



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

### Background

The *Maritime Transportation Security Act of 2002*<sup>1</sup> (MTSA) requires that all individuals who need unescorted access to MTSA regulated facilities obtain a biometric identification credential.<sup>2</sup> The Transportation Security Administration (TSA) and the United States Coast Guard (USCG) established the Transportation Worker Identification Credential (TWIC) and jointly manage the TWIC program. TSA oversees the eligibility and the background check process, and issues the card. USCG enforces the use of TWICs and other MTSA requirements at the ports, as pictured in figure 1.

Figure 1. MTSA Facility



Source: United States Coast Guard (USCG)

TWIC is integral to the safety of the ports and other maritime facilities. Both private and public facility owners rely on TSA to conduct thorough background checks, which TSA refers to as security threat assessments, on individuals seeking jobs that require unaccompanied access to restricted areas. Having a TWIC alone (a sample of which is shown in figure 2) does not grant access to restricted areas. The person must also have a verified need to be in the area, which the respective facility authorizes.

Figure 2. Sample TWIC



Source: USCG

<sup>1</sup> Pub. L. No. 107-295

<sup>2</sup> TSA embeds the Transportation Worker Identification Credential with an encrypted file containing a cardholder's name, photo, two fingerprints, and the expiration date of the credential.



## OFFICE OF INSPECTOR GENERAL

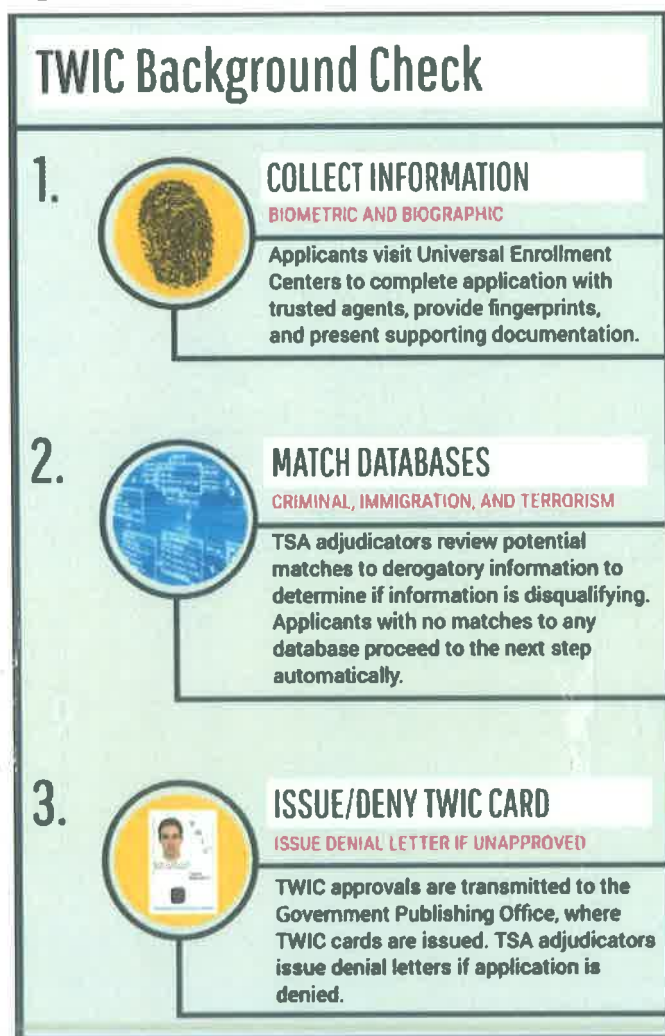
Department of Homeland Security

As of October 2015, TSA had issued more than 3.5 million TWICs, including both initial cards and renewals, of which approximately 2.1 million unique cards were active. As of February 1, 2015, it costs applicants \$128 to apply for a 5-year TWIC. The TWIC population consists primarily of dockworkers, truckers, port employees, and U.S. merchant mariners.

### TWIC Background Check Process

TSA is responsible for reviewing TWIC applications within 30 days of receipt. Figure 3 provides an overview of the steps TSA takes to complete the background check process.

**Figure 3. TWIC Background Check**



#### **Step 1.**

Applicant goes to a TSA contracted Universal Enrollment Center to complete an application disclosure form, provide required documents, provide a set of fingerprints, sit for a digital photograph, and pay a fee. Trusted Agents, who work for the center, assist applicants and confirm that the documents provided match the identity of the individual, are certified, and valid.

#### **Step 2.**

TSA uses the applicants' biographic and biometric information, housed in TSA's Technology Infrastructure Modernization system, to correlate against four databases to check for criminal, immigration, and terrorism-related offenses that could preclude the applicant from obtaining a TWIC.

