

2005—Subsec. (a). Pub. L. 109-59, §7124(4), substituted “designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing” for “manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing”.

Pub. L. 109-59, §7124(3), as amended by Pub. L. 110-244, substituted “shall comply with this chapter” for “must comply with this chapter”.

Pub. L. 109-59, §7124(1), (2), substituted “transports hazardous material, or causes hazardous material to be transported,” for “transports or causes to be transported hazardous material,” and “designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container, or packaging component that is represented” for “manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a packaging or a container that the person represents, marks, certifies, or sells”.

1994—Subsec. (a). Pub. L. 103-311 substituted “a packaging or a” for “a package or”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-244 effective as of the date of enactment of Pub. L. 109-59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109-59 as of that date, and provisions of Pub. L. 109-59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110-244 to be treated as not enacted, see section 121(b) of Pub. L. 110-244, set out as a note under section 101 of Title 23, Highways.

#### § 5127. Judicial review

(a) FILING AND VENUE.—Except as provided in section 20114(c), a person adversely affected or aggrieved by a final action of the Secretary under this chapter may petition for review of the final action in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the Secretary’s action becomes final.

(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a), the clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary shall file with the court a record of any proceeding in which the final action was issued, as provided in section 2112 of title 28.

(c) AUTHORITY OF COURT.—The court has exclusive jurisdiction, as provided in subchapter II of chapter 5 of title 5, to affirm or set aside any part of the Secretary’s final action and may order the Secretary to conduct further proceedings.

(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final action under this section, the court may consider an objection to a final action of the Secretary only if the objection was made in the course of a proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.

(Added Pub. L. 109-59, title VII, §7123(b), Aug. 10, 2005, 119 Stat. 1907.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 5127 was renumbered section 5128 of this title.

#### § 5128. Authorization of appropriations

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

- (1) \$67,000,000 for fiscal year 2022;
- (2) \$68,000,000 for fiscal year 2023;
- (3) \$69,000,000 for fiscal year 2024;
- (4) \$70,000,000 for fiscal year 2025; and
- (5) \$71,000,000 for fiscal year 2026.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Preparedness Fund established under section 5116(h), the Secretary may expend, for each of fiscal years 2022 through 2026—

- (1) \$39,050,000 to carry out section 5116(a);
- (2) \$150,000 to carry out section 5116(e);
- (3) \$625,000 to publish and distribute the Emergency Response Guidebook under section 5116(h)(3); and
- (4) \$2,000,000 to carry out section 5116(i).

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(h), the Secretary may expend \$5,000,000 for each of fiscal years 2022 through 2026 to carry out section 5107(e).

(d) COMMUNITY SAFETY GRANTS.—Of the amounts made available under subsection (a) to carry out this chapter, the Secretary shall withhold \$4,000,000 for each of fiscal years 2022 through 2026 to carry out section 5107(i).

(e) CREDITS TO APPROPRIATIONS.—

(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, Indian tribe, authority or entity.

(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 783, §5127; Pub. L. 103-311, title I, §§103, 119(b), (c)(4), Aug. 26, 1994, 108 Stat. 1673, 1680; renumbered §5128 and amended Pub. L. 109-59, title VII, §§7123(b), 7125, Aug. 10, 2005, 119 Stat. 1907, 1908; Pub. L. 110-244, title III, §302(f), June 6, 2008, 122 Stat. 1618; Pub. L. 112-141, div. C, title III, §33017, July 6, 2012, 126 Stat. 841; Pub. L. 113-159, title I, §1301, Aug. 8, 2014, 128 Stat. 1847; Pub. L. 114-21, title I, §1301, May 29, 2015, 129 Stat. 225; Pub. L. 114-41, title I, §1301, July 31, 2015, 129 Stat. 453; Pub. L. 114-73, title I, §1301, Oct. 29, 2015, 129 Stat. 575; Pub. L. 114-87, title I, §1301, Nov. 20, 2015, 129 Stat. 684; Pub. L. 114-94, div. A, title VII, §7101, Dec. 4, 2015, 129 Stat. 1588; Pub. L. 117-58, div. B, title VI, §26001, Nov. 15, 2021, 135 Stat. 881.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5127(a) .....	49 App.:1812(a).	Jan. 3, 1975, Pub. L. 93-633, §115, 88 Stat. 2164; July 19, 1975, Pub. L. 94-56, §4, 89 Stat. 264; Oct. 11, 1976, Pub. L. 94-474, §3, 90 Stat. 2068; Sept. 30, 1978, Pub. L. 95-403, 92 Stat. 863; Oct. 30, 1984, Pub. L. 98-559, §2, 98 Stat. 2907; restated Nov. 16, 1990, Pub. L. 101-615, §14, 104 Stat. 3260; Oct. 24, 1992, Pub. L. 102-508, §504, 106 Stat. 3311.
5127(b) .....	49 App.:1816(d).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §118(d); added Nov. 16, 1990, Pub. L. 101-615, §18, 104 Stat. 3269; Oct. 24, 1992, Pub. L. 102-508, §506, 106 Stat. 3312.
5127(c) .....	49 App.:1815(i)(3).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §117A(i); added Nov. 16, 1990, Pub. L. 101-615, §17, 104 Stat. 3268.
5127(d) .....	49 App.:1815(i)(1), (2), (4).	
5127(e) .....	49 App.:1819(h) (1st sentence).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §121(h); added Nov. 16, 1990, Pub. L. 101-615, §22, 104 Stat. 3272.
5127(f) .....	49 App.:1812(b).	
5127(g) .....	49 App.:1815(i)(5), 49 App.:1819(h) (last sentence).	

