

Transportation Worker Identification Credential (TWIC)

American Association of Port Authorities

Port Operations, Safety & Information Technology Seminar

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Transportation
Security
Administration

*U.S. Department of
Homeland Security*
**United States
Coast Guard**



Program Implementation Overview

- **TWIC:**
 - Provide dual interface chip Smart Card credential
 - To maritime workers (facilities and vessels)
 - Using fingerprint minutiae template for biometric matching
 - To applicants who pass TSA-conducted security threat assessment
- **Two phase implementation:**
 - **Phase I -- Require workers to obtain TWIC; owners/operators visually inspect TWIC**
 - Rule effective March 26, 2007
 - First enrollments once TWIC system is certified and completes final testing
 - **Phase II – Require facility and vessel operators to biometrically verify identity**
 - Owners/operators responsible for purchase/operation of readers
 - Requires contactless card readers to function in maritime environment
 - The public will have ample opportunity to comment on the technology and access procedures we propose in the second rulemaking.



Program Facts / Status

- **TWIC fee:**
 - \$137.25
 - Five year card
 - Workers pay for credential
 - \$32.00 discount for current, comparable security threat assessment
- **Program components:**
 - Enrollments; card issuance; TWIC system operation—Lockheed Martin
 - Card personalization/production—USCIS facility, Corbin, KY
 - Card readers (when required)—facility and vessel owners/operators
- **Planning to publish deployment schedule soon**



Deployment Strategy

- **Limit size / complexity of initial rollout**
 - Participation in prior TWIC testing and prototype
 - Controlled environment
 - Stakeholders familiar with TWIC
- **Use existing logical geographic areas to divide rollout into controllable segments**
 - 39 Coast Guard Captain of the Port Zones
 - Enrollment and other announcements made locally through channels familiar to maritime community
 - Enforcement based on readiness within each zone
- **Rapidly expand enrollments nationwide following initial rollout**
 - Goal: enroll all workers within 18 months
- **Lockheed Martin approach allows for flexibility through adding personnel, shifts, and/or equipment to accommodate unexpected surge**



Stakeholder Outreach

- **Robust outreach program with five key components:**
 - **Government – Industry outreach**
 - **Attended 75 conferences and meetings with industry and labor stakeholders**
 - **Established TWIC Stakeholder Communications Committee**
 - **Broad participation from industry associations and labor groups**
 - **Contractor “Advance Teams”**
 - **Coordination with USCG and TSA field reps and local stakeholders**
 - **TWIC Web Site and Homeport**
 - **FAQ, Links and Brochures**
 - **www.tsa.gov/twic**
 - **Help Desk**
 - **866-DHS-TWIC**



Phase II Implementation Factors

- **Developing contactless biometric reader specification**
- **No centralized control over readers**
 - Encryption without reliance on private keys, if possible
 - Operate in maritime environment
 - Consistent with FIPS 201
- **Need contactless capability quickly to complete all TWIC program objectives**
- **Reader performance and impacts on operations requires pilot testing before implementation**
- **Test planning underway**
- **Specification to be published by TSA / Coast Guard in near future**



TSA / Coast Guard Share Responsibilities

- **TSA Responsibilities**

- TWIC enrollment
- Security threat assessment and adjudication
- Card production
- TWIC issuance
- Appeal/waiver for TWIC denials
- Technology/TSA system management

- **USCG Responsibilities**

- Enforce use of TWIC at MTSA regulated vessels, facilities and OCS facilities
- Conduct biometric checks as part of facility and vessel compliance inspections



Applicability

Maritime Transportation Security Act (MTSA) requires a biometric credential for:

- All individuals who require unescorted access to secure areas of MTSA regulated vessels (>10,000), facilities (>3,200), and Outer Continental Shelf (OCS) facilities (50), which includes but is not limited to longshoremen, truck drivers, vendors, facility/vessel employees, maintenance personnel, train crews, etc.
- All USCG credentialed merchant mariners
- We estimate ~750,000 maritime workers will require a TWIC



Secure Area

- **A secure area is defined as “the area over which an owner/operator has implemented security measures for access control” to reduce the probability of a TSI.**
- The secure area is the entire area within the outer-most access control perimeter of a facility, with the exception of public access area.
- Encompasses the entire vessel or OCS facility, with the exception of passenger or employee access areas for vessels.
- Passenger access area – defined area within a passenger vessel, ferry, or cruise ship secure area that is open to passengers (not a secure area).
- Employee access area – defined area within a passenger vessel or ferry secure area that is open to employees but not to passengers (not a secure area).



Escorting

- **“Escorting” means ensuring that the escorted individual is continuously accompanied while within a secure area in a manner sufficient to observe whether the escorted individual is engaged in activities other than those for which escorted access was granted.**
- This can be accomplished through monitoring or physical, side-by-side accompaniment.
- In secure areas that are also restricted areas must have side-by-side accompaniment.
- In secure areas that are not also restricted areas may meet escorting requirement with monitoring.
- Monitoring must still enable sufficient observation of the individual with a means to respond if they are observed to be engaging in unauthorized activities or in an unauthorized area.
- All escorts must have a TWIC.



