

November 28, 2018

The Honorable Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, D.C. 20229

Dear Commissioner McAleenan,

As an industry, the American Association of Port Authorities (AAPA) and our members rely on the partnership and shared mission with CBP to secure and facilitate commerce through our nation's ports. This partnership must be strong on the federal level as well as the local level. Recently, several ports have raised concerns about CBP requests to have ports significantly upgrade and in some ports build new CBP facilities to house CBP staff.

Our industry has several questions we would like answered so that we can better understand the increasing number of CBP requests for facilities.

1. CBP is requesting consolidated and custom-built facilities (according to CBP design specifications) for CBP personnel. From a port perspective, generally CBP staff already have adequate facilities and in most cases these facilities are occupied on non-revenue lease terms. Additionally, many ports are concerned about the continued shortage of CBP maritime staffing and would like to first better understand how staffing decisions are made and secondly, if the staffing decisions are dictating the request for new CBP facilities.
2. CBP has been seeking funding from entities other than the federal government to build staffing facilities. In many cases it is a state or local entity. What are the CBP housing concerns with current facilities? Why do they need to be addressed through new construction in order for CBP to meet its mission?
3. What is the statutory authority for requesting a new CBP facility to be funded by an entity other than the federal government?
4. CBP does not allow ports to employ common practices ports use to control costs when building facilities for themselves and other tenants. CBP's requests often result in expensive, overbuilt facilities. This is not consistent with our understanding of how the other federal agencies ports work to determine their facility needs. Is CBP following GSA practices when determining specifications for new facilities? What is GSA's role in oversight of this process?

Ports are a competitive industry. Many ports already are straining their budgets to build the terminal, road and rail infrastructure needed to address congestion, keep freight flowing and

serve the American economy. The costs of the facilities CBP is requesting are substantial and ports face the prospect of delaying other critical projects to meet increasing demands from CBP for new facilities. If CBP resources, such as staffing, are not equally made available to ports, and/or CBP facility demands are not consistent from port to port, competitive balance can be impacted. Ports are unified in wanting a fair playing field when it comes to CBP resources.

The port industry wants to preserve and strengthen a mutually beneficial working relationship with CBP, however we believe it's vital that our concerns be addressed, and addressed from a national perspective. We appreciate your attention to these issues and look forward to your reply.

Sincerely,

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 & CEO