TWIC™ Compliance Port Brief

Prepared for
Port Authorities, Union Leaders & Employers, Owners and Operators of MTSA-Regulated Facilities and Vessels

September 9, 2008
Presented by: Lockheed Martin and Deloitte Consulting LLP
Agenda

Introductions

Important Notes on Compliance

Key Compliance Messages

Important Updates on the Enrollment Process

Resources for Help and Information
Each player has its own unique role in ensuring the clarity of the compliance and enrollment process.

Together, the Outreach and Communications Team will act as the sole source for accurate and consistent information regarding the implementation of compliance for the TWIC Program.
Important Notes on Compliance
The Importance of TWIC Compliance

It’s the Law

- Violations of any provision of this rule may be subject to civil, criminal or administrative actions as are authorized under federal law.
- All MTSA-regulated facilities and vessels are subject to the TWIC program.
- If you require unescorted access to one of these facilities or vessels, you need a TWIC.
- All mariners who hold valid Coast Guard issued licenses, Merchant Mariner Documents (MMDs), Certificates of Registry (COR), and or Standards of Training, Certification, and Watch keeping (STCW) endorsements must obtain a TWIC.

Port Security

- TWIC adds an additional layer of security that continues existing security provisions.
- It is in all stakeholders’ and the nation’s interest to keep in compliance with TWIC to ensure the safety of our nation’s ports.

Economic Incentives

- Noncompliance slows the overall flow of commerce.
- If you require unescorted access but do not have a TWIC you may not be granted access.
- Failure to hold a TWIC by the compliance date may prevent you from carrying out your work duties.

Financial Consequences

- Failure to fully implement the TWIC provisions may result in civil penalties found in MTSA.
Who Needs To Be In Compliance – Port Facilities

- Compliance will be phased in by Captain of the Port (COTP) Zone beginning Oct. 15, 2008.
- Effective on the compliance date for each COTP Zone, anyone requiring unescorted access to the secure areas of MTSA regulated facilities must be in possession of a TWIC.
  - Merchant Mariners requiring unescorted access to these facilities do not need a TWIC until April 15, 2009.
- The following facility populations who require unescorted access and meet the TWIC eligibility requirements must be in compliance by the announced date for the zone:
  - Longshoremen
  - Facility employees who work in a secure area
  - Drayage truckers
  - Truckers bringing/picking up cargo at a facility
  - Surveyors
  - Agents
  - Chandlers
  - Port chaplains
  - Vendors and contractors
  - Other maritime professionals
# Phased-in COTP Zone Compliance

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<td><strong>October 15, 2008</strong></td>
<td><strong>December 1, 2008</strong></td>
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<td>Cape Fear River</td>
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<td>St. Petersburg</td>
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**NOTE:** COTP Zones are arranged in order of tentative groupings for compliance. All compliance announcements will be made in the Federal Register at least 90 days in advance.
Announced: October 15, 2008
- Northern New England
  Burlington, VT
  Bangor, ME
  Portland, ME
  Portsmouth, NH
- Boston (Boston, MA)
- Southeastern New England
  Bourne, MA
  Providence, RI

Announced: October 31, 2008
- Buffalo
  Buffalo, NY
  Oswego, NY
  Rochester, NY
  Ashtabula, OH
  Cleveland, OH
- Duluth
  Ontonagon, MI
  Duluth-Superior, MN
  International Falls, MN
  Minneapolis, MN
  St. Paul, MN

October 31, 2008 Continued
- Detroit
  Detroit, MI
  Bay City, MI
  Marine City, MI
  Sandusky, OH
  Toledo, OH
- Lake Michigan
  Green Bay, WI
  Milwaukee, WI
  Chicago (Calumet), IL
  Joliet, IL
  Indiana Harbor, IN
  Muskegon, MI
  Traverse City, MI
- Sault Ste. Marie
  Sault Ste. Marie, MI
  Alpena, MI
  Calcite, MI
  Escanaba, MI
  Marquette, MI
  St. Ignace, MI

Announced: November 28, 2008
- Corpus Christi
  Corpus Christi, TX
  Brownsville, TX
  Point Comfort, TX
  Victoria, TX
- Port Arthur
  Port Arthur, TX
  Beaumont, TX
  Lake Charles, LA
- North Carolina (Morehead City, NC)
- Cape Fear River (Wilmington, NC)
## December/January 2008-2009 Compliance Dates:

### Enrollment Centers by COTP Zone

<table>
<thead>
<tr>
<th>Announced: December 1, 2008</th>
<th>December 30, 2008 Continued</th>
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# February-April 2009 Compliance Dates:

## Enrollment Centers by COTP Zone

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Who Needs To Be In Compliance
− Mariners, Vessels, and OCS Facilities

• All licensed mariners are required to have a TWIC no later than April 15, 2009.
  − Before April 15, 2009, mariners are eligible for unescorted access through facilities where TWICs are required. However, they must present one of the following forms of identification in lieu of a TWIC:

    1) A valid Merchant Mariner Document (MMD); or
    2) A valid Merchant Mariner License (MML) and a valid photo identification; or
    3) A valid Certificate of Registry (COR) and a valid photo identification.

