Summary of USCG Changes from the Proposed Rule to the Final Rule

TOPIC	Propose Rule, May 22, 2006	Final Rule, *date*
Access Control	Visual identity badge and reader with biometric verification and validity check at facility/vessel based on MARSEC level.	Visual identity badge. Coast Guard will conduct periodic checks of biometric and validity. A second rule will be issued for reader requirements.
Escorted Access	Definition only.	Definition modified to clarify that in restricted areas (33 CFR 101.105), "escort" means a side-by side escort; outside restricted areas, "escort" may consist of monitoring.
New Hires	Not granted unescorted access to secure areas until successful completion of security threat assessment and card issuance.	Permitted to have limited access for 30 consecutive days if accompanied by TWIC-holder and additional requirements are met.
Passenger Access Areas	Defined only for certain vessels (passenger, ferries, cruise ships).	Passenger access area remains and employee access area for certain vessels added (employee access areas do not apply to cruise ships).
TWIC Addendum & Recordkeeping Requirements	Included.	Excluded.
Secure Area	Definition Only.	Clarified definition's meaning in preamble, and revised part 105 to allow part 105 facilities to submit FSP amendment to change access control area.
Lost/Stolen/Damaged Cards	Access procedures defined in TWIC addendum.	Specific requirements included in regulation.
AMS Committee Members	Need TWIC.	Need name-based check or a TWIC.
Vessels in Foreign Waters	No special provisions.	Changed secure area definition to state that at certain specified times, U.S. vessels may not have any secure areas.
Emergency Responders	Not specifically addressed.	Not required to obtain a TWIC for emergency response.
Voluntary Compliance	Offered.	Not offered.
Compliance Dates	12-18 months after final rule.	Phased for facilities by each COTP zone. All mariners and vessels 20 months after the publication date of this final rule.
Disqualifying Crimes	Same as those used for HME.	Amended; new list will apply for both TWIC and HME.
Administrative Law Judge(ALJ) Review	Not included.	May be used for waiver denials and disqualifications under §1572.107.
Immigration Standards	Limited ability for non-U.S. citizens to obtain TWIC.	Expanded to cover foreign maritime students, and certain professionals and specialists on restricted visas; permitting aliens in TPS to apply for a waiver.
Mental Incapacity	Could only be waived by showing court order or letter from an institution.	Waiver broadened to allow for "case-by-case" determinations.
Fee	$95-$149 for initial card; $36 replacement fee	$107-$159 for initial card; $36 replacement fee but requesting comment on increasing this fee to $60