Source: Office of Inspector General (OIG) analysis of the Transportation Security Administration (TSA) data.



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

Under TWIC regulations at 49 Code of Federal Regulations (CFR) 1572.5(a), TSA determines that an applicant poses a security threat and may deny a TWIC if —

**(1)** The applicant has a disqualifying criminal offense described in 49 CFR 1572.103. Per the regulations, there are 12 permanently disqualifying and 15 interim disqualifying offenses. Appendix C provides the list of disqualifying offenses TSA uses.

Permanent disqualifying offenses include espionage, treason, murder, and a Federal crime of terrorism. Interim disqualifying offenses include extortion, immigration violations, unlawful possession, use, or sale of a firearm or other weapon.

**(2)** The applicant does not meet the immigration status requirements described in 49 CFR 1572.105.

Source: TSA

**(3)** TSA conducts the analyses described in 49 CFR 1572.107 and determines that the applicant poses a security threat.

**(4)** The applicant has been adjudicated as lacking mental capacity or committed to a mental health facility, as described in 49 CFR 1572.109.

To perform the background check and complete its analyses, TSA compares the applicant's information against four main systems. These systems include:

- Federal Bureau of Investigation's (FBI) Next Generation Identification System that provides criminal history information;
- U.S. Citizenship and Immigration Services' Systematic Alien Verification for Entitlements to verify lawful immigration status;
- TSA's Transportation Vetting System, which matches an applicant's information against select terrorist watch lists, U.S. Marshals Wants and Warrants, and Office of Foreign Asset Control persons of interest; and
- Office of Biometric Identity Management's Automated Biometric Identification (IDENT) system for a biometric and fingerprint-based check against derogatory information provided by DHS, the Department of State, the Department of Justice, and the Department of Defense.

Approximately 40 percent of all applications trigger no matches against any of the data systems screened. For those applications, the TSA automated information system electronically adjudicates and approves the file. Electronic adjudications take approximately 1 to 39 days to reach a decision. The remaining 60 percent of the applications may match one or more databases and require a manual review. Adjudicators in the Security Threat Assessment Operations Adjudication Center conduct the manual adjudication. They are Federal employees trained to review each piece of information available and determine whether to grant or deny a TWIC. They also process waivers and



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

appeals. Manual adjudications typically apply to cases that are more complex. Based on our review of 235 manually adjudicated cases, adjudicators may take up to 140 days to reach a decision.

#### **Step 3.**

Once applicant eligibility is approved, TSA's automated information system sends a signal to the Government Publishing Office to issue the TWIC. When adjudicators determine that the applicant is not eligible to receive a TWIC, they issue a denial letter. Applicants may request a waiver or appeal of the TSA decision.

#### TWIC Funding

The revenue generated by the enrollees funds the program for approximately 5 years. Congress does not appropriate funds to operate the TWIC program. Instead, TSA carries over any unused portion of the TWIC fees it collects each year to the next fiscal year. Between FYs 2012 and 2015, TSA collected approximately \$221 million in fees.

#### Prior Audits

In May 2011 and May 2013, the Government Accountability Office (GAO) published two audit reports<sup>3</sup> on the TWIC program. In 2011, GAO identified internal control weaknesses with TSA's background check process and found that TSA did not have program controls for ensuring that TWIC holders maintained their eligibility. In 2013, GAO identified issues with the electronic card reader pilot intended to test enforcement of TWICs at ports through biometric card readers. Among its recommendations, GAO recommended the Secretary of DHS strengthen the TWIC program's controls for preventing and detecting fraud. GAO also recommended that TSA define the term "extensive criminal history" for use in the adjudication process and identify mechanisms for detecting whether TWIC holders continue to meet TWIC eligibility requirements. As of April 2016, all five of GAO's recommendations remained open<sup>4</sup> and MTSA facilities were not required to use card readers for TWIC cards<sup>5</sup>.

<sup>3</sup> *Transportation Worker Identification Credential: Internal Control Weaknesses Need to Be Corrected to Help Achieve Security Objectives* (GAO-11-657) and *Transportation Worker Identification Credential: Card Reader Pilot Results Are Unreliable; Security Benefits Need to Be Reassessed* (GAO-13-198)

<sup>4</sup> After the issuance of the draft report, GAO closed two of its five recommendations. One recommendation was closed as not implemented, and the other because of Congressional action. The three remaining open recommendations pertain to DHS's oversight of the TWIC program and the need for internal control reviews of the various parts of the process from application to use at secure facilities.

<sup>5</sup> The TWIC reader requirements final rule (81 FR 57652) was published on August 23, 2016, and will be effective August 23, 2018.