AAPA American Association of Port Authorities

Alliance of the Ports of Canada, the Caribbean, Latin America and the United States

Government Relations Priorities

Maritime Security

Seaports are international borders and gateways to America, therefore, the federal government has a clear Constitutional responsibility to protect them. AAPA member port authorities have worked for many years in cooperation with federal agencies like Department of Homeland Security (DHS) and others. It is imperative that this relationship between ports and their federal partners remains strong in order to continue protecting the United States from potential grave threats posed against our seaports and against our nation as a whole.

I. PORT SECURITY GRANTS

The Port Security Grant Program continues to be very valuable for U.S. ports, which serve as partners with the Department of Homeland Security (DHS) to harden security and protect our homeland.

Grant Funding Eligibility. In the FY 2014 appropriations omnibus, port security grants were funded at $100 million. AAPA urges Congress to continue funding this program as a line-item and to increase the authorization and appropriation levels for the program back to where they once were, at $400 million.

AAPA is concerned that drastic cuts in recent years to the Federal Emergency Management Agency's (FEMA) preparedness grant programs, and in particular to the Port Security Grant Program, threaten the ability of our nation to maintain or expand our current level of security.

Additionally, AAPA is extremely concerned by continuing DHS support for merging port security grants with other FEMA preparedness grant programs and the proposal to transfer distribution authority to the states. Ports are international borders; their security is a federal responsibility and should not be devolved to the states.

Grant Funding Timeline. Port security grants are often awarded to complex projects that require reviews by FEMA and for which port authorities must follow lengthy procurement requirements. Significant time delays often occur between a DHS award announcement and FEMA's final approval to begin a project. This frequently results in a request for an extension up to the maximum five years. In 2015, FEMA decided to reinstate the period of performance of the grants back to three years from two, relieving pressure on grantees. A two-year term was prohibitive and resulted in fewer regional and complex projects being completed by port authorities, which are public agencies with their own internal, sometimes complex review processes.

Recently, FEMA has also severely restricted extensions in order to address concerns over the slow draw-down in funds. This greatly challenges the program and results in projects not being done and money being returned to the Treasury. FEMA has also been slow to approve extensions, often missing deadlines, resulting in further project delays. AAPA strongly encourages FEMA to go back to the three-year performance schedule and approve extensions in a timely manner.

II. NUCLEAR DETECTION

Non-Intrusive Inspection (NII) Technology. Ports have complied with the 2002 and 2007 laws mandating that cargo scanning take place to prevent nuclear or other radiological devices from entering the United States. Evidence collected by the DHS Office of Inspector General shows that Customs and Border Protection and Domestic Nuclear Detection Office do not have a plan for continuing maintenance, replacement, or funding for these machines (e.g., Radiation Portal Monitors, VACIS, etc.). Ports should not be required to fund this security program, initiated by the federal government in order to secure international borders.

AAPA requests that DHS conduct a study on how the agency intends to pay for the future use of scanning equipment, when such equipment must be modified and moved due to port facility expansion or reconfiguration, and for disposition of current scanning machines reaching the ends of their useful lives.

Additionally, DHS should fund the On-Dock Rail (ODR) radiation detection program, which has already undergone successful testing to efficiently scan containers moving directly to rail from ships.

100 Percent Scanning. AAPA encourages DHS to continue carefully evaluating the viability of implementing the 100 percent scanning mandate and to avoid instituting a system that will slow cargo movements or significantly increase the

cost of shipping. AAPA is also concerned about reciprocity should other nations require 100 percent scanning of our exports.

III. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC)

AAPA continues to work with DHS on implementing the Transportation Worker Identification Credential (TWIC) program, including monitoring and commenting on U.S. Coast Guard (USCG) regulations for facility compliance with TWIC.

TWIC Electronic Readers. USCG's proposed TWIC reader rule is a concern for several reasons: the criteria used for determining which ports are subject to the reader requirement, the inflexibility of the risk analysis methodology, and the lack of tailoring reader requirements for the individual circumstances of each port or facility.

A 2013 GAO report criticized the TWIC reader pilot program and AAPA has encouraged USCG to be mindful of the conclusions and recommendations made in that report when developing the final regulations.

TWIC Grants. The delay in the final USCG regulations related to TWIC reader requirements has resulted in reprogramming of some TWIC grants to other priorities. Once the new rules are finalized, DHS should make TWIC grants a priority.

IV. CYBERSECURITY

As the federal government seeks to increase its role in protecting critical infrastructure from cyber attacks, any models or frameworks must continue to be voluntary and industry-led. It is important for USCG, the lead agency for port security, to be given the resources and training necessary to understand the individual security requirements of each port and facility so that the agency can provide effective support in the cybersecurity arena.

V. CRITICAL INFRASTRUCTURE RESILIENCY

Natural disasters, terrorist attacks, and other crises cause billions of dollars in damage to power, water and other key infrastructure, resulting in lost economic activity when they hit seaports. Programs at DHS and other federal agencies can increase port resiliency against such events by bolstering information sharing, providing grants for planning training and projects to enhance resiliency and help ports create and exercise effective disaster implementation plans for restoring normal operations.

VI. SUPPLY CHAIN SECURITY

While DHS has attempted to address supply chain security under various CBP programs, the reality is that no internationally agreed-upon minimum supply chain security standards have been established. Without this global baseline, and a method of either enforcement or rewards, supply chain security is largely voluntary with little chance of truly enhancing security.

A framework for minimum mandatory supply chain security standards that is recognized and accepted worldwide is necessary in order to begin the complex process of ensuring that goods moving through the supply chain are not compromised.

VII. UNITED STATES COAST GUARD (USCG)

Command Centers. The Coast Guard should coordinate with Area Maritime Security Committees on Interagency Operation Centers' activities to avoid duplication of effort and enhance communication. Further, USCG should integrate port partners' concerns into the development of *WatchKeeper*.

Small Vessels. The USCG must take a stronger role in controlling risk from small vessels that transit commercial port areas. USCG should continue to make this a priority.

VIII. RESEARCH AND DEVELOPMENT

DHS should devote more resources to maritime security and work closely with industry on priorities. For example, DHS could work with ports on the protocols they use, and conduct R&D to encase and shield a suspect container which is being shipped to an inspection area. In all areas of R&D, DHS should work closely with port facilities to ensure that new systems and technologies can be efficiently integrated into port operations.

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