Transportation Worker Identification Credential (TWIC)

Consolidation of Merchant Mariner Qualification Credentials (MMC)

Joint TSA/USCG NPRM Public Meeting

Tampa, FL – June 1, 2006
Docket Management System (DMS)

- Fax number and mailing address also available in NPRM page 29396
- Send comments to appropriate docket
  - TWIC NPRM
    - TSA portions of TWIC (title 49) to TSA-2006-24191
    - USCG portions of TWIC to USCG-2006-24196
  - MMC NPRM
    - USCG-2006-24371
Agenda

• TWIC Overview
• Amended CFRs (Panel overview, followed by comments)
  – Title 49
  – Title 33
  – Title 46 (MMC)
• Open Comment
• Close
Introductions

• Public Meeting Panel of Experts
  – TSA
    • Mr. Steve Rybicki
    • Mr. John Schwartz
  – USCG
    • CAPT Frank Sturm
    • CDR Peter Gautier
TWIC Overview

- TWIC is a biometric identification credential
- Enrollment and issuance conducted by TSA contractors
- Issuance based on a security threat assessment conducted by TSA
- Initially for individuals requiring “unescorted” access to secure areas of USCG MTSA regulated (~3,500) facilities and (~10,800) vessels and all USCG credentialed merchant mariners
TWIC Overview

- Designed to be a multimodal transportation credential
  - DHS considering follow-on rulemakings for additional modes outside of maritime
- Maritime enrollment scheduled to begin by the end of calendar year 2006
  - Projected 18 month timeline to complete initial enrollment
  - Enrollment centers will be located at sites throughout the country
TWIC Process Model

1 – Enrollment / Eligibility

Transportation Workers

TSA Contractor

2 – Vetting / Data Management

Vetting:
- Terrorism Databases
- Criminal History Record Check
- Immigration

Database Management:
- Record Storage
- Biometric Template Creation / One-to-Many Check
- Card Management

Government Card Production Facility (USCIS)

3 – Card Production

Facility Operator Responsibility

Government Responsibility

(Numbers Indicate Work-Flow)

4 – Card Issuance

5 – Interoperable Access Control

Transportation Workers

Local Facilities & Vessels

U.S. Department of Homeland Security
United States Coast Guard
Enrollment process

• Pre-enrollment
  – Web-based
  – Recommended, but not mandatory
  – Will reduce time at enrollment center if completed beforehand

• Enrollment
  – Will have enrollment centers located throughout the country during the enrollment period
  – Applicant provides biographic, biometric, and identity documents at the enrollment center and completes the application process
Enrollment process (cont.)

- **Security Threat Assessment**
  - Conducted by TSA
  - Applicant will be notified when the credential is ready to be picked up OR
  - Applicant will be notified if he/she may be disqualified and of his/her appeal and waiver rights

- **Credential Pick up**
  - Applicant returns to enrollment center to claim credential for use at MTSA regulated vessels, facilities, and OCS facilities
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
  – Enforcing use of TWIC in accordance with approved vessel, facility, and OCS facility security plans
  – MMC
Applicability

• Who must get a TWIC?
  – All individuals who require unescorted access to secure areas of MTSA regulated vessels, facilities, and OCS facilities
    • This includes, but is not limited to:
      – Longshoremen, truck drivers, vendors, facility/vessel employees, maintenance personnel, train crews, etc.

  – All USCG credentialed merchant mariners
Amended CFRs

• The proposed rule amends:

  – 49 CFR Parts 1515, 1570 and 1572 (TSA Hazardous Materials Endorsement Regulations)

  – 33 CFR Parts 101, 103, 104, 105 and 106 (USCG Maritime Security Regulations)

  – 46 CFR Parts 10, 11, 12 (USCG Mariner Credentialing Regulations)

(Additional minor changes are included in other Title 33 & 46 parts)
TSA changes to 49 CFR 1572

Amends part 1572, which currently applies to hazmat drivers, to:

- Add TWIC applicants as subject to security threat assessment requirements
- Requires TWIC applicants to provide biographic and biometric information TSA needs for the security threat assessment and credential production
- Requires that equipment, such as the biometric reader, conforms to FIPS 201-1 performance standards
- Ensures all applicants have opportunity to appeal results of threat assessment, to correct cases of mistaken identity or inaccurate court records
- Ensures applicants disqualified due to previous criminal activity or mental incapacity may apply for a waiver by showing mitigating factors
Estimated Economic Impact of Proposed Rules