In the section, references to fiscal years 1991 and 1992 are omitted as obsolete.

In subsections (b), (c)(1), and (d), the words “amounts in” are omitted as surplus.

In subsection (c), the text of 49 App.:1815(i)(3)(A) is omitted as obsolete.

In subsection (c)(2), the words “relating to dissemination of the curriculum” are omitted as surplus.

**Editorial Notes**

AMENDMENTS

2021—Pub. L. 117-58 amended section generally. Prior to amendment, section related to authorization of appropriations for fiscal years 2016 to 2020.

2015—Pub. L. 114-94 amended section generally. Prior to amendment, section related to authorization of appropriations for fiscal years 2013 to 2015.

Subsec. (a)(3). Pub. L. 114-41, §1301(a)(2), added par. (3) and struck out former par. (3) which read as follows: “\$35,615,474 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, §1301(a), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “\$28,468,948 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

Subsec. (a)(4). Pub. L. 114-87, §1301(a), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “\$5,958,639 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73, §1301(a), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “\$3,388,246 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41, §1301(a), added par. (4).

Subsec. (b)(1). Pub. L. 114-41, §1301(b)(1), substituted “FISCAL YEARS 2013 THROUGH 2015” for “FISCAL YEARS 2013 AND 2014” in heading and “fiscal years 2013 through 2015” for “fiscal years 2013 and 2014” in introductory provisions.

Subsec. (b)(2). Pub. L. 114-87, §1301(b), amended par. (2) generally. Prior to amendment, text read as follows: “From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2015, and ending on November 20, 2015—

“(A) \$26,197 to carry out section 5115;

“(B) \$3,037,705 to carry out subsections (a) and (b) of section 5116, of which not less than \$1,902,049 shall be available to carry out section 5116(b);

“(C) \$20,902 to carry out section 5116(f);

“(D) \$87,090 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

“(E) \$139,344 to carry out section 5116(j).”

Pub. L. 114-73, §1301(b), amended par. (2) generally. Prior to amendment, text read as follows: “From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2015, and ending on October 29, 2015—

“(A) \$14,896 to carry out section 5115;

“(B) \$1,727,322 to carry out subsections (a) and (b) of section 5116, of which not less than \$1,081,557 shall be available to carry out section 5116(b);

“(C) \$11,885 to carry out section 5116(f);

“(D) \$49,522 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

“(E) \$79,235 to carry out section 5116(j).”

Pub. L. 114-41, §1301(b)(2), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2014, and ending on July 31, 2015—

“(A) \$156,581 to carry out section 5115;

“(B) \$18,156,712 to carry out subsections (a) and (b) of section 5116, of which not less than \$11,368,767 shall be available to carry out section 5116(b);

“(C) \$124,932 to carry out section 5116(f);

“(D) \$520,548 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

“(E) \$832,877 to carry out section 5116(j).”

Pub. L. 114-21, §1301(b), amended par. (2) generally. Prior to amendment, text read as follows: “From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2014, and ending on May 31, 2015—

“(A) \$125,162 to carry out section 5115;

“(B) \$14,513,425 to carry out subsections (a) and (b) of section 5116, of which not less than \$9,087,534 shall be available to carry out section 5116(b);

“(C) \$99,863 to carry out section 5116(f);

“(D) \$416,096 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

“(E) \$665,753 to carry out section 5116(j).”

Subsec. (c). Pub. L. 114-87, §1301(c), substituted “and \$710,383 for the period beginning on October 1, 2015, and ending on December 4, 2015,” for “and \$557,377 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73, §1301(c), substituted “and \$557,377 for the period beginning on October 1, 2015, and ending on November 20, 2015,” for “and \$316,940 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41, §1301(c), substituted “each of fiscal years 2013 through 2015 and \$316,940 for the period beginning on October 1, 2015, and ending on October 29, 2015,” for “each of the fiscal years 2013 and 2014 and \$3,331,507 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, §1301(c), substituted “and \$3,331,507 for the period beginning on October 1, 2014, and ending on July 31, 2015,” for “and \$2,663,014 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

2014—Subsec. (a)(3). Pub. L. 113-159, §1301(a), added par. (3).

