

# **TWIC/MTSA POLICY ADVISORY COUNCIL**

**February 10, 2009**

**Updated October 13, 2009**

## **Policy**

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

**03-09 Change 3**

**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 requires that MTSA regulated vessel, facility, and OCS 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 104.265(c)(2), 105.255(c)(2), 106.260(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 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, the regulations in 33 CFR 104, 105, and 106 only grant an individual up to 7 days of unescorted access without a TWIC while they await delivery of their replacement credential.

**Policy** –In order to minimize disruptions to maritime operations and commerce within COTP Zones, owner/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>.

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.**