

Transportation Worker Identification Credential (TWIC)

Application to Facilities

AAPA Spring Conference

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Transportation
Security
Administration

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



Applicability

MTSA requires TWIC for:

- All individuals who require unescorted access to secure areas of MTSA regulated vessels, facilities, and Outer Continental Shelf (OCS) facilities, which includes but is not limited to longshoremen, drayage truckers, facility/vessel employees, etc.
- All USCG credentialed merchant mariners
- We estimate ~750,000 maritime workers will require a TWIC



DHS Agency 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 vessel and facility compliance inspections
 - Draft NVIC posted January for comment; final expected before enrollment



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 areas, and encompasses all restricted areas. The secure area is bound by the fence line or other barrier, waterfront, and gates, which also provide access to the secure area.
- Facilities containing both a maritime transportation portion and a non-maritime transportation portion may voluntarily request a definition of their secure area through an FSP amendment.
 - E.g. refineries, chemical plants, mills, power plants, factories, etc.



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.
- Monitoring must 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.
- Accompanied access is a term reserved for new hires only. A new hire may be considered accompanied in their work area as long as the criteria listed in the NVIC are met (vessel/work unit size, % of employees that are new hires, etc.)



Escorting (cont.)

	SECURE AREAS THAT ARE NOT ALSO RESTRICTED AREAS	PORTIONS OF SECURE AREAS THAT ARE RESTRICTED AREAS * *AS DEFINED IN FSP OR VSP
TWIC HOLDERS	UNESCORTED	UNESCORTED
LOST, STOLEN OR DAMAGED TWICS	UNESCORTED ACCESS UP TO 7 CONSECUTIVE DAYS	UNESCORTED ACCESS UP TO 7 CONSECUTIVE DAYS
NON-TWIC BUT NEW HIRES	ACCOMPANIED ACCESS	ACCOMPANIED ACCESS
NON-TWIC	ESCORTED – SIDE-BY-SIDE ACCOMPANIMENT (1 TWIC TO 10 ESCORTED) OR MONITORING	ESCORTED – SIDE-BY-SIDE ACCOMPANIMENT (1 TWIC TO 5 ESCORTED)
U.S. MARINERS	UNESCORTED ACCESS DURING 18 MONTH TWIC PHASE-IN PERIOD WITH OTHER CREDENTIAL	UNESCORTED ACCESS DURING 18 MONTH TWIC PHASE-IN PERIOD WITH OTHER CREDENTIAL
FOREIGN MARINERS	ESCORTED – SIDE-BY-SIDE ACCOMPANIMENT (1 TO 10 RATIO) OR MONITORING	ESCORTED – SIDE-BY-SIDE ACCOMPANIMENT (1 TO 5 RATIO)



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
 - Information must be entered exactly as given at enrollment center for HOMEPORT to match to enrollment record
 - 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
 - Accompanied access is described in NVIC, encl 3



Future Milestones – Deployment & Compliance

- Enrollment will begin no sooner than 26 March 2007.
- 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



Final Rule Differences from NPRM

	Topic	NPRM	Final Rule
1	Access Control	Visual identity badge and reader (w/ biometric verification and validity check at facility/vessel based on MARSEC level)	Visual identity badge that must be presented to gain unescorted access secure areas; also Coast Guard conducts periodic validity checks
2	Escorted Access	Defined	Definition modified to clarify that in restricted areas (33 CFR 101.105), escort means physical accompaniment; outside restricted areas, escort may consist of monitoring
3	New direct hires	Not granted unescorted access to secure areas until successful completion of security threat assessment and card issuance	Permitted to have access for 30 consecutive days if employer receives approval from TSA w/ add'l 30 days after approval from COTP
4	Passenger access area	Defined only for certain vessels (passenger, ferries, cruise ships)	Passenger access area remains and employee access area for certain vessels added (employee access areas do not apply to cruise ships)



Final Rule Differences from NPRM (continued)

	Topic	NPRM	Final Rule
5	TWIC Addendum to Security Program & Recordkeeping requirements	Included	Excluded
6	Secure Area	Defined	Clarified in preamble and revised requirements for facilities to allow facilities to submit amendment to security plans to change access control/secure area
7	Lost/Stolen/damaged cards	Access procedures defined in TWIC Addendum	Specific requirements included in regulation – employee will receive access to secure areas for up to 7 days after card is lost/stolen/damaged; TSA expects to have replacement card issued within 3-4 days.
8	Area Maritime Security Committee members (these people see SSI)	Need TWIC	Need name-based check to serve on Committee if member is not already required to hold a TWIC



Final Rule Differences from NPRM (continued)

	Topic	NPRM	Final Rule
9	Vessels in foreign waters	No special provisions	Amended secure area definition so that certain U.S. vessels not required to have secure areas when working beyond US waters
10	Emergency responders	Not specifically addressed	Not required to obtain a TWIC for emergency response
11	Disqualifying crimes	Same as used for Hazmat endorsement	Bomb threats permanently disqualifying (but eligible for waiver); welfare fraud and hot checks no longer considered crime of “dishonesty, fraud . . .”; new list applies to TWIC & HME
12	Card Readers and Biometric Authentication	Owners and operators biometrically authenticate individuals at access control points	Owners/operators not required to install biometric readers. CG will conduct random and scheduled spot checks of TWICs and will biometrically authenticate individuals during these checks.
13	Administrative Law Judge	Not included	May be used for waiver denials and appeals of disqualification based on intelligence. Applies to TWIC, Hazardous Materials Endorsement (HME), and air cargo applicants



Final Rule Differences from NPRM (continued)

	Topic	NPRM	Final Rule
14	Immigration Standards	Same as HME - Limited to citizens, Legal Permanent Residents (LPRs), asylees, refugees, and aliens with unrestricted authorization to work	Adding foreign students at US/State merchant marine academies, maritime-related professionals & specialists on restricted visas; permit TPS applicants to apply for a waiver; requires employer to return/employee to surrender TWIC to TSA when work for which restricted visa was granted ends; applies to HME and TWIC
15	Fee	Standard Fee – \$129 - \$149 Reduced Fee – \$95-115 Replacement Fee - \$36	Standard Fee - \$139-\$159 Reduced Fee – \$107-127 Replacement Fee - \$36, with request for comment to raise it to ~\$60
16	Compliance Dates	12-18 months after final rule	Phased for facilities by each Captain of the Port (COTP) zone; all mariners and vessels within 18 months of effective date. Enrollment could begin 60 days after publication of final rule.
17	Mental incapacity	Could only be waived by showing court order or letter from institution	Waiver broadened to allow for "case-by-case" determinations

