

USCG - 2006 - 24196-17  
USCG - 2006 - 24371 - 7  
TSA - 2006 - 24191 - 14

# Transportation Worker Identification Credential (TWIC)

# Consolidation of Merchant Mariner Qualification Credentials (MMC)

# Joint TSA/USCG NPRM Public Meeting

Newark, NJ – May 31, 2006  
Tampa, FL – June 1, 2006

400105



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# Agenda

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



# Docket Management System (DMS)

- **DMS website** – <http://dms.dot.gov/>
- **Fax number and mailing address also available in NPRM page 29396**
- **Send comments to appropriate docket**
  - **TWIC NPRM**
    - T SA portions of TWIC (title 49) to TSA-2006-24191
    - USCG portions of TWIC to USCG-2006-24196
  - **MMC NPRM**
    - **USCG-2006-24371**



# Introductions

- **Public Meeting Panel of Experts**
  - **TSA**
    - **Mr. Steve Rybicki**
    - **Mr. Steve Sadler or Mr. John Schwartz**
  - **USCG**
    - **CAPT Frank Sturm**
    - **CDR Peter Gautier**
- **Other government officials**
  - *[dependent on location]*



# 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**

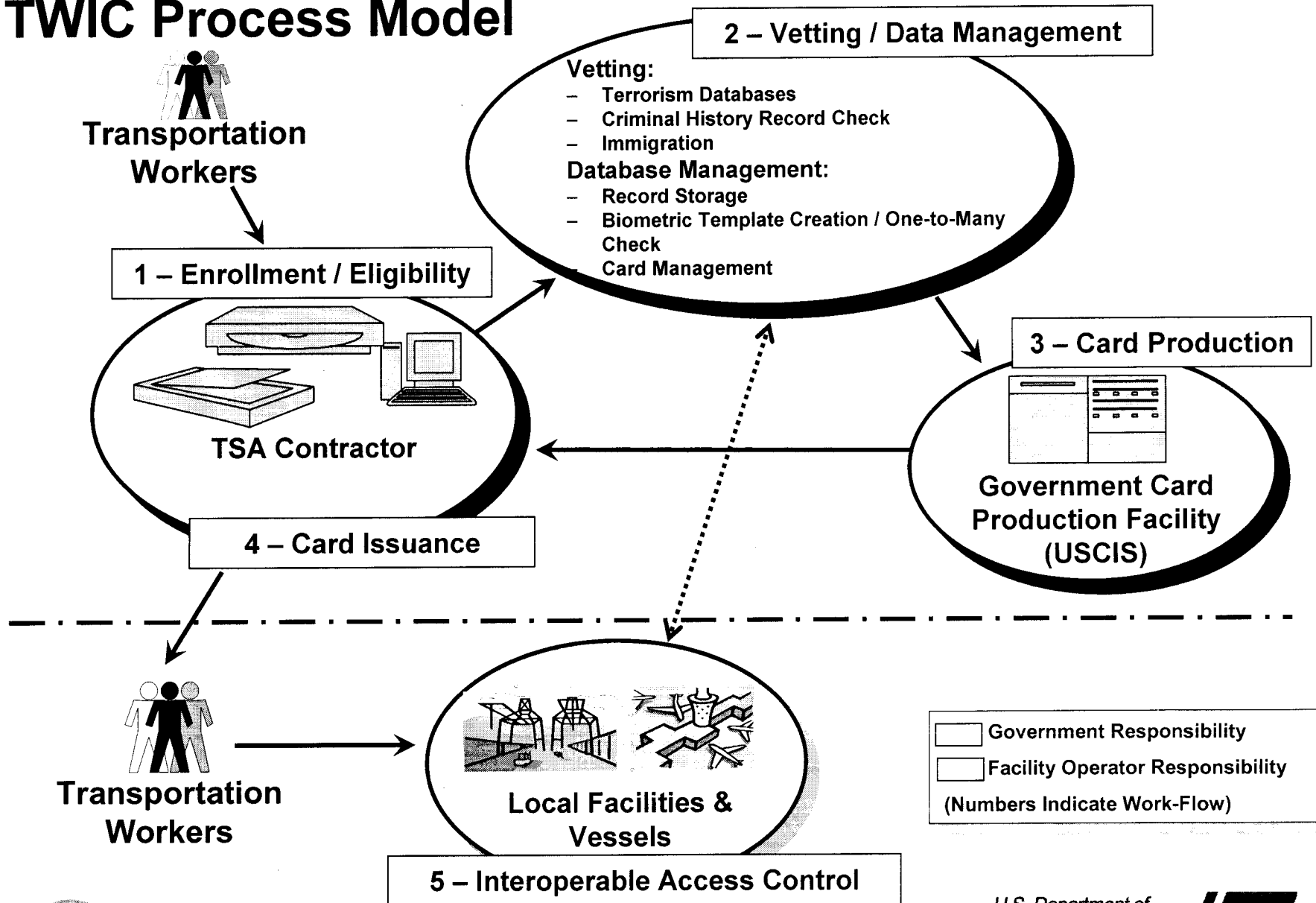


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# TWIC Process Model



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# 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



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# 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



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# 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)



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# 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 owner/operators to use equipment, such as the biometric reader, that conforms to FIPS 201-1 performance standards**
- **All applicants have opportunity to appeal results of threat assessment, to correct cases of mistaken identity or inaccurate court records**
- **Applicants disqualified due to previous criminal activity or mental incapacity may apply for a waiver by showing mitigating factors**

