

AMENDMENT TO H.R. 1
OFFERED BY MRS. DINGELL OF MICHIGAN

Page 93, beginning on line 2, amend subsection (a)
to read as follows:

1 “(a) LIMITATIONS ON CLAIMS.—Notwithstanding
2 any other provision of law, a claim arising under Federal
3 law seeking judicial review of compliance with this Act,
4 of a determination made under this Act, or of Federal ac-
5 tion resulting from a determination made under this Act,
6 shall be barred unless—

7 “(1)(A) in the case of a claim pertaining to a
8 proposed agency action for which—

9 “(i) an environmental document was
10 prepared and an opportunity for comment
11 was provided;

12 “(ii) the claim is filed by a party that
13 participated in the administrative pro-
14 ceedings regarding such environmental
15 document; and

16 “(iii) the claim—

17 “(I) is filed by a party that sub-
18 mitted a comment during the public
19 comment period for such administra-

1 tive proceedings and such comment
2 was sufficiently detailed to put the
3 lead agency on notice of the issue
4 upon which the party seeks judicial
5 review; and

6 “(II) is related to such comment;

7 “(B) except as provided in subsection (b), such
8 claim is filed not later than 120 days after the date
9 of publication of a notice in the Federal Register of
10 agency intent to carry out the proposed agency ac-
11 tion;

12 “(C) such claim is filed after the issuance of a
13 record of decision or other final agency action with
14 respect to the relevant proposed agency action;

15 “(D) such claim does not challenge the estab-
16 lishment or use of a categorical exclusion under sec-
17 tion 102; and

18 “(E) such claim concerns—

19 “(i) an alternative included in the environ-
20 mental document; or

21 “(ii) an environmental effect considered in
22 the environmental document; or

23 “(2) such claim relates to enforcement of non-
24 discretionary requirements of Federal environmental
25 and public health laws, including the Clean Water

1 Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42
2 U.S.C. 7401 et seq.), the Safe Drinking Water Act
3 (42 U.S.C. 300(f)), and the Endangered Species Act
4 of 1973 (16 U.S.C. 1531 et seq.).”

