

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.)