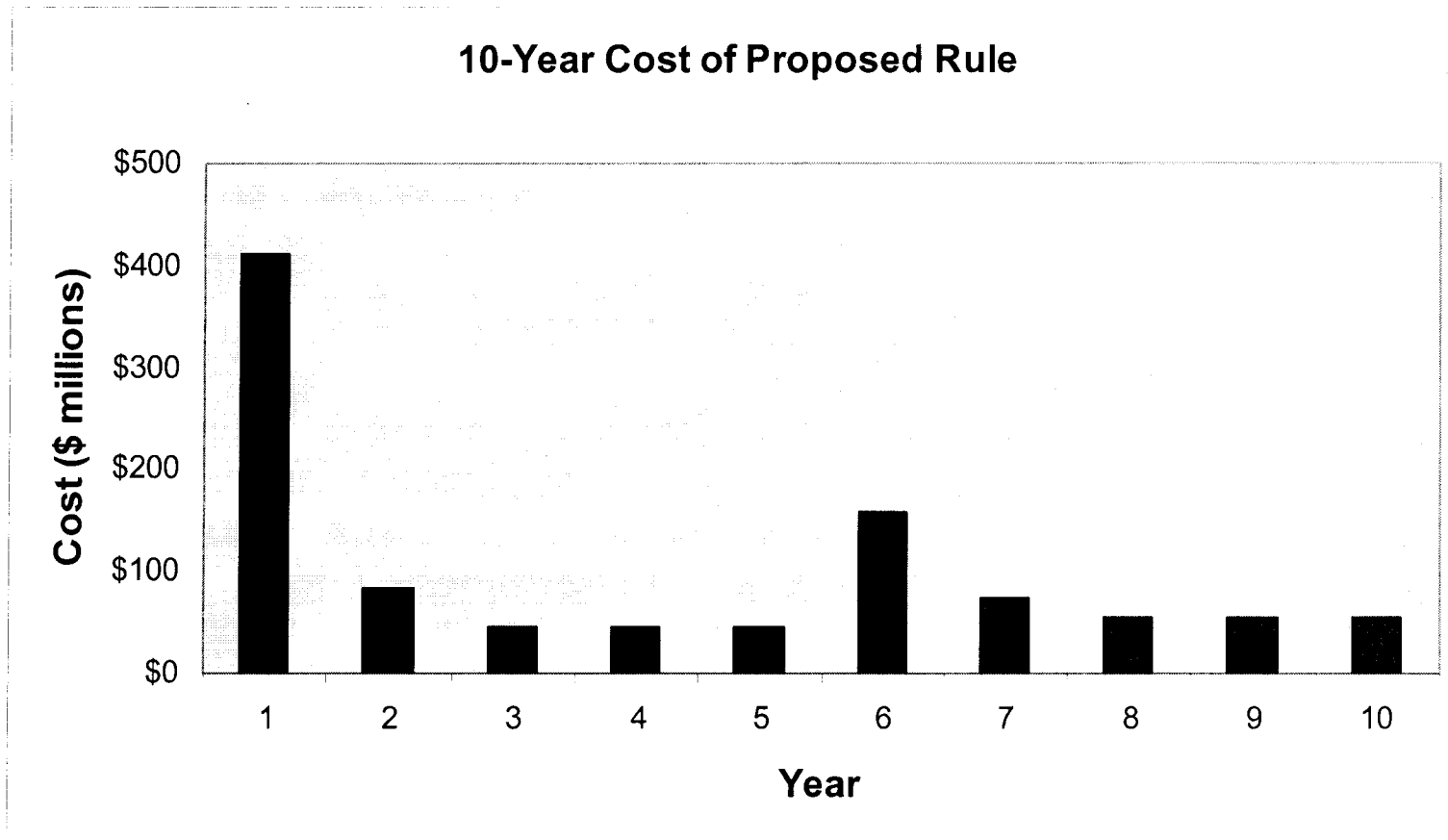


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# Estimated Economic Impact of Proposed Rules

