

TWIC/MTSA POLICY ADVISORY COUNCIL

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Policy

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

03-09 Change 4

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. 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 104.265, 105.255, and 106.260 require that MTSA regulated vessel, facility, and OCS facility owners/operators prevent an unescorted individual from entering a secure area unless the individual 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 (see 33 CFR 104.265(c)(2), 105.255(c)(2), 106.260(c)(2)). The regulations further describe the process which the owner/operator must follow prior to granting unescorted access to an individual who has reported their TWIC as lost, damaged, or stolen (see 33 CFR 104.265(c)(2)(i),(ii), and (iii), 105.255(c)(2)(i),(ii), and (iii), and 106.260(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 and noted above, this means that individuals may lose their ability to gain unescorted access under the regulations while waiting for delivery of their replacement credential.

Policy – In order to minimize disruptions to maritime operations and commerce within COTP Zones, owners/operators of MTSA regulated vessels, facilities, and OCS facilities may authorize unescorted access to an individual who has reported (reporting for individuals operating aboard MTSA regulated vessels or OCS facilities must be made immediately upon returning to port) 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 104.265(c)(2)(i),(ii), and (iii), 105.255(c)(2)(i),(ii), and (iii), or 106.260(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 VSO, FSO, or other designated employee with security duties, the individual's first name and last name and application I.D. (if known). This information can then be used by the facility to confirm that the individual has previously held a valid TWIC and has ordered a replacement by using the card status check feature on TSA's website located at: <http://twicinformation.tsa.dhs.gov/twicinfo>.

Note - During the weekend and times in which TWIC enrollment centers and TSA's Help Desk are not operational, making it impossible to comply with the preceding procedures, a transportation worker may follow the procedures set out below. For the purposes of this PAC Decision, the weekend period is defined as 10 p.m. Friday to 8 a.m. Monday Eastern Standard Time (EST).

- 1) As currently operating, TSA's Help Desk is available Monday through Friday from 8 a.m. until 10 p.m. EST. Transportation workers should NOT contact the Coast Guard if they are unable to contact TSA's Help Desk after hours or on weekends.
- 2) In the event that a transportation worker is unable to report a lost, damaged, or stolen TWIC due to unavailability of the Help Desk, TSA's card status check (available 24/7 on-line) should be utilized to provide proof that an individual once held a valid TWIC. In the case of a lost or stolen card over a weekend period, the transportation worker should provide the FSO or VSO with information necessary to complete the card status check, and thereby allow unescorted access.
- 3) Although 33 CFR 104.265(c)(2)(i), 105.255(c)(2)(i), or 106.260(c)(2)(i) requires reporting of a lost, damaged, or stolen TWIC to TSA immediately, it is understood that the requirement will be met as soon as the capability to do so is available (Mon-Fri, 8a.m. – 10 p.m. EST) and should not preclude a transportation worker from obtaining access during the weekend or times when the TSA Help Desk is not operational as long as all other elements under 33 CFR 104.265(c)(2), 105.255(c)(2), or 106.260(c)(2) and/or this PAC decision are met. However, subsequent access following normal operational hours outlined above shall be denied if a worker has not reported a card lost, stolen, or damaged, in order to avoid abuse of this policy.

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

Applicability:

This PAC will remain in effect until **FURTHER NOTICE**.