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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
 AND TRANSPORTATION

WASHINGTON, DC 20510-6125

November 19, 2003

The Honorable David M. Walker
 Comptroller General
 U.S. General Accounting Office
 441 G Street, N.W.
 Washington, D.C. 20548

Dear Mr. Walker:

We are writing to request that General Accounting Office (GAO) continue its review of the implementation of the Maritime Transportation Security Act of 2002 (MTSA). We remain concerned that the Department of Transportation (DOT) and the Department of Homeland Security (DHS) have failed to ensure that all requirements of the Act are being executed in an effective and timely manner. Specifically, we are requesting you examine the following areas of concern as identified in testimony presented by the GAO at the Committee's September 9, 2003, hearing on Transportation Security:

The duplication of maritime intelligence responsibilities within DHS, especially between the Transportation Security Administration (TSA) and the Coast Guard. For example, we understand that both TSA and the Coast Guard are establishing centers for maritime intelligence, and that neither intelligence center has the active participation of the U.S. Citizenship and Immigration Services or the Bureau of Customs and Border Protection.

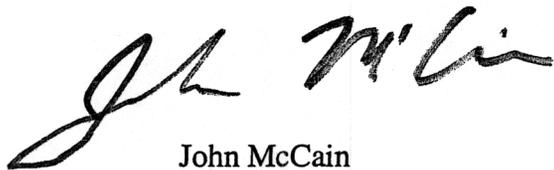
The implementation of the Automatic Identification System (AIS) on board vessels traveling to U.S. waters and shore-based receiving systems. We are concerned with the reported dispute between the Coast Guard and the private licence holder of maritime frequencies regarding the use of the channels, which the Coast Guard plans to use for the AIS signal. We specifically would like to know what actions need to be taken to implement AIS in a timely manner. Further, what regulatory flexibility and options the Federal Communications Commission has to resolve the frequency dispute between MariTel (license holder) and the Coast Guard and what the implications and barriers are there to the Coast Guard granting exclusive access to AIS data collected on the Coast Guard's AIS communications network.

Possible delays in the issuance and implementation of transportation worker identification cards. With the need to issue between 5 and 7 million cards per year, we are concerned that DHS has failed to establish eligibility requirements for workers and implement the required appeals process for disqualifications and that further delay may jeopardize port security.

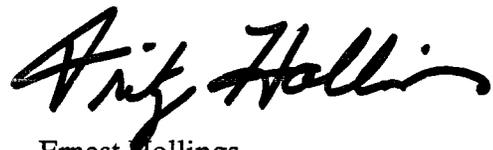
The unclear division of responsibilities in the port security grants process. While DOT has participated in the decision making process for the awarding of port security grants over the last two years, recent reports have questioned how future grants will be awarded and if the DOT will have any continued role in the grant process. Additionally, grants provided for port security by other DHS agencies have been awarded with restrictions or requirements that differ from those set forth in the MTSA.

As you work to carry out this request, please provide any suggestions the GAO may have for further addressing port security concerns or for improving the provisions of the Act on an ongoing basis. If you have any questions about this request, please contact Rob Freeman or Mary Phillips of the Majority Staff at 202-224-4852, or Carl Bentzel of the Minority Staff at 202-224-9000.

Sincerely,



John McCain
Chairman



Ernest Hollings
Ranking Democrat