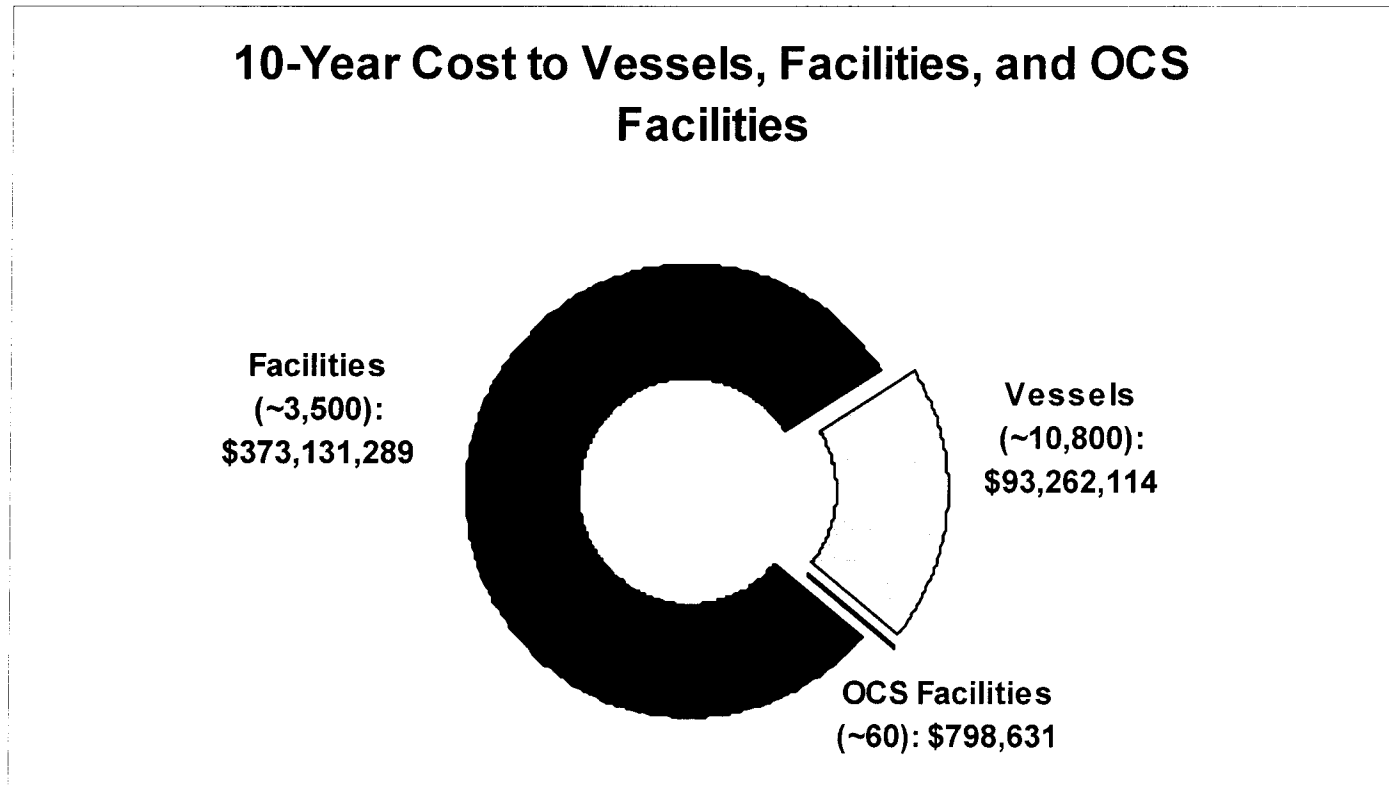


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# Estimated Economic Impact to Vessels, Facilities, and OCS Facilities



