

porate 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)<sup>1</sup> 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.)

REFERENCES IN TEXT

Section 114(w) of title 49, referred to in subsec. (e)(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.

**§ 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.

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

**(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**

Sec.

1401. Definitions.

1402 to 1404. Repealed.

1405. Authorization of appropriations.

**§ 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.)