



Transportation
Security
Administration

Public Affairs Guidance

Transportation Worker Identification Credential (TWIC) Rollout

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GUIDANCE

- Media calls on TWIC should be referred to TSA Public Affairs at (571) 227-2829

PRODUCTS

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BACKGROUND

The Transportation Worker Identification Credential (TWIC) is a high-tech biometric identification card for all personnel requiring unescorted access to secure areas of Maritime Transportation Security Act (MTSA) regulated facilities and vessels and all mariners holding Coast Guard issued credentials or qualification documents. A TWIC will be issued to maritime employees once they have passed a security threat assessment conducted by the Transportation Security Administration (TSA). A waiver and appeals process will be available for unfavorable threat assessment results. TWIC will enhance port security in accordance with MTSA and the Security and Accountability For Every (SAFE) Port Act.

ACCOMPLISHMENTS

- June 30, 2005 - Completed prototype program in which more than 4,000 TWICs were issued at 26 ports nationwide.
- Fall 2006 – Completed name-based background checks on more than 850,000 longshoremen and port workers. Screening ensured maritime employees were not on terrorist watch lists.
- January 25, 2007 – Issued final rule which established guidelines for the program.
- March 16, 2007 - National Maritime Security Advisory Committee’s recommendations on card reader technology are published in the Federal Register.
- March 29, 2007 – Established TWIC Stakeholder Communications Committee to facilitate communications during rollout. The committee will compliment and supplement the ongoing meetings with industry. There have been more than 75 such meetings to date.
- July 2, 2007 – Issued TWIC implementation policy guidance (Navigation and Vessel Inspection Circular 03-07)

- September 2007 – Repeated the terrorist watch list checks on more than 850,000 longshoremen and port workers.
- September 20, 2007 – Published the technical specifications that will be used during the TWIC card reader pilots
- September 28, 2007 – Published revised TWIC rule in Federal Register, including the decrease in the price of a standard TWIC enrollment. Also published list of expanded port enrollment locations incorporating stakeholder input.
- October 3, 2007 – Released dates for start of Wilmington enrollment and named first twelve ports.

TALKING POINTS

- The start of enrollment in Wilmington, issuance of a revised rule and announcement of the next 11 ports reflect great progress toward the implementation of this vital port security measure. TWIC is one of the world's most advanced interoperable biometric systems and has a lot of moving pieces. We are now seeing those pieces come together.
- TWIC represents one of the world's most advanced interoperable biometric systems. Before we rollout the program nationally we made sure it is functional, secure, integrated, sustainable, and does not adversely affect the free flow of commerce.
- To enhance port security real-time and address the terror threat, TSA has already vetted more than 850,000 maritime employees against terrorist watchlists and immigration databases. TWIC also includes a criminal history records check.
- TSA and the Coast Guard have worked closely with port owners/operators, employee groups and other stakeholders. Together the agencies held more than seventy-five meetings with industry and employee groups and created a TWIC Stakeholder Communications Committee to facilitate cooperation throughout the rollout.
- TWIC will serve as a common credential for all personnel requiring unescorted access to secure areas of MTSA-regulated facilities and vessels, and all mariners holding Coast Guard-issued credentials.
- TSA, in partnership with the U.S. Citizenship and Immigration Service and the Federal Bureau of Investigation, will conduct threat assessments on maritime employees who require TWICs. The Coast Guard will work with the owners and operators of vessels, port facilities, and Outer Continental Shelf (OCS) facilities to implement TWIC access control requirements.
- The Maritime Transportation Security Act of 2002 changed the landscape of port security by setting out specific requirements for owners and operators of certain vessels and port facilities. These owners and operators were required to conduct security assessments, create security plans specific to their needs and submit the plans to the Coast Guard. The Coast Guard approves and monitors compliance with these plans.
- A second rulemaking will propose the requirement for biometric readers and will further propose access control requirements using electronic card readers. The second rulemaking allowed DHS to move forward with enrollment while address technical and logistic issues with card reader technology. The second rule provides an opportunity for additional public comment.