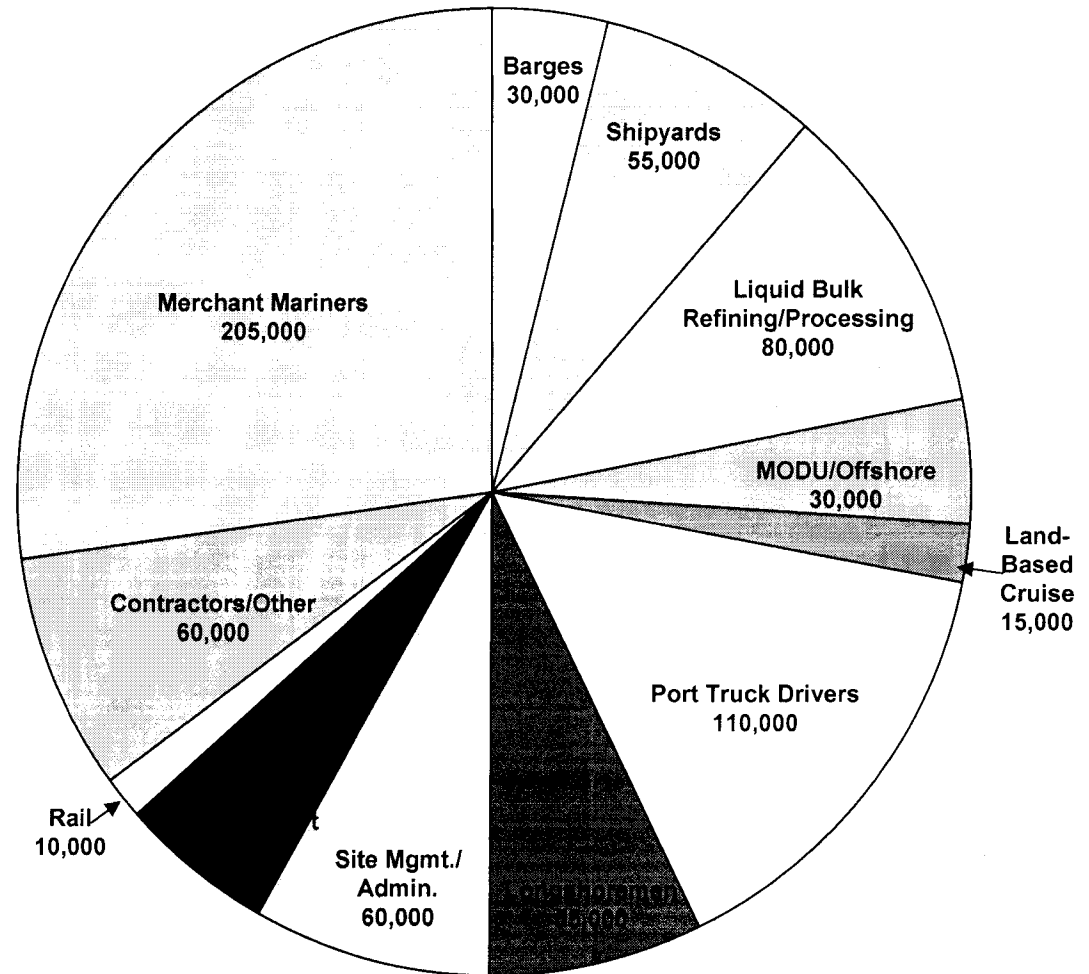
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# TWIC Estimated Maritime Population

