

**§ 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) 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
- (3) \$2,000,000 for fiscal year 2010.

(Pub. L. 110-53, title XV, §1557, Aug. 3, 2007, 121 Stat. 475.)

**§ 1208. Pipeline security and incident recovery plan****(a) In general**

The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Annex to the Memorandum of Understanding executed on August 9, 2006, the National Strategy for Transportation Security, and Homeland Security Presidential Directive-7, shall develop a pipeline security and incident recovery protocols plan. The plan shall include—

(1) for the Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 1207 of this title when—

(A) under severe security threat levels of alert; or

(B) under specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for restoring essential services supporting pipelines and granting access to pipeline operators for pipeline infrastructure repair, replacement, or bypass following an incident.

**(b) Existing private and public sector efforts**

The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

**(c) Consultation**

In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, nonprofit employee organizations representing pipeline employees, emergency responders, offerors, State pipeline safety agencies, public safety officials, and other relevant parties.

**(d) Report****(1) Contents**

Not later than 2 years after August 3, 2007, the Secretary shall transmit to the appropriate congressional committees a report containing the plan required by subsection (a), including an estimate of the private and public sector costs to implement any recommendations.

**(2) Format**

The Secretary may submit the report in both classified and redacted formats if the

Secretary determines that such action is appropriate or necessary.

(Pub. L. 110-53, title XV, §1558, Aug. 3, 2007, 121 Stat. 476.)

#### CHAPTER 5—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

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##### § 1401. Definitions

In this chapter:

###### (1) Commissioner

The term “Commissioner” means the Commissioner of U.S. Customs and Border Protection of the Department of Homeland Security.

###### (2) Maquiladora

The term “maquiladora” means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

###### (3) Northern border

The term “northern border” means the international border between the United States and Canada.

###### (4) Secretary

The term “Secretary” means the Secretary of the Department of Homeland Security.

###### (5) Southern border

The term “southern border” means the international border between the United States and Mexico.

(Pub. L. 110-161, div. E, title VI, §602, Dec. 26, 2007, 121 Stat. 2094.)

##### SHORT TITLE

Pub. L. 110-161, div. E, title VI, §601, Dec. 26, 2007, 121 Stat. 2094, provided that: “This title [enacting this chapter] may be cited as the ‘Border Infrastructure and Technology Modernization Act of 2007.’”

##### § 1402. Port of Entry Infrastructure Assessment Study

###### (a) Requirement to update

Not later than January 31 of every other year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory statement on page 67 of conference report 106-319, accompanying Public Law 106-58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Depart-

ment of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108-86, accompanying Public Law 108-90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to the Committees on Appropriations of the Senate and the House of Representatives, the Senate Committee on Environment and Public Works, the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Transportation and Infrastructure, and the House Committee on Homeland Security.

###### (b) Consultation

In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and affected State and local agencies on the northern and southern borders of the United States.

###### (c) Content

Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 1403 of this title; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of U.S. Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

###### (d) Project implementation

The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3); or

(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (c)(3).

###### (e) Divergence from priorities

The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

(Pub. L. 110-161, div. E, title VI, §603, Dec. 26, 2007, 121 Stat. 2094.)

##### REFERENCES IN TEXT

Public Law 106-58, referred to in subsec. (a)(1)(A), is Pub. L. 106-58, Sept. 29, 1999, 113 Stat. 430, known as the