  − Mariners are reminded to begin the enrollment process early in order to ensure compliance with their deadline.

• The compliance date for all vessels and Outer Continental Shelf (OCS) facilities is April 15, 2009.
  − However, owners and operators who operate in only one COTP zone are encouraged to use TWIC as an access control measure as their COTP zone does.
    − For example, vessel only operates out of the Port of Baltimore; therefore, the vessel chooses to comply with the COTP Zone Baltimore compliance date.
Implementation of Compliance

It is the responsibility of the facility operator to implement the TWIC program by the date of compliance.

• It is the duty of the facility operators/owners/employers to notify those who require a TWIC at least 60 days prior to compliance.
• TWIC Inspection
  − A worker must present a TWIC for inspection if that person wants unescorted access to a secure area. The worker must also have the owner/operator’s authorization to be in the area.
  − On request, a TWIC holder may be asked to show the TWIC to:
    − An authorized TSA, USCG, DHS, or NTSB representative
    − A federal, state, or local law enforcement officer
    − Authorized security staff
• What it means to “inspect”:
  − Match the TWIC photo to the person who presents it
  − Verify the TWIC expiration date has not passed
  − Check for signs that someone tampered with the TWIC
  − Check to make sure the TWIC is authentic
• Possession of an unexpired TWIC constitutes compliance.
  − Enrollment alone in the TWIC program does not satisfy the requirement.
  − Workers need to enroll as soon as possible to ensure possession of a TWIC prior to the compliance date for their zone.
Implementation of Compliance

• If an individual presents a TWIC that an owner/operator believes is fraudulent, the owner/operator should:
  − Deny the individual unescorted access to secure areas
  − Check another ID
  − Call the COTP and inform them that you suspect a suspicious TWIC

• A worker may claim he or she cannot present a TWIC because it has been lost, damaged, or stolen:
  − Do you or your security staff know that the worker had a valid TWIC?
  − Did you give that worker authorization for unescorted access before?
  − Have they reported the TWIC lost, damaged, or stolen to TSA?
  − If you answer “yes” to all three questions, you may let that person have unescorted access to a secure area for 7 days from the day when the individual reported the TWIC lost, damaged, or stolen to TSA only if they produce a receipt indicating they have enrolled for a replacement TWIC.
USCG Enforcement of Compliance

USCG will check for TWIC compliance with security spot checks and during annual compliance exams.

• Ensuring MTSA-regulated facilities and vessels have implemented the TWIC provision:
  – Security officials’ knowledge of the program
  – Facility and vessel owners and operators checking for TWICs

• Conducting individual spot checks:
  – Identity Verification: Biometric match or photo comparison.
  – TWIC Validity: Electronic comparison against hot list or check of printed expiration date.
  – TWIC Authenticity: Electronic check of digital certificate or physical observation of security features.
Key Compliance Messages
What You Should Do Now for Compliance

• Port workers: Get your TWIC!
  − Pre-enroll online.
  − Enroll at an enrollment center.
  − Pick up your TWIC at the enrollment center at which you enrolled.

• Employers: Ensure the continuation of port business.
  − Check to see if employees have their TWICs.
  − Distribute communications materials to all those who need a TWIC.
    − For example, posting flyers at the entrances to facilities.
    − Go to www.twicinformation.com to download printable flyers for each port.