New Hire Provision

- Provision allows newly hired direct employees to work while waiting for issuance of their TWIC
- Employer must apply for provision via HOMEPORT after employee has completed TWIC enrollment
 - Must meet certain additional requirements listed in 33 CFR 104.267, 105.267, and/or 106.262.
 - Owner/Operator/CSO/FSO/VSO will receive status of new hire within 3 days of enrollment.
 - Once cleared status is given, new hire may have “accompanied” access for 30 days with an additional 30 days at COTP discretion.
 - Further guidance will be given in the NVIC.



Future Milestones – Compliance

- **Vessels and Mariners will have a compliance date of 25 Sept 2008.**
- **Facilities will have a phased-in compliance, based on COTP zone.**
 - **Deployment schedule is forthcoming.**
 - **Dates announced in Federal Register & publicized locally.**
 - **Mariners can gain unescorted access to facilities before 25 Sept 2008 by showing MMD, License/ID, or COR/ID.**
- **Initial enrollment and issuance will be completed by 25 September 2008. This will be the date for nationwide compliance for vessels, facilities and mariners.**

Type of operation	Compliance Date
Vessels (33 CFR 104)	25 SEP 08
Facilities (33 CFR 105)	by COTP zone
OCS Facilities (33 CFR 106)	by COTP zone
Merchant Mariners	25 SEP 08



TWIC Security Threat Assessment

- Criminal History Records Check
 - Fingerprint and Name / Biographic-Based
 - Permanent Disqualifying Offenses
 - Interim Disqualifying Offenses

- Legal status
 - U.S. citizen or National
 - Lawful permanent resident
 - Refugees, asylees, and certain others with restricted & unrestricted employment authorization

- Intelligence/Terrorism Check



Disqualifying Offenses (as per Final Rule)

(a) Permanent disqualifying criminal offenses -- Unlimited look back

- (1) Espionage or conspiracy to commit espionage
- (2) Sedition or conspiracy to commit sedition
- (3) Treason or conspiracy to commit treason
- (4) A federal crime of terrorism
- (5) A crime involving a TSI (transportation security incident). Note: A transportation security incident is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. The term “economic disruption” does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.
- (6) Improper transportation of a hazardous material under 49 U.S.C. 5124 or a comparable state law
- (7) Unlawful possession, use, sale, distribution, manufacture, purchase...or dealing in an explosive or explosive device
- (8) Murder
- (9) Threat or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a state or government facility, a public transportations system, or an infrastructure facility
- (10) Certain RICO (Racketeer influenced and Corrupt Organizations) Act violations where one of the predicate acts consists of one of the permanently disqualifying crimes
- (11) Attempt to commit the crimes in items (a)(1)-(a)(4)
- (12) Conspiracy or attempt to commit the crimes in items (a)(5)-(a)(10)



Disqualifying Offenses (cont.)

(b) Interim disqualifying criminal offenses -- Conviction within 7 years, or release from incarceration within 5 years of application, includes wants & warrants associated with crimes

- (1) Unlawful possession, use, sale, manufacture, purchase, distribution...or dealing in a firearm or other weapon
- (2) Extortion
- (3) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering (except welfare fraud and passing bad checks)
- (4) Bribery
- (5) Smuggling
- (6) Immigration violations
- (7) Distribution, possession w/ intent to distribute, or importation of a controlled substance
- (8) Arson
- (9) Kidnapping or hostage taking
- (10) Rape or aggravated sexual abuse
- (11) Assault with intent to kill
- (12) Robbery
- (13) Fraudulent entry into a seaport
- (14) Lesser violations of the RICO (Racketeer Influenced and Corrupt Organizations) Act
- (15) Conspiracy or attempt to commit crimes in this paragraph (b)



SAFE Port Act Requirement Summary

Requirement	Status
Issue Final Rule	Complete (January 1, 2007)
Fees for HME and MMD holders	Complete (Included in Final Rule)
Criminal Disqualifiers	Complete (Included in Final Rule)
Work Stoppages – not considered TSI	Complete (Included in Final Rule)
Implementation Schedule	In Progress
Pilot Programs	In Progress
Vetting Port Truck Drivers	In Progress



