

the hazardous material safety and security operational field test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the costs and benefits of deploying, equipping, and utilizing tracking technology, including portable tracking technology, for motor carriers transporting security-sensitive materials not included in the hazardous material safety and security operational field test report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movement of shipments of security-sensitive materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting security-sensitive materials;

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities to disable the vehicle or alert emergency response resources to locate and recover security-sensitive materials in the event of loss or theft of such materials;

(vi) whether installation of the technology described in clause (v) should be incorporated into the program under paragraph (1);

(vii) the costs, benefits, and practicality of such technology described in clause (v) in the context of the overall benefit to national security, including commerce in transportation; and

(viii) other systems and information the Secretary determines appropriate.

#### (b) Funding

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

(1) \$7,000,000 for fiscal year 2008 of which \$3,000,000 may be used for equipment;

(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)(D), 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 Transpor-

<sup>1</sup> See References in Text note below.