

AMENDMENT

OFFERED BY M .

Strike division C of the bill and insert the following:

1 **DIVISION C—HAZARDOUS**
2 **MATERIALS TRANSPORTATION**

3 **SEC. 8001. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 5128 of title 49, United States Code, is
5 amended—

6 (1) in subsection (a) by striking “and 5119”
7 and all that follows through the end of the sentence
8 and inserting “and 5119) such sums as may be nec-
9 essary for each of fiscal years 2021 through 2025.”;

10 (2) in subsection (b) by striking “fiscal years
11 2016 through 2020” and inserting “fiscal years
12 2021 through 2025”;

13 (3) in subsection (c) by striking “fiscal years
14 2016 through 2020” and inserting “fiscal years
15 2021 through 2025”; and

16 (4) in subsection (d) by striking “fiscal years
17 2016 through 2020” and inserting “fiscal years
18 2021 through 2025”.

1 **SEC. 8002. HAZMAT EMPLOYER DEFINED.**

2 Section 5102(4)(A)(i)(I) of title 49, United States
3 Code, is amended by striking “employs or uses at least”
4 and inserting “employs at least”.

5 **SEC. 8003. CONSULTATION WITH FEDERAL AGENCIES.**

6 Section 5103(d) of title 49, United States Code, is
7 amended to read as follows:

8 “(d) CONSULTATION.—The head of any department
9 or agency of the Federal Government shall consult with
10 the Secretary of Transportation prior to prescribing a reg-
11 ulation or issuing an order that affects the safety of the
12 transportation of hazardous material.”.

13 **SEC. 8004. SPECIAL PERMITS.**

14 (a) PERMIT REVIEW.—Section 5117(f) of title 49,
15 United States Code, is amended—

16 (1) in paragraph (1) by striking “10-year pe-
17 riod” and inserting “6-year period”; and

18 (2) by striking paragraph (3) and inserting the
19 following:

20 “(3) RULEMAKING.—Not later than 2 years
21 after the date of enactment of the INVEST in
22 America Act, and every 2 years thereafter, the Sec-
23 retary shall, for each special permit reviewed under
24 paragraph (1)—

25 “(A) initiate a rulemaking to incorporate
26 into the hazardous materials regulations any

1 such special permit that the Secretary deter-
2 mines meets the standard for incorporation
3 under this subsection; or

4 “(B) publish in the Federal Register the
5 Secretary’s justification for why such special
6 permit is not appropriate for incorporation into
7 regulation.”.

8 (b) APPLICABILITY.—The amendment made by para-
9 graph (1) shall apply with respect to any special permit
10 that takes effect on or after the date of enactment of this
11 Act.

12 **SEC. 8005. RAILROAD TANK CAR STORAGE.**

13 Section 5125(b)(1) of title 49, United States Code,
14 is amended by adding at the end the following:

15 “(F) the handling, transportation, or
16 placement of rail cars containing hazardous ma-
17 terials by railroads.”.

18 **SEC. 8006. PREEMPTION DETERMINATION PETITION PROC-**
19 **ESS.**

20 Section 5125(d) of title 49, United States Code, is
21 amended—

22 (1) in paragraph (1) by inserting “The Sec-
23 retary’s decision on preemption constitutes final
24 agency action unless a stay is granted while a peti-

1 tion for reconsideration is pending.” before “After
2 notice is published”;

3 (2) by redesignating paragraphs (2) and (3) as
4 paragraphs (3) and (4), respectively; and

5 (3) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) Any person aggrieved by a determination
8 under paragraph (1) of this subsection may file a
9 petition for reconsideration as provided by regula-
10 tions prescribed by the Secretary. The filing of a pe-
11 tition for reconsideration shall not stay the effective
12 date of a decision on preemption, unless, upon appli-
13 cation by the petitioner, the Secretary grants a stay
14 of the determination pending reconsideration. The
15 Secretary shall publish notice of a petition for recon-
16 sideration, any application for stay and the decision
17 thereon, and the Secretary’s decision on the petition
18 for reconsideration in the Federal Register. The Sec-
19 retary’s decision on the petition for reconsideration
20 of a determination under paragraph (1) constitutes
21 a final agency action.”.