Transportation Worker Identification Credential

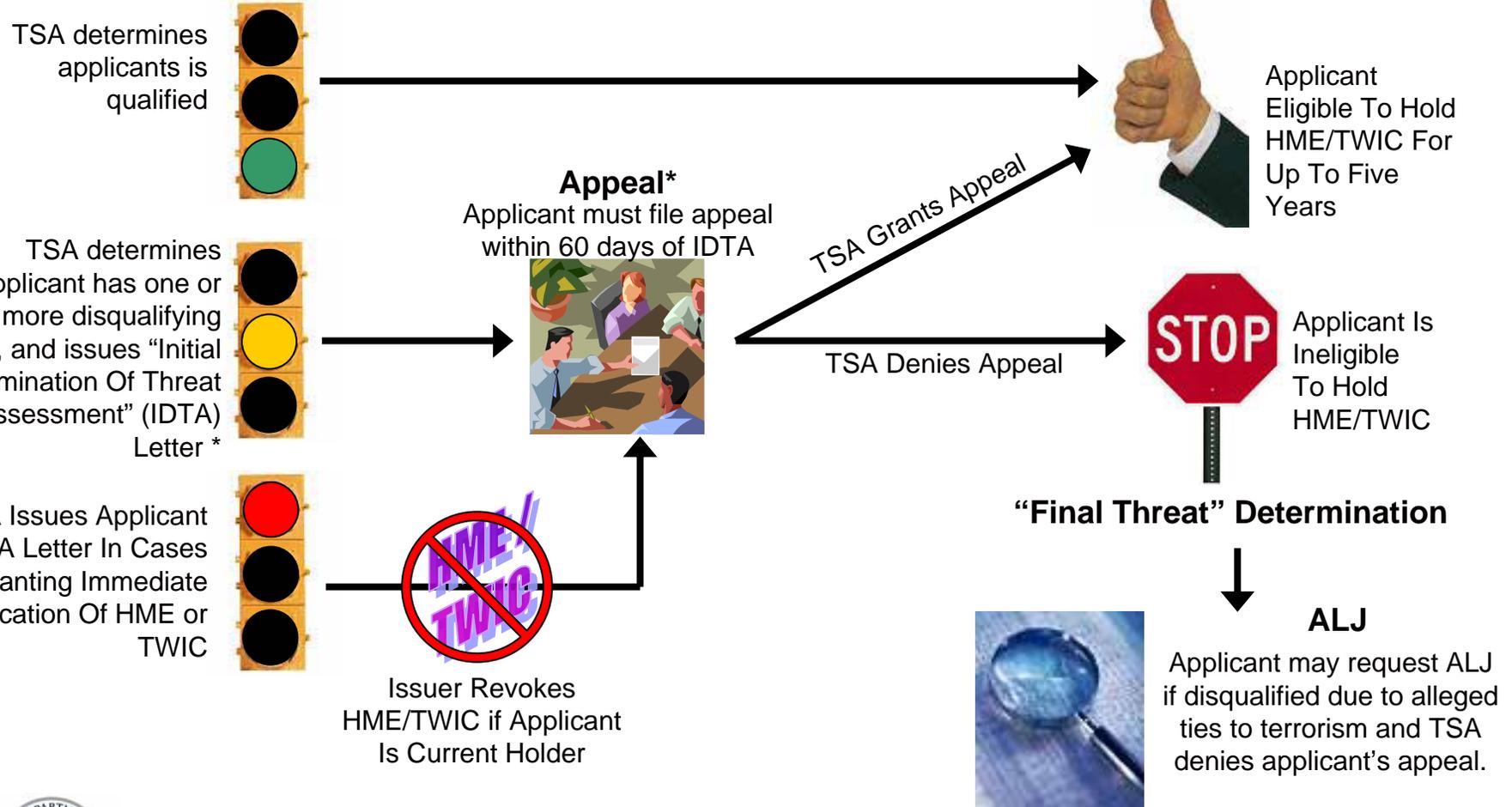
Questions?



Initial Adjudication and Appeal

Initial Determination of Threat Assessment

"No Threat" Determination



* If applicant does not submit a written appeal within specified timeframe after receiving IDTA letter, IDTA becomes "Final Determination of Threat Assessment" (FDTA) and TSA notifies Issuer.



Waiver Process

Initial Threat Assessment Determination

Applicant issued IDTA, skips appeal and applies directly for waiver



OR

"Final Threat" Determination

Applicant Is Ineligible To Hold HME/TWIC



Waiver Submission*

Applicant must file waiver within 60 days of Final Determination



Applicant Submits Waiver Request To TSA If He/She Believes Mitigating Circumstances Surrounding Disqualifying Offense Warrant Eligibility To Hold Credential

Waiver Evaluation



TSA Evaluates Merits Of Waiver Request

TSA Grants Waiver & Notifies Applicant & Issuer

TSA Denies Waiver & Notifies Applicant and Issuer

Waiver Granted



Applicant Eligible To Hold HME/TWIC For Up To Five Years



Waiver Denied

Applicant Remains Ineligible



ALJ

Applicant may request ALJ if TSA denies applicant's waiver request



* If applicant does not submit a written waiver request within specified timeframe after "Final Determination of Threat Assessment" (FDTA), he/she is ineligible to apply for a waiver. An applicant may reapply for a new security threat assessment.

ALJ Review Request

Request for Administrative Law Judge Review*

Applicant must file request for ALJ within 30 days of Final Determination, as a result of a denial of appeal based on alleged ties to terrorism or denial of waiver

Applicant submits all information to AJL that was submitted to TSA for consideration, as well as TSA determination materials.



NO NEW MATERIALS MAY BE INTRODUCED

Applicant may request an in-person hearing with ALJ.

ALJ Conducts Review

Record is closed once certified transcripts and all documents and materials have been submitted for the record



ALJ reviews all information and evidence, conducts a hearing if requested, and issues a written decision within 30 days after closing the record



* If applicant does not submit a written request within specified timeframe, the Final Determination will be final with respect to all parties, and can no longer be challenged.