- TWIC holders will be eligible for unescorted access to secure areas of the nation's 3,200 MTSA regulated port facilities; 10,000 vessels; and 62 Outer Continental Shelf (OCS) facilities. Owners and operators will use existing regulations and Coast Guard field guidance to determine which areas of their vessel or facility are deemed as secure areas. Owners and operator decide who is granted access.

QUESTIONS and ANSWERS

Delay

Q. Why has TWIC been delayed?

- A. TSA has already vetted more than 850,000 maritime employees against terrorist watchlists and immigration databases. Before the agency rolls out one of the world's most advanced interoperable biometric systems and charges workers \$132.50, we must ensure the network behind the system is completely functional and integrated and does not adversely affect the free flow of commerce and is sustainable over time.

Developing cutting edge technology for a dynamic, mobile workforce is a challenge and a few specific developments have required significant changes to the program.

- 1) Last year, TSA choose to incorporate the federal FIPS 201 standard for the biometric credentials. While not mandated, this technology is the highest standard of security and privacy. These federal standards are the gold standard for security and privacy and will allow TSA to save money on goods and services. This differs greatly from the technology used during the prototype and has required significant changes to the program.
- 2) On January 1, 2007, TSA completed a rulemaking process that established the final parameters of the program. (Example: Because prototype was free we did not need to determine if a worker had a comparable threat assessment. Adding in this check saves truckers and merchant mariners money and eliminates duplicative screenings.)
- 3) IT systems, policies and processes have to take into account the massive port worker population. Once TWIC is up and running, TSA will be vetting as many workers in one day (approx. 5,000) as we did during the entire prototype (4,000). The enormity of this task, especially in the maritime environment with a dynamic and mobile work force demands that we take a deliberate approach to ensure a smooth rollout that does not impact the free flow of commerce.

We are focused on assuring the integrity of the system and getting it right.

Q. TSA missed the first Congressional deadline to begin vetting at the nation's top 10 ports by July 1. Will TSA make the deadline to begin vetting at 50 ports before the end of the year?

- A. TSA will be at 12 ports by late November and has an aggressive schedule to quickly expand enrollment. We are aware of the January 1, 2008 date and are working to meet that goal. Once the rollout model is finalized, TSA will have a better sense for the exact dates.

Q. When will TSA announce specific dates for the first 50 ports?

A. TSA and its contractor have an aggressive model for rollout of TWIC beyond the first 12 ports. Once enrollment begins in Wilmington, TSA will have a better sense for exact dates for the start of enrollment at other ports.

Q. What are the first 12 ports?

A. TSA is phasing in TWIC across the country at both small and large ports to ensure the smooth implementation of the program. The first twelve ports are:

- October 16, 2007
Wilmington, Del.
- Early November
Corpus Christi, Texas
- Mid-November
Baton Rouge, LA; Beaumont, Texas; Honolulu, Hawaii; Oakland, Calif.; Tacoma, Wash.
- Late November
Chicago/Calumet, Ill.; Houston, Texas; Port Arthur, Texas; Providence, R.I.; Savannah, Ga.

Q. Why isn't Norfolk (or other city) included in the first group of cities?

A. Ports were selected based on a number of factors such as risk, geographic location, size and contractor resources. Some smaller ports are included with larger ones to ensure a smooth enrollment process.

Q. What problems were there with the IT system? Is Lockheed performing and/or did the previous contractor, Bearing Point, provide a bad product?

A. TWIC represents one of the world's most advanced interoperable biometric system. Getting to the point of starting enrollment was not easy but TSA, the Coast Guard and its private industry partners have built a system that is functional, secure, integrated, sustainable, and does not adversely affect the free flow of commerce.

Following are a few examples of challenges faced in developing this technology.

- 1) We completed the prototype and learned a great deal about the process of collecting, vetting and issuing a federal credential in the port environment.
- 2) We issued a proposed rule and learned that we would have to address technical and logistic issues with the card reader.
- 3) We worked with the National Institute for Standards and Training to align with the latest technology standards for biometrics and smart cards. These federal standards are the gold standard for security and privacy and will allow TSA to save money on goods and services.