• Port Facility and Vessel Owners and Operators: Ensure the safety of your facility/vessel and be in compliance with TWIC:
  − Spread information throughout the community regarding the compliance date for your facility and who needs a TWIC.
  − Clarify to workers what the secure and restricted areas are of the facility/vessel and your escorting provisions.
  − Specify consequences for those attempting to gain unescorted access to your facility/vessel without a TWIC once compliance begins.
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<th>Myth</th>
<th>Fact</th>
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| Compliance was extended until April 15th, 2009. Therefore, I can wait until then to get my TWIC. | - Compliance will be phased in by COTP Zone beginning OCTOBER 15, 2008. To see when compliance will be implemented in your COTP zone visit tsa.gov/twic.  
- Compliance for mariners, vessels, and OCS facilities is April 15, 2009. |
| I can wait until the month before my compliance date to enroll for a TWIC. | - Currently the average turnaround time is 3-4 weeks. Complications involving the background check, fingerprint matching, etc could extend the process.  
- As more and more ports near compliance, turnaround times could increase to deal with the increase in activity.  
- Appointments will be harder to schedule and wait times at the enrollment centers may increase as your port nears compliance.  
- If you require the waiver/appeal process, you need to enroll AT LEAST 60 days prior to compliance. |
| I have a disqualifying criminal offense. Therefore, I cannot enroll for a TWIC. | - Unless you committed one of the first four permanent disqualifying offenses listed (see slide 25), you can still apply for a TWIC. Indicate at enrollment center that you will need to begin the waiver/appeal process.  
- The success rate for the waiver/appeal process has been very high. |
| My TWIC will expire 5 years after I activate it. Therefore, I can wait until the last minute to pick up my card to extend its life. | - The 5 years your card is good for begins once your card is printed. Therefore, it is in your best interest to pick up the card and activate it as soon as you are notified that it is ready. |
| Due to the escorting provision, I do not need a TWIC and will just be escorted whenever I need access to secure areas. | - Facilities and vessels are not required to have escorts.  
- You must check with facility or vessel owners and operators to see if you need a TWIC to gain access to secure areas and what their escorting provisions will be. |
Use of the Waiver/Appeal Process

- Those needing the appeal/waiver process:
  - Don’t wait and take advantage of the fair waivers/appeals process. Recommended to start the enrollment process AT LEAST 60 days prior to compliance.
  - If you receive a letter from TSA identifying that additional information is required, please provide it as soon as possible.
  - Those who have utilized the process have had a high success rate in obtaining a TWIC.
  - Below are statistics as of 9-05-2008

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<th>Number of Waivers Requested</th>
<th>Number of Waivers Granted</th>
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<table>
<thead>
<tr>
<th>Number of Appeals Requested</th>
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<tr>
<td>6,910</td>
<td>4,622</td>
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Important Updates on the Enrollment Process
Review of Enrollment Process

1. **PRE-ENROLL**
   - Web Site
     - [www.tsa.gov/twic](http://www.tsa.gov/twic)
   - Call Center (Hours 8AM – 12AM EST)
     - 1-866-DHS-TWIC
     - 1-866-347-8942

2. **GATHER DOCUMENTS**

3. **ENROLL**

4. **PICK UP TWIC**

- **By Pre-enrolling you will:**
  - Receive an appointment time and avoid lines at the Enrollment Center.
  - Provide your personal information ahead of time and in a secure manner.
  - Save about five minutes during the enrollment process and possibly much more waiting time at the Enrollment Center.
  - No payment until you enroll at the Enrollment Center.
  - After pre-enrollment, you must still enroll at the designated Enrollment Center to complete the enrollment process.
Required Documentation

At the Enrollment Center applicants must provide the appropriate documents in order to verify their identity.

List A (Any 1 of list below):
- Unexpired U.S. Passport
- Unexpired Permanent Resident Card
- Unexpired Alien Registration Receipt Card with photograph
- Unexpired Foreign Passport
- Unexpired FAST (Free and Secure Trade) Card
- Unexpired (MMD) Merchant Mariner Document

Or

List B (Need 2 and one must be a government-issued photo ID):
- U.S. Certificate of Citizenship (N-560, 561)
- U.S. Certificate of Naturalization (N-550 or 570)
- Driver’s license issued by a State or outlying possession of the United States
- ID Card issued by a State or outlying possession of the United States
  - Must include a State or State agency seal or logo (such as state port authority ID or State University ID)
- Original or certified copy of birth certificate issued by a State, county, municipal authority, or outlying possession of the United States bearing an official seal
- Voter’s Registration Card
- Consular Report of Birth Abroad
- U.S. Military ID card or U.S. Retired Military ID
- U.S. Military Dependent’s Card
- Expired U.S. Passport
- Native American Tribal Document
- U.S. Social Security Card
- U.S. Citizen Card I-197
- U.S. Military Discharge Papers DD-214
- Department of Transportation (DOT) Medical Card
- Civil Marriage Certificate
- MML (Merchant Mariner License) bearing an official raised seal, or a certified copy
Immigration Requirements

