

- (2) \$7,000,000 for fiscal year 2009 of which \$3,000,000 may be used for equipment; and
- (3) \$7,000,000 for fiscal year 2010 of which \$3,000,000 may be used for equipment.

(c) Report

Not later than 1 year after the issuance of regulations under subsection (a), the Secretary shall issue a report to the appropriate congressional committees on the program developed and evaluation carried out under this section.

(d) Limitation

The Secretary may not mandate the installation or utilization of a technology described under this section without additional congressional authority provided after August 3, 2007.

(Pub. L. 110–53, title XV, § 1554, Aug. 3, 2007, 121 Stat. 473.)

Editorial Notes

REFERENCES IN TEXT

Section 114(w) of title 49, referred to in subsec. (b)(1), was redesignated section 114(v) of title 49 by Pub. L. 115–254, div. K, § 1904(b)(1)(I), Oct. 5, 2018, 132 Stat. 3545.

§ 1205. Hazardous materials security inspections and study

(a) In general

The Secretary of Transportation shall consult with the Secretary to limit, to the extent practicable, duplicative reviews of the hazardous materials security plans required under part 172, title 49, Code of Federal Regulations.

(b) Transportation costs study

Within 1 year after August 3, 2007, the Secretary of Transportation, in conjunction with the Secretary, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by offerors of such commodities as compared to the costs and rates, respectively, for the transportation of nonhazardous materials.

(Pub. L. 110–53, title XV, § 1555, Aug. 3, 2007, 121 Stat. 475.)

§ 1206. Use of transportation security card in hazmat licensing

(1) Background check

An individual who has a valid transportation employee identification card issued by the Secretary under section 70105 of title 46 shall be deemed to have met the background records check required under section 5103a of title 49.

(2) State review

Nothing in this section prevents or preempts a State from conducting a criminal records check of an individual that has applied for a license to operate a motor vehicle transporting in commerce a hazardous material.

(Pub. L. 110–53, title XV, § 1556(b), Aug. 3, 2007, 121 Stat. 475.)

§ 1207. Pipeline security inspections and enforcement

(a) In general

Not later than 9 months after August 3, 2007, consistent with the Annex to the Memorandum of Understanding executed on August 9, 2006, between the Department of Transportation and the Department, the Secretary, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations of the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) Review and inspection

Not later than 12 months after August 3, 2007, the Secretary and the Secretary of Transportation shall develop and implement a plan for reviewing the pipeline security plans and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department or the Department of Transportation.

(c) Compliance review methodology

In reviewing pipeline operator compliance under subsections (a) and (b), risk assessment methodologies shall be used to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets.

(d) Regulations

Not later than 18 months after August 3, 2007, the Secretary and the Secretary of Transportation shall develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary determines that regulations are appropriate, the Secretary shall consult with the Secretary of Transportation on the extent of risk and appropriate mitigation measures, and the Secretary or the Secretary of Transportation, consistent with the Annex to the Memorandum of Understanding executed on August 9, 2006, shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations shall incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for noncompliance.

(e) Funding

From the amounts appropriated pursuant to section 114(w)¹ of title 49, there shall be made available to the Secretary to carry out this section—

- (1) \$2,000,000 for fiscal year 2008;
- (2) \$2,000,000 for fiscal year 2009; and

¹ See References in Text note below.