Q. Why has TWIC taken more than five years to get rolled out?

A. TWIC is one component of the comprehensive port security enhancements put into place by the U.S. Coast Guard and TSA. TWIC implementation has presented unique challenges, which have been compounded by a rapidly changing technology landscape and the added demands of operating in the maritime environment.

During the past three years, TSA developed technology and tested the processes to collect and protect personal data, conduct security threat assessments, issue credentials and provide for sustained screening operations. In May 2006, TSA and the Coast Guard began the rulemaking process by laying out the government's proposal for how the program would be administered. Over 1,900 comments were received and while the process traditionally takes more than a year, the final rule was issued in just eight months.

The Maritime environment is very different from other modes of transportation. There is no central owner, and there are diverse employee populations, multiple points of access, and extreme working environments.

III. Safe Port Act:

Q: What implications will result from missing the SAFE Ports Act mandates?

A: TSA is working closely with Congress to keep them apprised of the progress with the TWIC program. TWIC is a critical security measure and TSA and the US Coast Guard want to ensure that the program is implemented in a manner that does not impact commerce or the maritime work force negatively.

Q. Has TSA begun vetting truck drivers in accordance with the Safe Port Act?

A. TSA will meet this requirement through TWIC enrollments and security threat assessments which will begin at the conclusion of our TWIC system performance testing. TWIC implementation will capture this information and make the vetting process go smoothly without the need to undertake a second rulemaking.

Wilmington

Q. What is Wilmington's expected enrollment and how is TSA planning to meet that mark?

A. Estimated population in Wilmington is 5,542. TSA is working closely with the US Coast Guard and the Captains of the Ports to meet the compliance dates. There will be eight trusted agents and enrollment stations located on the port.

Q. What type of outreach has TSA taken to educate workers?

A. TSA, the U.S. Coast Guard and its contractors have conducted extensive outreach to educate workers on the impact of this critical security program. This includes:

- More than 75 meetings with ports, unions, trade groups and others affected by TWIC
- Four formal public hearings for workers and industry
- A toll free contact center to answer workers' specific questions
- A robust web site that includes an extensive question and answer section
- Signage, pamphlets and other port specific communications that will keep workers informed on enrollment dates and resources to answer their questions.

This is on top of three rulemaking notices, a half dozen congressional hearings and hundreds of media interviews on the program.

Process

Q. How long before this card is in use for access control nationwide?

A. Enrollment will be phased, based on risk and other factors. We anticipate that enrollment will be completed in calendar year 2008.

Facilities will be required to use the TWIC as an access control measure on different dates according to COTP zone. These dates will be published in the Federal Register as enrollment progresses. We will also support local outreach to industry and worker groups to ensure all concerned are aware of enrollment schedules and requirements. In addition, the Coast Guard will verify TWICs when conducting vessel and facility inspections and random spot checks.

Q. When will web-based pre-enrollment begin?

A. Pre-enrollment will begin October 9 for employees in Wilmington. A link will be available at www.tsa.gov/twic. Enrolling online benefits workers by allowing them the opportunity to schedule an enrollment time in advance and reducing the amount of information needed to input into the system on the day of the in-person enrollment. Having workers begin their enrollment allows the government to process workers more quickly and provides a better sense of the total TWIC population.

Q. What is required to apply for a TWIC and how much will port workers be charged?

A. During the enrollment process applicants will visit an approved enrollment site operated by a TSA trusted agent, where they will provide proof of identity, biographic information (such as date of birth, address, phone number, physical characteristics, etc.), and be photographed and fingerprinted. The physical location of enrollment sites will be announced prior to enrollment at each location.

The fee for TWIC is \$132.50. Workers with current, comparable background checks (HAZMAT, merchant mariner documents (MMD) or Free and Secure Trade (FAST) may pay a discounted fee of \$105.25, but their TWIC will expire on the same date as the credential with the comparable background check. The cost to replace a TWIC that is lost, stolen or damaged is \$60.