- Estimated population 750,000
- Includes only workers requiring regular unescorted access to MTSA-regulated facilities (~3500)
- 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



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# Estimated TWIC Fees

<u>TWIC Enrollment Category</u>	<u>Estimated Fee Level</u>
Standard TWIC Enrollment	\$139
Hazmat/Mariner/FAST TWIC Enrollment	\$105 <sup>1</sup>
Lost/Damaged Card Replacement	\$36 <sup>2</sup>

- 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

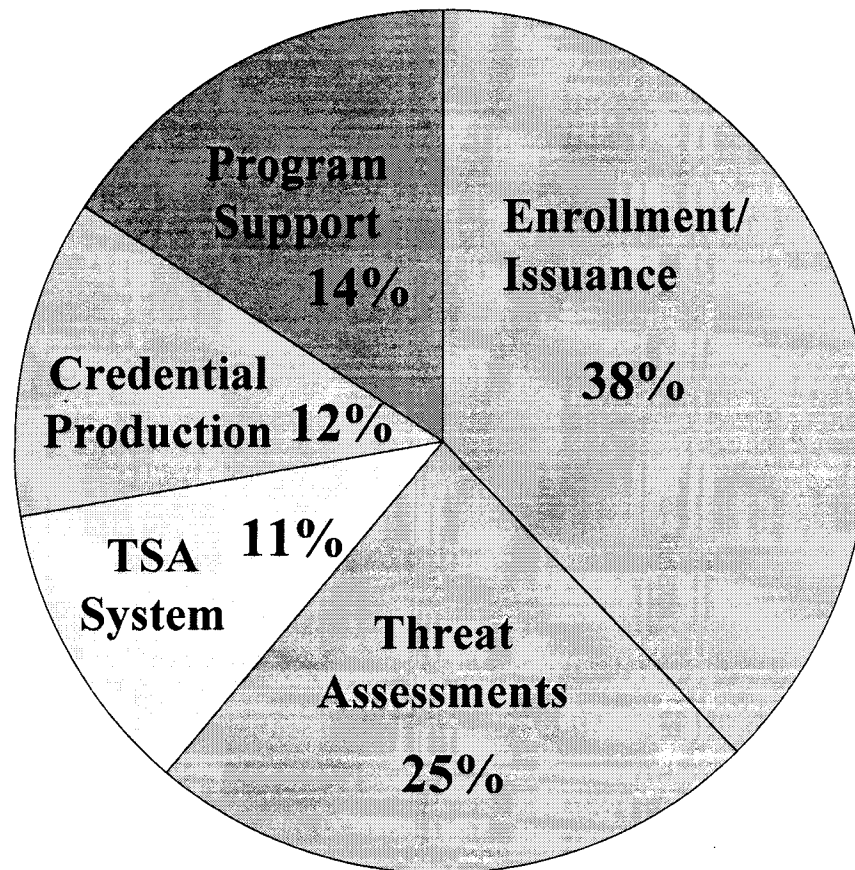
<sup>1</sup> Does not include FBI's Criminal History Records Check (CHRC) and TSA's related adjudication costs

<sup>2</sup> 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:



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# 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



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# 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



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# Open for Comments on Title 49

- **Approximately 1 hour and 15 min**
- **Please state your name and association**
- **Four (4) minutes per speaker**



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# 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**
- **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 based on 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**



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# 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 a 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 a 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**



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# 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 - CG appeal process**

