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Transportation Worker Identification Credentials ("TWIC")

Update: Port of Boston

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On November 30, 2007, early enrollment began in the Department of Homeland Security's Transportation Worker Identification Credential (TWIC) program for port workers, longshoremen, truckers and others at the Port of Boston. The Transportation Safety Administration (TSA) has been tasked with the enrollment process. Once implemented, the U.S. Coast Guard (USCG) will handle compliance and enforcement of the program and its objectives.

TSA and USCG have described the TWIC as 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." It should be noted that the TWIC program will impact recreational boating only if a facility is located within the security area of a port, *however, all mariners holding Coast Guard-issued credentials, including the Operator of Uninspected Passenger Vessels (OUPV) "six-pack" license, will have to obtain a TWIC.*

The objective of the TWIC enrollment program is to ensure that individuals allowed unescorted access to secure areas of port facilities and vessels have received a comprehensive background check and are not a threat to port security. A TWIC will be issued to maritime and transportation employees once they have completed the enrollment process and passed a security threat assessment conducted by the TSA.

TWIC candidates in the region are able to pre-enroll for TWIC online at <http://www.tsa.gov/twic>. Pre-enrollment is highly recommended and greatly expedites the process, by allowing TWIC applicants to provide biographic information and schedule a time to complete the application process in person. Pre-enrollment to date has been successful in eliminating waiting at enrollment centers and in reducing the time it takes to enroll each individual. During the online pre-enrollment process, applicants are able to review the required documentation, procedures, applicable fees, and Disclosure Agreement to be executed by all TWIC enrollees.

The TWIC regulations, which are listed at <http://www.tsa.gov/twic>, identify both "permanent" and "interim" disqualifying offenses.^[1] Candidates must disclose any and all applicable disqualifying offenses during the enrollment process. A waiver and appeals

^[1] "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, and crimes 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, work stoppage, or other nonviolent employee-related action, resulting from an employer-employee dispute is not a transportation security incident.

"Interim" disqualifying criminal offenses include: conviction in the last seven years or incarceration within the last five years from application for a TWIC 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 are not eligible for a waiver.

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process will be available for applicants who are found to be disqualified. The TSA, upon review of provided appeals information, may grant a waiver if it determines that the applicant does not pose a security threat. Applicants who are denied a waiver may seek a review of the denial before an Administrative Law Judge. Certain offenses, including without limitation, espionage, treason, and terrorism related crimes, are not eligible for waiver.

The "fixed" enrollment center for Massachusetts is located at 28 Damrell Street, Suite 104, Boston, MA 02127. The center's hours of operation are Monday through Friday, 8:00 a.m. to 5:00 p.m. Unions and employers with fifty (50) or more prospective applicants may file a request for a "mobile" enrollment center to visit their facility and conduct the enrollment process. Facilities interested in requesting a mobile enrollment center may contact the Boston Field Coordinator, Glenn Graham, via email at glenn.c.graham@lmco.com.

Enforcement and compliance for vessels and mariners commences on September 25, 2008. Mariners may use their existing credentials until that time for unescorted access. An enforcement and compliance date for terminals and facilities has yet to be determined. Notice will be published in the Federal Register no fewer than ninety (90) days prior to the enforcement and compliance date. It is advisable that during the TWIC implementation period all commercial vessels and facilities revisit and revise their respective security plans to include the TWIC program requirements.

Helpful Information & Links:

TSA's TWIC Program Help Desk can be reached at 1-866-347-8942. The help desk will be available Monday through Friday from 8:00 a.m. until midnight EST. <http://www.tsa.gov/twic> .

USCG's TWIC Help Desk can be reached at 1-877-687-2243. You may also correspond by email at uscg-twic-helpdesk@uscg.mil or <http://homeport.uscg.mil> .

Published Updates in the Federal Register can be viewed at <http://fr.cos.com> .

Patrick Owens McAleer is an associate with Looney & Grossman, LLP. His practice encompasses the areas of maritime and transportation law, as well as general litigation. Patrick, who is a Coast Guard licensed captain, is currently in the process of applying for a TWIC. If you would like more information or assistance regarding the TWIC program, you may contact Attorney McAleer at (617) 235-8633 or at pmcaleer@lgllp.com.

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