Q. Will a machine read these credentials? Who will pay for the equipment?

- A. Facility and vessel owners are not required to purchase, install or utilize card readers at this time; however, some owners and operators may voluntarily choose to use the credentials within their physical access control systems. In addition, the US Coast Guard will conduct random spot checks using handheld biometric readers. A subsequent proposed rulemaking will address card reader requirements.

Eligibility

Q. How will workers' information be collected when applying for a TWIC?

- A. Applicants may enter the information from a computer on a secure website in the pre-enrollment process, and then report to an enrollment center where a Trusted Agent will complete the enrollment process with the applicant. At the enrollment center Trusted agents – employees of a vendor under contract to TSA - will collect the information (biometric and biographic) required to finalize enrollment. The information is collected electronically—no paper copies are created.

Q. What are the disqualifying crimes?

- A. While a comprehensive list of crimes can be found on TSA's web site at www.tsa.gov/twic, the following covers all categories of offenses which permanently bar an individual from receiving a TWIC. Permanent disqualifying criminal offenses include: espionage, sedition, treason, terrorism, improper transportation of a hazardous material, unlawful possession, use, or sale of an explosive, murder, threats to a place of public use (government facility, public transportation system, or infrastructure facility), violations of the Racketeer Influenced and Corrupt Organizations (RICO) Act in which the predicate act is one of the permanently disqualifying crimes, a crime involving a transportation security incident.

A crime involving 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, as defined in 46 U.S.C. 70101. 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.

Individuals are ineligible if convicted in the last seven years or incarcerated within the last five years of the following crimes: Unlawful possession, use or sale of a firearm or other weapon, extortion, fraud, bribery, smuggling, immigration violations, distribution or importation of a controlled substance, arson, kidnapping or hostage taking, rape or aggravated sexual abuse, assault with intent to kill, robbery, RICO violations that do not involve a permanent disqualifying crime.

Convictions for espionage, sedition, treason and terrorism, or conspiracy to commit these crimes are not eligible for a waiver.

Q: Is there going to be an appeal process for the security threat assessment?

A. Applicants who are denied a TWIC will be notified of the reason for denial and instructed on how to apply for an appeal or waiver. All applicants have the opportunity to appeal a disqualification, and may apply to TSA for a waiver if disqualified for certain crimes, or if they are aliens in Temporary Protected Status. We included procedures to allow for an Administrative Law Judge to review for certain appeal and waiver denials.

Q. Will a non-U.S. citizen be able to get a TWIC?

A. Yes. The rule includes a list of various immigration categories eligible to apply for a TWIC, including nationals, refugees, asylees, lawful non-immigrants with unrestricted work authorization, and certain workers with restricted work authorization.

Q. During the prototype phase TSA tested the card in other modes of transportation. Will this credential be required for rail or airport employees?

A: The initial rollout of TWIC will be focused on the maritime mode, which will include rail workers and truck drivers who require unescorted access to secure areas of MTSA-regulated facilities, and vessel personnel. Once the initial maritime rollout is complete DHS will evaluate the need to use credentials in other modes of transportation.

Access Control

Q. By separating out access control from the enrollment isn't this yet another delay in a program that is already long past its intended implementation date?

A. The single greatest security benefit of TWIC is the ability to screen out port workers who pose a security threat. The final rule allows the federal government to begin that process in 2007. The rule does include access control requirements, since TWICs will be required for any worker requiring unescorted access to secure areas of vessels and facilities. A second regulation will propose card reader requirements that utilize all of the unique technologies employed in the TWIC. The Coast Guard will verify TWICs when conducting vessel and facility inspections and conducting random spot checks.

Card reader requirements were deferred in response to concerns by port operators and workers about the processes and emerging technologies involved in access control. As we move forward with security threat assessments and card issuance, we will work with those affected to ensure card readers and access control systems enhance security while minimizing the impact on maritime transportation and commerce.

Q. What progress has been made on Card Readers?

- A. TSA and USCG have reached agreement with five participants to test card reader technology. In September, TSA issued specifications for the card reader which will allow industry to move forward with the development of technology. In the coming months pilots will begin at the five participants, including:
- Port Authority of Los Angeles
 - Port Authority of Long Beach
 - Port Authority of New York and New Jersey
 - Port Authority of Brownsville
 - Watermark Cruises in Annapolis, Maryland

Q. The GAO stated that TSA needed to conduct more testing before implementing the TWIC program. Does this additional IT testing reflect that recommendation?