Subsec. (b). Pub. L. 113-159, §1301(b), designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) to (5) as subpars. (A) to (E), respectively, of par. (1) and realigned margins, and added par. (2).

Subsec. (c). Pub. L. 113-159, §1301(c), inserted “and \$2,663,014 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”.

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to authorization of appropriations for fiscal years 2005 to 2008.

2008—Pub. L. 110-244 substituted “Authorization” for “Authorizations” in section catchline.

2005—Pub. L. 109-59, §7125, substituted “Authorizations” for “Authorization” in section catchline and amended text generally, substituting provisions relating to authorization of appropriations for fiscal years 2005 to 2008, consisting of subsecs. (a) to (f), for provisions relating to authorization of appropriations for fiscal years 1993 to 1998, consisting of subsecs. (a) to (g).

Pub. L. 109-59, §7123(b), renumbered section 5127 of this title as this section.

1994—Subsec. (a). Pub. L. 103-311, §103, substituted “fiscal year 1993, \$18,000,000 for fiscal year 1994, \$18,540,000 for fiscal year 1995, \$19,100,000 for fiscal year 1996, and \$19,670,000 for fiscal year 1997” for “the fiscal year ending September 30, 1993.”

Subsec. (b). Pub. L. 103-311, §119(c)(4), amended subsec. (b)(1) generally. Prior to amendment, subsec. (b)(1) read as follows:

“(b) HAZMAT EMPLOYEE TRAINING.—(1) Not more than \$250,000 is available to the Director of the National Institute of Environmental Health Sciences from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993-1998, to carry out section 5107(e) of this title.”

Pub. L. 103-311, §119(b), designated existing provisions as par. (1) and added par. (2).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

##### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

### CHAPTER 53—PUBLIC TRANSPORTATION

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[5320.	Repealed.]
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[5322.	Repealed.]
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#### Editorial Notes

##### AMENDMENTS

2015—Pub. L. 114-94, div. A, title III, §§3008(c), 3009(b), 3017(b), 3030(b)-(d), Dec. 4, 2015, 129 Stat. 1469, 1473, 1487, 1496, 1497, substituted “Public transportation innovation” for “Research, development, demonstration, and deployment projects” in item 5312, “Technical assistance and workforce development” for “Technical assistance and standards development” in item 5314, and “Grants for buses and bus facilities” for “Bus and bus facilities formula grants” in item 5339, and struck out item 5313 “Transit cooperative research program”, item 5319 “Bicycle facilities”, and item 5322 “Human resources and training”.

2012—Pub. L. 112-141, div. B, §20030(k), July 6, 2012, 126 Stat. 731, amended generally the analysis for this chapter, adding item 5326, substituting “Policies and purposes” for “Policies, findings, and purposes” in item 5301, “Statewide and nonmetropolitan transportation planning” for “Statewide transportation planning” in item 5304, “Fixed guideway capital investment grants” for “Capital investment grants” in item 5309, “Formula grants for the enhanced mobility of seniors and individuals with disabilities” for “Formula grants for special needs of elderly individuals and individuals with disabilities” in item 5310, “Formula grants for rural areas” for “Formula grants for other than urbanized areas” in item 5311, “Technical assistance and standards development” for “National research programs” in item 5314, “Private sector participation” for “National transit institute” in item 5315, “Human resources and training” for “Human resource programs” in item 5322, “General provisions” for “General provisions on assistance” in item 5323, “Public transportation emergency relief program” for “Special provisions for capital projects” in item 5324, “Public transportation safety program” for “Investigations of safety hazards and security risks” in item 5329, “State of good repair grants” for “Apportionment based on fixed guideway factors” in item 5337, and “Bus and bus facilities formula grants” for “Alternatives analysis program” in item 5339, and striking out items 5308 “Clean fuels grant program”, 5316 “Job access and reverse commute formula grants”, 5317 “New freedom program”, 5320 “Alternative transportation in parks and public lands, and 5328 “Project review”.

2005—Pub. L. 109-59, title III, §§3002(b)(1), 3005(c), 3006(c), 3007(b), 3010(b), 3011(b), 3012(c), 3013(i), 3014(e)(2), 3015(b)(2), 3016(d), 3018(b), 3019(b), 3021(b), 3024(b), 3025(b), 3028(d), 3029(b), 3033(b), 3035(b), 3038(b), Aug. 10, 2005, 119 Stat. 1544, 1559, 1566, 1568, 1573, 1588, 1593, 1596, 1597, 1600, 1605, 1608, 1614, 1620, 1622, 1625, 1627, 1629, 1638, substituted “PUBLIC” for “MASS” in chapter heading,

<sup>1</sup> Section repealed by Pub. L. 112-141 without corresponding amendment of chapter analysis.