10-Year Cost of Proposed Rule

Year

Cost ($ millions)

0 100 200 300 400 500

1 2 3 4 5 6 7 8 9 10
Estimated Economic Impact to Vessels, Facilities, and OCS Facilities

10-Year Cost to Vessels, Facilities, and OCS Facilities

- **Facilities (~3,500)**: $373,131,289
- **Vessels (~10,800)**: $93,262,114
- **OCS Facilities (~60)**: $798,631
TWIC Estimated Maritime Population

- Estimated population 750,000

- Estimate based on population survey of more than 40 U.S. ports, as well as subject matter expert interviews

- Survey and extrapolation performed by TSA and USCG
## Estimated TWIC Fees

<table>
<thead>
<tr>
<th>TWIC Enrollment Category</th>
<th>Estimated Fee Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard TWIC Enrollment</td>
<td>$139</td>
</tr>
<tr>
<td>Hazmat/Mariner/FAST TWIC Enrollment</td>
<td>$105(^1)</td>
</tr>
<tr>
<td>Lost/Damaged Card Replacement</td>
<td>$36(^2)</td>
</tr>
</tbody>
</table>

- TWIC user fees must fully offset program costs
- Standard user fee charged to applicant will cover:
  - Enrollment
  - Threat assessment and adjudication, including appeals and waivers
  - Card production
  - TSA program and systems costs

\(^1\) Does not include FBI’s Criminal History Records Check (CHRC) and TSA’s related adjudication costs

\(^2\) Does not include FBI’s CHRC, TSA’s threat assessment, and estimated enrollment costs
Estimated TWIC Program Cost/Fee Breakdown ($139)

The standard TWIC Fee is composed of the following cost components:

- Enrollment/Issuance: 38%
- Program Support: 14%
- Credential Production: 12%
- Threat Assessments: 25%
- TSA System: 11%
TWIC Security Threat Assessment

• Criminal History Records Check
  – Fingerprint and Name Based
  – Permanent Disqualifiers
  – Interim Disqualifiers

• Legal status
  – U.S. citizen
  – Lawful permanent resident
  – Certain others with unrestricted employment authorization

• Intelligence/Terrorism Check
Disqualifying Offenses

(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 crime listed in 18 U.S.C. Chapter 113B—Terrorism or conspiracy to commit such crime
   (5) A crime involving a TSI (transportation security incident)
   (6) Improper transportation of a hazardous material
   (7) Unlawful possession, use, sale, distribution, manufacture, purchase...or dealing in an explosive or explosive device
   (8) Murder
   (9) Conspiracy or attempt to commit the crimes in this paragraph (a)
   (10) Certain RICO (Racketeer influenced and Corrupt Organizations) Act violations
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. Assault with intent to murder
2. Kidnapping or hostage taking
3. Rape or aggravated sexual abuse
4. Unlawful possession, use, sale, manufacture, purchase, distribution…or dealing in a firearm or other weapon
5. Extortion
6. Dishonesty, fraud, or misrepresentation, including identity fraud
7. Bribery
8. Smuggling
9. Immigration violations
10. Lesser Violations of the Racketeer Influenced and Corrupt Organizations Act
11. Robbery
12. Distribution, possession w/ intent to distribute, or importation of a controlled substance
13. Arson
14. Conspiracy
Open for Comments on Title 49

- Approximately 1 hour and 15 min
- Please state your name and association
- Four (4) minutes per speaker
USCG Changes to 33 CFR 101-106

- New terms defined, including:
  - Secure Area
    - The area over which a facility/vessel exercises access control
  - Unescorted Access
    - Having the authority to enter and move about a secure area without escort
  - Recurring Unescorted Access
    - Authorization to enter a vessel on a continual basis after an initial personal identity and credential verification, as outlined in the vessel security plan
  - Passenger Access Areas
    - A defined space within the access control area of a ferry or passenger vessel that is open to passengers
USCG Changes to 33 CFR 101-106 (cont.)
Access Control Requirements