- A. Testing advanced reader technology is critical to the program's success, and will take place concurrently with the steps we are taking now to enhance port and vessel security. The current rule allows us to begin collecting biometrics and conduct an in-depth security threat assessment of all individuals who require unescorted access to secure areas of MTSA regulated vessels and facilities. We will continue to work closely with facility and vessel owners and operators, port authorities, workers and private industry to address card reader issues. Once reader testing is completed, that function will be added to the TWIC program to further enhance port security.

DHS is already working with the Port Authorities of Los Angeles and Long Beach to test access control technologies and equipment in the marine environment, in accordance with the SAFE Port Act. Other locations will also be identified for additional testing. The Coast Guard and TSA have, with industry participation, initiated the development of contactless reader technology. In addition, the National Maritime Security Advisory Committee (NMSAC), representing maritime industry leaders, is taking an active role in recommending technical and operational requirements for a contactless TWIC card.

Q. How will ports control access to critical areas without card readers? Will workers still have to obtain credentials for each individual port?

- A. In addition to the current access control measures that vessels and facilities have identified in their security plans, TWICs will be required for entry and used as a visual identification badge. Workers will present their cards to authorized personnel, who will compare the holder to his or her photo, inspect security features on the TWIC and evaluate the card for signs of tampering. The Coast Guard will verify TWICs when conducting vessel and facility inspections and conducting random spot checks using hand-held readers to ensure credentials are valid and ensure the card holder is the rightful owner.

The TWIC program infrastructure is being designed to balance security, commerce, and privacy requirements. The TWIC is designed to be universally recognized. With TWIC, workers will no longer need redundant credentials or background investigations to enter multiple work sites. This results in cost savings for all stakeholders.

Name-Based Checks

Q: Who was screened during the interim screening and who will be required to obtain a TWIC?

A: Initial name-based security threat assessments were focused on port facility employees and longshoremen employed by regulated port facilities. With publication of the final rule, all workers who need unescorted access to secure areas must obtain a TWIC, including truck drivers, longshoremen and vendors. Individuals who have already completed a comparable threat assessment (such as a merchant mariner's document, FAST cards or HAZMAT endorsement) do not need to undergo a second security threat assessment. However, these individuals must enroll in TWIC and provide the biometric and biographic information needed to issue the credential.

Q: Why were truck drivers and others excluded from the initial name-based screening?

A: Name-based background checks are an immediate security measure designed to limit individuals who pose a threat from gaining access to port facilities. This was a first step and covered a large number of workers. To do the port worker vetting, we required employers to provide certain data to TSA and Coast Guard, and that data was used to do the vetting. The truck driving population and employers are so dispersed, not centralized at a port, that it was not possible for TSA to get the data needed to conduct the checks in an efficient manner,

Merchant Mariner Questions

Q. What's the impact of the TWIC rule on Merchant Mariners?

A. Under law, all credentialed U.S. Merchant Mariners (this includes all persons holding a Coast Guard-issued merchant mariner's license, merchant mariner's document, or certificate of registry must obtain a TWIC. The Coast Guard has drafted a proposed rule that would combine the elements of four merchant mariner professional credentials into one certificate called the Merchant Mariner Credential (MMC). The MMC would serve as the mariner's qualification credential, while the TWIC would serve as the mariner's identification credential. The Coast Guard and TSA are proposing to streamline the process for the two credentials to reduce costs, duplications of effort and processing time for mariners. The Coast Guard has proposed to begin issuance of the MMC 18 months after the effective date of the TWIC rulemaking and replacement will continue over a five-year period at renewal of mariner documentation.

Q. What are the overall costs of the proposed MMC?

A. The proposed cost of the MMC will be the same as the cost of the current mariner documentation. The only proposed change will be the removal of additional issuance fees (\$45) as there will no longer be multiple credentials to issue.

