

**AMENDMENT TO H.R. 2635  
OFFERED BY MR. WAXMAN OF CALIFORNIA**

Page 33, line 1, through page 36, line 2, amend section 212 to read as follows:

**1 SEC. 212. JUDICIAL REVIEW.**

2 (a) FINAL AGENCY ACTION.—Any nondiscretionary  
3 act or duty under this Act or any amendment made by  
4 this Act is a final agency action for the purposes of judi-

5 cial review under chapter 7 of title 5, United States Code.  
6 (b) AGGRIEVED PERSONS.—Because global warming  
7 has the potential to affect all persons in the United States,  
8 as set forth in the findings in section 2, a person shall  
9 be considered aggrieved for purposes of obtaining judicial  
10 review under chapter 7 of title 5, United States Code, if  
11 the person alleges that a Federal agency has failed to re-  
12 duce its greenhouse gas emissions in accordance with the  
13 requirements under this Act or any amendment made by  
14 this Act, take other actions required under this Act or any  
15 amendment made by this Act, or collect and provide infor-  
16 mation to the public as required by this Act or any amend-  
17 ment made by this Act.

18 (c) REMEDY.—

*(b) Venue.  
Cases may  
be brought  
only in DC  
Ct.*

*Except as  
provided  
spec. below  
provisions of  
AAA apply.*

*For purposes of this, persons are  
limited to citizens of the US and US  
corporations, firms, associations...  
/ does not include citizens or  
organizations of another country.*

1 (1) IN GENERAL.—In addition to the remedies  
2 available under chapter 7 of title 5, United States  
3 Code, a court may also provide the remedies speci-  
4 fied in this subsection.

5 (2) PAYMENT.—Where a court finds that an  
6 agency has significantly violated this Act in its fail-  
7 ure to perform any nondiscretionary act or duty  
8 under this Act or any amendment made by this Act,  
9 the court may award a payment <sup>limited per action,</sup> up to ~~the~~ amount <sup>of no more,</sup>  
10 provided in section 1332(b) of title 28, United <sup>per action,</sup>  
11 States Code, payable by the United States Treasury, <sup>than</sup>  
12 to be used in a beneficial mitigation project rec-  
13 ommended by the plaintiff or to compensate the  
14 plaintiff for any impact from global warming suf-  
15 fered by the plaintiff. <sup>A Plaintiff</sup> No payment may be awarded  
16 under this paragraph for violations of an agency's  
17 obligation to collect or report information to the  
18 public.

19 (3) COSTS.—A court may award costs of litiga-  
20 tion to any substantially prevailing plaintiff or to  
21 any other plaintiff whenever the court determines  
22 such an award is appropriate. Such an award is ap-  
23 propriate when such litigation contributes to <sup>the</sup> ~~A~~ Fed-  
24 eral agency's compliance with this Act or any

1 amendment made by this Act. Costs of litigation in-  
2 clude reasonable attorney fees and expert fees.