1. U.S. citizen or U.S. national
2. Lawful permanent resident of the U.S.
5. Alien in valid M-1 nonimmigrant status enrolled at the U.S. Merchant Marine Academy or a comparable State maritime academy.
7. Commercial driver licensed in Canada or Mexico to transport hazardous materials or admitted to U.S. to conduct business. under 8 CFR 214.2(b)(4)(i)(E).
8. Alien with unrestricted authorization to work in the U.S. holding one of the following visas:
   • A-1: Immediate family members of an Ambassador, Public Minister, Career Diplomat, Consular Officer, Head of State, with a bilateral agreement in place;
   • A-2: Immediate family members of other foreign government officials or employees coming to the United States, including technical and support staff of A-1, with a bilateral agreement in place;
   • A-13: Family unity;
   • E-1: Spouse and dependent children of an treaty trader;
   • E-2: Spouse of a treaty investor or employee of a treaty investor spouse;
   • G-1: Immediate family member of a principal resident representative of recognized foreign member government to international organization and staff, with a bilateral agreement in place;
   • G-3: Immediate family member of a representative of a non-recognized or nonmember foreign government to international organization, with a bilateral agreement in place;
   • G-4: Immediate family member of an International organization officer or employee with a bilateral agreement;
   • J-2: Spouse or minor child of exchange visitor;
   • K-3: Spouse of U.S. Citizen (under LIFE Act provisions);
   • K-4: Child of K-3;
   • L-2: Spouse or child of L-1;
   • N-8: Parent of alien classified SK-3 “special immigrant”;
   • N-9: Child of N-8, SK-1, SK-2, or SK-4 “special immigrant;”
   • Immediate family members of North Atlantic Treaty Agreement (NATO) officials and representatives with a bilateral agreement in place for the following visa types:
     • NATO-1
     • NATO-2
     • NATO-3
     • NATO-4
     • NATO-5
     • NATO-6
   • S-7: Spouse, unmarried sons and daughters, and parents of witness or informant;
   • T-1: Victim of a severe form of trafficking in persons;
   • T-2: Spouse of victim of a severe form of trafficking in persons;
Immigration Requirements - Continued

- T-3: Child of victim of a severe form of trafficking in persons;
- T-4: Parent of victim of a severe form of trafficking in persons (if T-1 is under 21 years of age);
- T-5: Unmarried sibling under age of 18 of a T-1 under age of 21;
- U-1: Victim of certain criminal activity;
- U-2: Spouse of U-1;
- U-3: Child of U-1;
- U-4: Parent of U-1 (if U-1 is under 21 years of age);
- U-5: Unmarried sibling under age 18 of a U-1 under age 21
- V-1: Spouse of an LPR who is the principal beneficiary of a family-based petition which was filed prior to December 21, 2000, and has been pending for at least 3 years;
- V-2: Child of an LPR who is the principal beneficiary of a family-based visa petition that was filed prior to December 21, 2000, and has been pending for at least 3 years;
- V-3: The derivative child of a V-1 or V-2; OR
- TPS: Temporary protected status (TPS).

9. Alien with restricted authorization to work in the U.S. holding one of the following visas:
- B1-OCS: Business visitor/outer continental shelf (OCS);
- C-1/D: Combined transit and crewman visa;
- E-1 (Principal): Treaty trader or employee of treaty trader;
- E-2 (Principal): Treaty investor, or employee of treaty investor;
- E-3: Australian nationals working in specialty occupations, including spouse;
- H-1B: Specialty occupations;
- L-1A: Executive, managerial (intracompany transferee);
- L-1B: Specialized knowledge professionals;
- M-3: Canadian or Mexican national commuter student;
- O-1A: Extraordinary ability in sciences, arts, education, business, or athletics;
- O-1B: Extraordinary achievement in motion picture and/or television productions; OR
- TN: Trade visas for Canadian and Mexican business persons seeking to engage in professional activities under the North American Free Trade Agreement (NAFTA).

NOTE: The following visa types with unrestricted work authorization are not permitted to obtain a TWIC:
- S-5: Informant of criminal organization information;
- S-6: Informant of terrorism information;
- K-1: Fiancé or fiancée of U.S. Citizen; OR
At the Enrollment Center

1. Review and sign TWIC Application Disclosure Form
2. Pay enrollment fee
3. Provide personal information (Skip if pre-enrolled)
4. Provide necessary documentation
5. Provide fingerprints
6. Sit for digital photograph

- **Cost:**
  - A TWIC costs $132.50 or
  - A reduced fee of $105.25 is available for applicants who present one of the following:
    - Hazardous Materials Endorsement (HME) issued after May 31, 2005,
    - Free and Secure Trade (FAST) card,
    - Merchant Mariner Document (MMD) issued after February 3, 2003,
  - Replacement cost $60

- **Payment:**
  - Credit Card (Visa, MasterCard); Money Order; Certified Check (payable to Lockheed Martin)
  - Employers/Organizations paying for employees may choose to pay by Corporate Check, or may issue “pre-paid” debit cards to employees (to order visit www.twiccard.com)

- **No Cash or Personal checks will be accepted**
Permanent Disqualifying Offenses

Conviction for one of the following felonies is disqualifying regardless of when it occurred, and the applicant is not eligible for a waiver.

