

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 8507(d)(1) of div. G of Pub. L. 116–283 effective Dec. 4, 2018, as if included in Pub. L. 115–282, see section 8507(d)(7) of Pub. L. 116–283, set out as a note under section 1226 of Title 33, Navigation and Navigable Waters.

## EFFECTIVE DATE OF 2018 AMENDMENT

Amendment of section by section 1805(d) of Pub. L. 115–254 applicable to assessments or security plans, or updates to such assessments or plans, submitted after the date that the cybersecurity risk assessment model is developed under subsection 1805(a) of Pub. L. 115–254, set out as a note under section 70112 of this title, see section 1805(d)(3) of Pub. L. 115–254, set out as a note under section 70102 of this title.

## TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

## SEAMEN'S SHORESIDE ACCESS

Pub. L. 111–281, title VIII, §811, Oct. 15, 2010, 124 Stat. 2995, provided that: “Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen’s welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.”

## RISK ASSESSMENT TOOL

Pub. L. 109–347, title I, §111, Oct. 13, 2006, 120 Stat. 1894, provided that: “In updating Area Maritime Security Plans required under section 70103(b)(2)(F) [now section 70103(b)(2)(G)] of title 46, United States Code, and in applying for grants under section 70107 of such title, the Secretary of the Department in which the Coast Guard is operating shall make available, and Area Maritime Security Committees may use a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard.”

## REVISION OF PORT SECURITY PLANNING GUIDE

Pub. L. 107–295, title I, §113, Nov. 25, 2002, 116 Stat. 2093, provided that: “The Secretary of Transportation, acting through the Maritime Administration and after consultation with the National Maritime Security Advisory Committee and the Coast Guard, shall publish a revised version of the document entitled ‘Port Security: A National Planning Guide’, incorporating the requirements prescribed under chapter 701 of title 46, United States Code, as amended by this Act, within 3 years after the date of enactment of this Act [Nov. 25, 2002], and make that revised document available on the Internet.”

**§ 70104. Transportation security incident response**

(a) FACILITY AND VESSEL RESPONSE PLANS.—The Secretary shall—

- (1) establish security incident response plans for vessels and facilities that may be involved in a transportation security incident; and
- (2) make those plans available to the Administrator of the Federal Emergency Management Agency for inclusion in the Administra-

tor’s response plan for United States ports and waterways.

(b) CONTENTS.—Response plans developed under subsection (a) shall provide a comprehensive response to an emergency, including notifying and coordinating with local, State, and Federal authorities, including the Administrator of the Federal Emergency Management Agency, securing the facility or vessel, and evacuating facility and vessel personnel.

(c) INCLUSION IN SECURITY PLAN.—A response plan required under this subsection for a vessel or facility may be included in the security plan prepared under section 70103(c).

(Added Pub. L. 107–295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2072; amended Pub. L. 109–295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410.)

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## CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” and “Administrator’s” substituted for “Director of the Federal Emergency Management Agency” and “Director’s”, respectively, on authority of section 612(c) of Pub. L. 109–295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of Title 6.

## TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

## DEADLINE

Pub. L. 107–295, title I, §102(c), Nov. 25, 2002, 116 Stat. 2084, provided that: “The Secretary shall establish the plans required under section 70104(a)(1) of title 46, United States Code, as enacted by this Act, before April 1, 2003.”

**§ 70105. Transportation worker identification credentials**

(a) PROHIBITION.—(1) The Secretary shall prescribe regulations to prevent an individual from entering an area of a vessel or facility that is designated as a secure area by the Secretary for purposes of a security plan for the vessel or facility that is approved by the Secretary under section 70103 of this title unless the individual—

- (A) holds a transportation worker identification credential issued under this section and is authorized to be in the area in accordance with the plan; or