

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

<b>TOPIC</b>	<b>Propose Rule, May 22, 2006</b>	<b>Final Rule, date</b>
<i>Access Control</i>	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.
<i>Escorted Access</i>	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.
<i>New Hires</i>	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.
<i>Passenger Access Areas</i>	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).
<i>TWIC Addendum &amp; Recordkeeping Requirements</i>	Included.	Excluded.
<i>Secure Area</i>	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.
<i>Lost/Stolen/Damaged Cards</i>	Access procedures defined in TWIC addendum.	Specific requirements included in regulation.
<i>AMS Committee Members</i>	Need TWIC.	Need name-based check or a TWIC.
<i>Vessels in Foreign Waters</i>	No special provisions.	Changed secure area definition to state that at certain specified times, U.S. vessels may not have any secure areas.
<i>Emergency Responders</i>	Not specifically addressed.	Not required to obtain a TWIC for emergency response.
<i>Voluntary Compliance</i>	Offered.	Not offered.
<i>Compliance Dates</i>	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.
<i>Disqualifying Crimes</i>	Same as those used for HME.	Amended; new list will apply for both TWIC and HME.
<i>Administrative Law Judge(ALJ) Review</i>	Not included.	May be used for waiver denials and disqualifications under §1572.107.
<i>Immigration Standards</i>	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.
<i>Mental Incapacity</i>	Could only be waived by showing court order or letter from an institution.	Waiver broadened to allow for "case-by-case" determinations.
<i>Fee</i>	\$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