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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

May 12, 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 remain concerned about the adequacy of security at our nation's port facilities. The events of September 11, 2001, demonstrated how vulnerable the most everyday aspects of our transportation system and commerce can be to acts of terrorism. Yet our ports remain exposed and susceptible to acts of terrorism that could cause a large loss of life and economic disruption. By most accounts, current inspection levels of containerized cargo are insufficient, and technology currently is not deployed to allow for the non-intrusive inspection of such cargo.

Last November, the President signed into law The Maritime Transportation Security Act of 2002, P.L. 107-295, to address the physical safety of the nation's ports and establish a range of programs designed to deter acts of terrorism that might use our daily commerce to inflict significant loss of life, environmental damage, transportation system disruption, or economic havoc. This Act includes a host of sweeping new actions, including requirements for vulnerability assessments of vessels and facilities; interaction among federal, state, and local officials in correcting deficiencies identified through such assessments; incident response plans that coordinate the actions of federal, state, and local authorities; enhanced requirements for automatic vessel identification systems; and standards and procedures for screening and securing cargo.

The breadth of these requirements is great, and putting them in place is no simple matter. Based on recent briefings given to our staff, we are 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 effectively and in a timely manner as Congress intends and that major problems have arisen in the coordination among federal agencies on various issues and the key maritime stakeholders, both at home and abroad. We, therefore, request GAO's assistance in evaluating the implementation of the new statutory requirements to promote port security.

May 8, 2003
The Honorable Mr. Walker
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We request that GAO build on its previously published work and undertake a broad evaluation of a number of areas related to port security. Such an evaluation should assess DOT's and DHS's overall plan for implementing its responsibilities under the Act, including its plan for coordinating among federal agencies. As parts of this work, we request GAO specifically evaluate:

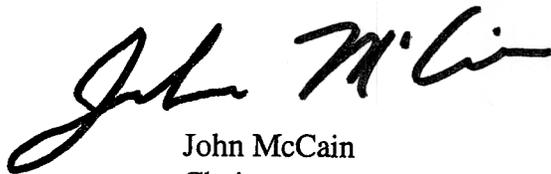
The methodology and approach for performing the initial vulnerability assessments required by the Act, and for estimating the costs to correct the deficiencies noted in these assessments.

The methodology and approach for developing the programs called for in the Act, including the Sea Marshall program; the Automated Vessel Identification System; the maritime intelligence system requirements; the transportation worker identification cards; and the requirement to evaluate and certify secure systems of international intermodal transportation as described in § 70116 (b) of the Act.

The methodology and processes used for conducting assessments of antiterrorism measures at foreign ports, as required in § 70108 (b) of the Act.

As you work to carry out this request, please provide any suggestions you have for further addressing port security concern or for improving the provisions of the Act on an ongoing basis. If you have any questions about the work, please contact Rob Freeman, 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