We foresee the proposed MMC adding no additional cost to mariners, and in fact, it should reduce the overall cost burden. In the future, Merchant Mariners could submit information required for the MMC at TWIC enrollment centers when they apply for their TWICs. Mariners will only need to visit one of the 17 Regional Exam Centers when they need to take an examination as the MMC can be mailed after the visit to the TWIC enrollment center.

Prototype Questions

Q. How many transportation workers participated in the prototype evaluation?

As of December 31, 2005, more than 4,000 workers were issued Prototype TWICs. Participants in the Philadelphia and Los Angeles/Long Beach areas received TWICs after completing TSA-performed name-based threat assessment. Participants in the state of Florida underwent a criminal background check required by state statute and conducted by the state as well as the name-based assessment performed by TSA before being issued TWICs. These individuals will have to reapply for TWIC. We did not collect any biometric information during prototype that was used to conduct the criminal history records check. Also, we did not collect all of the information required to assess immigration status and determine if the applicant meets the immigration status in the final rule. We did not collect that sort of information, because we did not have a regulation in place that would authorize the collection.

Q. Where did the prototype take place?

A. The prototype was conducted at 26 locations in the geographical areas of Los Angeles/Long Beach, Wilmington/Philadelphia and Florida's deepwater ports. Participation was voluntary for the prototype. Examples of participants included truck drivers, longshoremen, and container terminal and airport personnel.

Q. With respect to the Florida Uniform Port Access Credential (FUPAC), what steps are being taken to resolve the State of Florida's issues and what's the likely outcome?

A. TSA is working closely with the state of Florida. Once implemented, TWIC will be required for all employees requiring unescorted access to secure areas of port facilities.

General Questions

Q. Is DHS concerned that the TWIC implementation will result in a significant negative impact on commerce because many workers may be disqualified due to criminal history or immigration status?

A. The TWIC program is designed to enhance security and minimize the impact on commerce. As the program is rolled out, TSA and the Coast Guard are working closely with port facilities to address concerns that arise. TSA has a robust appeal and waiver process to mitigate adverse impacts on the industry for workers with prior criminal activity and has included procedures to allow for an Administrative Law Judge review for certain appeal and waiver denials.

Q: How much have you spent so far on TWIC? What have you gotten for the money?

A: Since 2002, approximately \$90.7 million has been spent through April 2007 on the TWIC program. This investment funded the development of information technology and equipment, evaluation of data storage alternatives, and strategic and project planning support to start up the program. TSA conducted prototype testing at 26 sites in six states in 2005.

Q. What measures are in place to protect small businesses, such as small passenger vessels?

- A. TSA and the Coast Guard worked very closely with the Small Business Administration to minimize the financial and operational impact on small businesses wherever possible. The rule includes provisions that allow MTSA-regulated passenger vessels (excluding cruise ships) to establish employee access areas for crewmembers who do not require unescorted access to secure areas such as the pilot house and engine room. Employee access areas are those areas which support the passenger areas and crewmembers who would likely be in these areas would be waiters, entertainers, and galley staff. This provision reduces the impact on those employees who rarely need to use spaces beyond those designated for support of passengers while maintaining the integrity of vessels' secure areas.

The production and distribution of a Small Business Compliance Guide, special access benefits for newly hired employees, an informational web site and a live help desk are under development to assist small businesses successfully implement the program.

Small business input will also be crucial in the development of card reader technology so that TSA and the Coast Guard can implement TWIC in a way that meets the needs of all stakeholders.

Q. What technologies are being used in the national rollout?

- A: The TWIC will be a Smart Card (i.e., a card with a small integrated circuit chip embedded in the card) and will contain the following technologies:
- Dual Interface Integrated Circuit Chips (ICC) – a small computer chip that can be read by either inserting the card in a slot in a “contact” card reader; or, holding the card within 10 centimeters of a “contactless” card reader
 - Magnetic Strip – commonly found on the back of credit cards; read by “swiping” the card through a magnetic stripe card reader
 - Linear Bar Code – commonly used to quickly identify items by scanning the codes with an optical reader—i.e. scanning grocery items at a checkout counter