1. Espionage or conspiracy to commit espionage.
2. Sedition, or conspiracy to commit sedition.
3. Treason, or conspiracy to commit treason.
4. A federal crime of terrorism as defined in 18 U.S.C. 2332b(g), or comparable State law, or conspiracy to commit such crime.

Conviction for one of the following felonies is disqualifying regardless of when it occurred, and the applicant may apply for a waiver.

5. A crime involving a transportation security incident. 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.
6. Improper transportation of a hazardous material under 49 U.S.C. 5124, or a State law that is comparable.
7. Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. An explosive or explosive device includes an explosive or explosive material as defined in 18 U.S.C. 232(5), 841(c) through 841(f), and 844(j); and a destructive device, as defined in 18 U.S.C. 921(a)(4) and 26 U.S.C. 5845(f).
8. Murder.
9. Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility.
10. Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of one of the crimes listed above.
11. Attempt to commit the crimes in items 1 - 4.
12. Conspiracy or attempt to commit the crimes in items 5 – 10.
Interim Disqualifying Offenses

Conviction for one of the following felonies is disqualifying if the applicant was convicted, pled guilty (including “no contest”), or found not guilty by reason of insanity within 7 years of the date of the TWIC application; OR if the applicant was released from prison after conviction within 5 years of the date of the application. The applicant may apply for a waiver.

1. Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. A firearm or other weapon includes, but is not limited to, firearms as defined in 18 U.S.C. 921(a)(3) or 26 U.S.C. 5 845(a), or items contained on the U.S. Munitions Import List at 27 CFR 447.21.

2. Extortion.

3. Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering where the money laundering is related to a crime described here (permanent or interim disqualifying offense). Welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation for purposes of this paragraph.


5. Smuggling.

6. Immigration violations.

7. Distribution of, possession with intent to distribute, or importation of a controlled substance.

8. Arson.

9. Kidnapping or hostage taking.

10. Rape or aggravated sexual abuse.

11. Assault with intent to kill.

12. Robbery.

13. Fraudulent entry into a seaport as described in 18 U.S.C. 1036, or a comparable State law.


15. Conspiracy or attempt to commit interim disqualifying offenses 1-14.
Pick Up Your TWIC™

• Applicants will be notified by phone or email when their TWIC is ready.
• Return to the same Enrollment Center you enrolled at.
• Pick up and activate your TWIC.
• Don’t forget your PIN.
• 5 years starts when your TWIC is printed, not from activation.
• Note: For Mobile Enrollment Center applicants, Lockheed Martin will make a return trip to the mobile enrollment site at a later date to activate cards. If the enrollee cannot be present at that time, they will need to go to the nearest fixed enrollment center for card activation.
Resources for Help and Information
TWIC™ Website:  
tsa.gov/twic

• The TWIC Website is a valuable resource for stakeholders to obtain current information about enrollment and compliance.
• Check your card status or schedule a card pick up.
• Pre-enroll and schedule an enrollment appointment.
• Look up frequently asked questions and other important information regarding the program.
• It contains the following information for all 149 enrollment centers:
  - Address
  - Hours of operation
  - Maps with directions to the enrollment center
  - Compliance date
  - Downloadable, printable communications materials
TWIC™ Helpdesk:

- TWIC Helpdesk is a valuable resource for stakeholders regarding questions/concerns about enrollment and compliance.
- Staffing and resource increases have reduced wait times and improved customer service.
- To call the helpdesk: 1-866-DHS-TWIC
  - Available Monday through Friday from 8:00 a.m. until 12:00 a.m. EST
- New email option is now available: [www.twicinformation.tsa.dhs.gov/twicinfo/contact.jsp](http://www.twicinformation.tsa.dhs.gov/twicinfo/contact.jsp)
Contact Information

Deloitte Consulting LLP:

• Justin Wright (juswright@deloitte.com)
  804-402-0356
• Elizabeth Reid (ereid@deloitte.com)
  202-384-5655

Transportation Security Administration:

• 1-866-DHS-TWIC (866-347-8942)
• credentialing@dhs.gov

USCG

• HOMEPORT.USCG.MIL.
• 877-687-2243 (877-MTSA-AID)
• USCG-TWIC-HELPDESK@USCG.MIL