- Adds the requirements that facility, vessel, & OCS facility owners/operators:
  - May allow only persons who hold a TWIC to have unescorted access to secure areas of the facility or vessel
  - Must establish a TWIC Program to implement TWIC requirements
  - Must submit a TWIC Addendum to existing approved security plan that describes the TWIC Program
USCG Changes to 33 CFR 101-106
Requirements for Vessels, Facilities & OCS Facilities

• Security Plan updates – TWIC Addendum
  – Submitted w/in 6 months of final rule publication date
  – Approved by COTP/Marine Safety Center/District Commander

• Operating under plan w/in 12-18 months (based on when enrollment has been completed in the port in which the vessel/facility is operating/located)
USCG Changes to 33 CFR 101-106
Requirements for Vessels, Facilities & OCS Facilities (cont.)

• Owners/operators would be responsible for:
  – Verifying that individuals requesting unescorted access have a TWIC
  – Verifying that TWICs are valid
  – Implementing appropriate access control measures based on graduated security requirements in line with MARSEC Levels
Open for Comments on Title 33

- Approximately 1 hour and 15 min
- Please state your name and association
- Four (4) minutes per speaker
USCG Changes to 46 CFR
Consolidation of Merchant Mariner Qualification Credentials

- MMD + License + STCW Endorsement + COR = Merchant Mariner Credential (MMC)

- TWIC is an identification credential and will remove the need for an MMD to serve as a mariner’s identification card

- MMC is a certificate that serves as a mariner’s qualification credential. It contains endorsements for job qualifications much like a Merchant Mariner’s License or an STCW Endorsement.
Reorganization of Parts 10-16 of Title 46:

- Part 10 – General
- Part 11 – Officers
- Part 12 – Ratings
- Part 13 – Tankermen
- Part 14 – Shipment and Discharge
- Part 15 – Manning
- Part 16 – Chemical Testing

Much of current 10.101 to 10.223 and 12.01-1 to 12.02-29 consolidated into new part 10
USCG Changes to 46 CFR

• Changes are proposed in the application process, not to the service, training or other requirements to obtain a credential
  – Must hold a TWIC
  – Fingerprints and proofs of ID must be provided at a TWIC enrollment center
  – TSA will conduct security threat assessment and share fingerprints and other identification information with the USCG
  – USCG will conduct safety and suitability assessment before issuing MMC
  – Appeal process is separate for TWIC and MMC
    • TWIC denial - TSA appeal process
    • MMC denial - USCG appeal process
Consolidation of Merchant Mariner Qualification Credentials

- USCG will begin issuing the MMC 18 months after the TWIC Final Rule is effective to allow:
  - Mariners time to receive a TWIC before it is mandatory for service under their qualification credential
  - Mariners the opportunity to obtain their TWIC when it is available locally
  - The USCG and TSA to establish a secure system for transferring mariner identity information between agencies

- MMC issued at renewal/replacement of MMD, License or COR
  - 5 year phase in: receive first MMC when renew MMD, License or COR
  - MMC valid for 5 years. If new endorsements added, no change to expiration date unless all endorsements renewed
  - No visit to an REC to be fingerprinted, show proof of ID or take an oath. MMC applications done entirely by mail unless an exam is required
  - One USCG credential = one USCG issuance fee
MMC Timeline

- Final Rule Published
- At least 30 Days
- TWIC Effective Date (begin TWIC enrollment)
- 18 Months
- MMC Effective (all mariners must hold TWIC, begin issuing MMC)
- 5 Years
- All Mariners Must Hold MMC and TWIC
TWIC Fee Specifics for Merchant Mariners

• TWIC will accept USCG threat assessment for:
  – MMDs issued after 1/3/2003, and
  – Licenses issued after 1/13/2006

• Those mariners would appear at TWIC enrollment centers to
  submit fingerprints, but no new criminal history records check
  (CHRC) would be required

• TWIC would expire on same date as MMD or License

• Cost for TWIC would be reduced (from proposed $139 to $105)

• Mariner may opt to undergo TSA security threat assessment
  and receive full 5 year TWIC with payment of full fee
Open for Comments on Title 46

• Approximately 1 hour and 15 min

• Please state your name and association

• Four (4) minutes per speaker
Open for all TWIC or MMC Related Comments

• Please state your name and association

• Four (4) minutes per speaker