not a priority for CBP inspections and can be a potential target. Seasonal cruises, like those in Maine, suffer from not getting service from CBP for new smaller cruise operations. The

cost of building a federal inspection facility is far too expensive for smaller regional ports that could service cruises in certain seasons, but not year-round in regions such as the Great Lakes and Northeast cruises.

Dedicated Port Security Grant Funding

AAPA encourages increasing the Port Security Grant Program funding levels, but also insists that grant funding be directed to ports and not diluted out to other law enforcement entities with very low threats. Threats against our nation's seaports are always emerging, and port security grants are in continual demand.

Recommendations

Funding to local law enforcement needs to illustrate a stronger connection with the port complex to ensure the funding is being used for its intended purposes. There should be a letter of endorsement from an impartial party such as the Captain of the Port to receive a port security grant.

Some ports are voting members of the Urban Area Security Initiative (UASI) regions, while many others are not. Ports should have a vote on UASI matters to help prioritize port security funding considering the role of first responders in UASI regions around ports.

If you have additional questions, please do not hesitate to contact [John Young](#) (703) 716-4712 on the AAPA staff.

Sincerely



Kurt Nagle
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