

TWIC/MTSA POLICY ADVISORY COUNCIL

October 10, 2008

Policy

TWIC Applicants with Rejected Fingerprints

06-08

Issue – Some people who applied for their TWIC between October 2007 and August 2008 were informed by TSA that their fingerprints were rejected by the FBI so their TWIC application could not be completed. Some of these individuals still do not have their TWICs and compliance is rapidly approaching. Are there any allowances for these individuals to access secure areas without being escorted?

Background – During the TWIC enrollment process, an applicant's fingerprints are captured and submitted for a security threat assessment which includes a fingerprint-based criminal history check by the FBI. Some of these fingerprints were rejected by the FBI, generally due to quality. TSA contacted, or attempted to contact applicants using the information provided by the applicant during enrollment, to notify them of the problem. TSA developed and successfully implemented solutions to address these issues, allowing the FBI to conduct their portion of the security threat assessment, without requiring the applicant to return to an enrollment center for re-fingerprinting. Unfortunately, it is likely that some of these applicants will not be cleared or issued a TWIC before the compliance date for the Captain of the Port Zone in which they work. The Coast Guard expects that most applicants with fingerprint rejection issues will complete the TWIC application process prior to the initial compliance date but some TWICs may not be issued until shortly after that date.

Discussion – Although the backlog of applicant's with fingerprint rejections has been cleared, some individuals who applied for their TWIC between October 2007 and August 2008 have only recently received a successful security threat assessment and may not receive their credential prior to first few initial compliance dates. In order to allow these individuals to continue to work, the Coast Guard has decided to use the TWIC New Hire provision to allow those applicants with fingerprint issues to take advantage of already-existing accompanied access guidelines and Homeport tracking. This PAC decision only applies to those individuals who are on the TSA-provided list of individuals with fingerprint rejection issues.

The Coast Guard is granting a temporary waiver to all facilities from meeting the requirements in 33 CFR 105.257(c). This waiver will be in effect through November 27, 2008. This temporary waiver extends the TWIC New Hire provision to include facility security officers and direct-hire security personnel as long as the person submitting the information into Homeport holds a valid TWIC. The waiver also covers contractors and other non-direct hires but, as always, it is at the discretion of the facility owner, operator or security officer to extend this eligibility to any eligible individual. For non-direct hire

employees, the TWIC New Hire provision only applies at the facility that submitted their information into Homeport.

Process:

1. The individual must inform the facility owner, operator or security officer that he or she enrolled for their TWIC between October 2007 and August 2008.
2. If the facility owner, operator or security officer determines that this individual requires accompanied access, he or she must submit the TWIC applicant's information to the Coast Guard through the Homeport New Hire submission form.
3. The facility owner, operator or security officer must notify the Coast Guard MTSA Help Desk of this action at 1-877-687-2243 (Option 1) or uscg-twic-helpdesk@uscg.mil, providing the applicant's full name and the submitter's full name and contact information. This step is crucial because there is no indication in Homeport that this individual has rejected fingerprints.
4. If the applicant is not on the TSA-provided list, the Coast Guard will inform the submitter. This individual is not eligible for accompanied access.
5. If the applicant is on the TSA-provided list, and the individual has passed the initial name-based check, the submitter will be notified within three working days via Homeport. The applicant may work under the TWIC New Hire provision, using accompanied access.
6. The names of individuals with fingerprint issues who are working under the New Hire provision and the facilities with which they are associated will be provided to the appropriate COTPs.
7. The facility is allowed to exclude individuals with rejected fingerprints who are cleared to work under the TWIC New Hire provision from their calculations when determining how many New Hires they may have in a work group, as outlined in NVIC 03-07. All other accompanied access provisions from the regulations and NVIC 03-07 apply.
8. This PAC decision and temporary waiver will expire on November 27, 2008. By this time, all of the individuals in the fingerprint reject category will be processed and have had ample opportunity to activate their credentials.