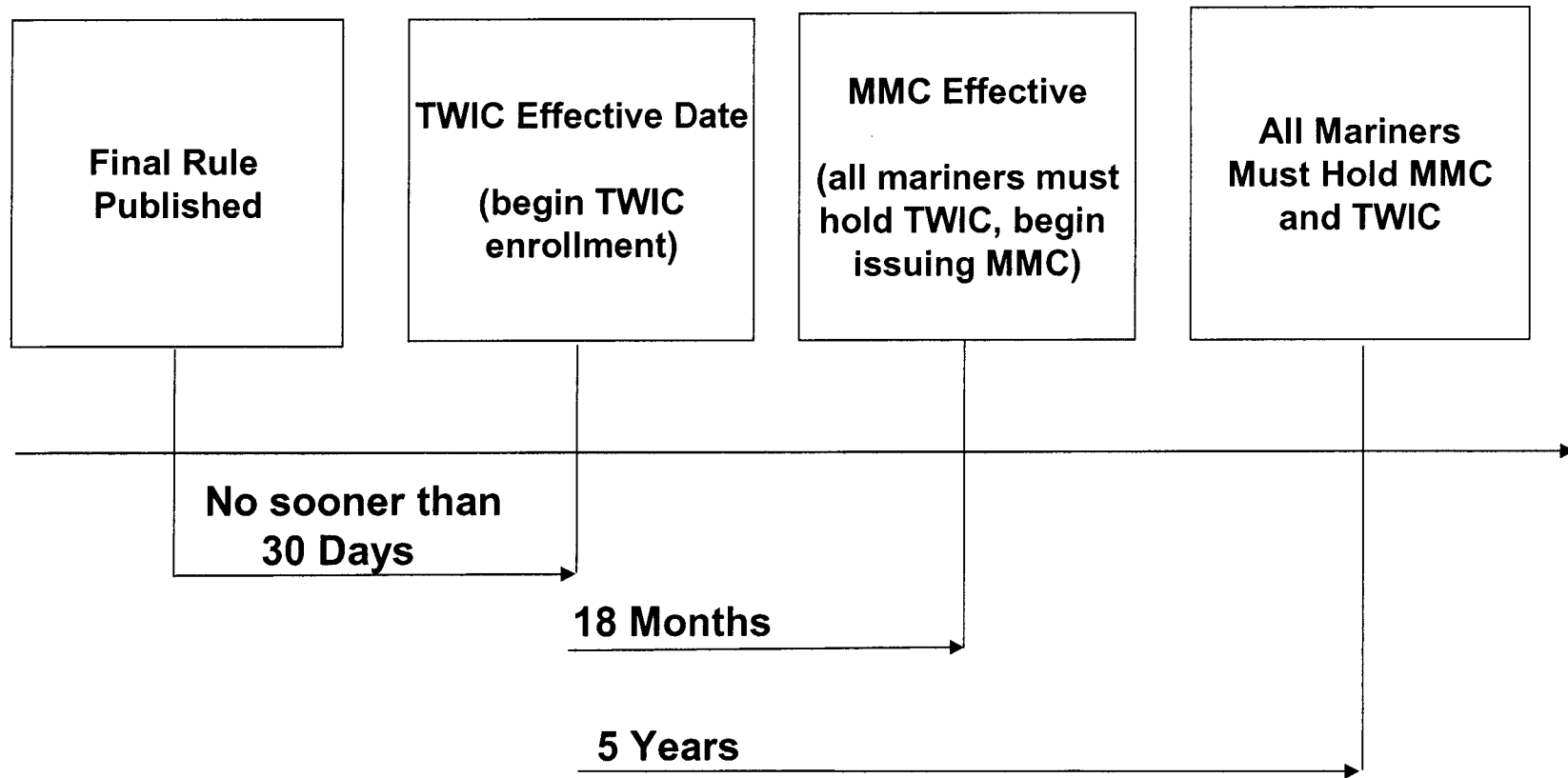


# Consolidation of Merchant Mariner Qualification Credentials

- **USCG will begin issuing the MMC 18 months after the TWIC Final Rule is published to allow:**
  - **Mariners time to receive a TWIC before it is mandatory for the validity of 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 info between the 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



# 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 center 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**



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# Open for all TWIC or MMC Related Comments

- **Please state your name and association**
- **Four (4) minutes per speaker**



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