

# **TWIC/MTSA POLICY ADVISORY COUNCIL**

**February 10, 2009**

## **Policy**

### **30 Day Unescorted Access Extension to Individuals Awaiting Receipt of a Replacement TWIC**

03-09

**Issue** – Transportation Workers who have reported their TWIC lost, damaged, or stolen to TSA are in some cases experiencing a longer than 7 day turn-around before receiving a replacement TWIC. TSA is currently prioritizing card production orders for individuals in Captain of the Port (COTP) zones in compliance or soon coming into compliance. Due to this prioritization, in some cases, individuals who have reported their TWIC as lost, damaged, or stolen and have requested a replacement may not receive it within 7 calendar days. Under current regulations, individuals may only be granted unescorted access for 7 calendar days pending receipt of a replacement TWIC. If a replacement TWIC cannot be produced and delivered to an enrollment center within 7 calendar days can an individual still be granted unescorted access beyond 7 days?

**Background** –33 CFR 105.255 requires that MTSA regulated facility owners/operators prevent an unescorted individual from entering a secure area unless he/she holds a TWIC. However, if an individual cannot present a TWIC because it has been lost, damaged, or stolen, and was previously granted unescorted access by the owner/operator, unescorted access may be granted for no longer than 7 consecutive calendar days (33 CFR 105.255(c)(2)). The regulations further describe the process which must be followed by the owner/operator prior to granting unescorted access to an individual who has reported their TWIC as lost, damaged, or stolen (33 CFR 105.255(c)(2)(i),(ii), and (iii)).

Due to the current level of card transactions being processed by TSA it is possible that an individual who has reported their TWIC as lost, stolen, or damaged and paid for a replacement TWIC will not receive it within 7 consecutive calendar days. As currently written, the regulations in 33 CFR 105 only grant an individual up to 7 days of unescorted access without a TWIC while they await delivery of their replacement credential.

Policy Advisory Council (PAC) Decision 07-08 Change 4, dated January 29, 2009 may be utilized to mitigate such circumstances for many individuals since they have successfully passed a security threat assessment, however, the provisions of PAC 07-08 Change 4 have expired for 15 COTP zones and is currently scheduled to expire for another 14 COTP zones by the end of February 2009.

**Discussion** –In order to minimize disruptions to maritime operations and commerce within COTP Zones that have begun compliance and those COTP Zones that will soon begin compliance, owner/operators of MTSA regulated facilities may authorize unescorted access to an individual who has reported their TWIC to TSA as lost, damaged, or stolen and has yet to receive a replacement TWIC within seven (7) calendar days an

additional thirty (30) calendar days of unescorted access pending receipt of a replacement TWIC provided that all requirements under 33 CFR 105.255(c)(2)(i),(ii), and (iii) are met **and** the following:

- 1) The individual provides proof that a replacement TWIC has been ordered ( a payment receipt (for \$60.00) is acceptable as proof); and
- 2) Provide the FSO, or other facility employee with security duties, the individual's first name and last name. This information can then be used by the facility to confirm that the individual has successfully passed the TWIC security threat assessment and has not had a TWIC revoked for cause by using the secure (password protected) side of homeport.uscg.mil. A list of individuals for each enrollment center who have passed the security threat assessment is posted under the headings TWIC>General Information>PAC 07-08 List of Individuals.
- 3) The individual has waited at least 7 calendar days to receive their replacement TWIC (from the date the replacement fee was paid).

COTPs should work closely with facility owners and operators to ensure that the above policy is implemented to provide a temporary equivalent security measure at MTSA regulated facilities while minimizing impacts on maritime operations and commerce.

**Applicability:**

This PAC will remain in effect until **July 15, 2009.**