

112TH CONGRESS
2^D SESSION

H. R. 6697

To amend the citizen suit provisions in several statutes to impose an additional award to prevailing plaintiffs.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2012

Mr. KUCINICH introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the citizen suit provisions in several statutes to impose an additional award to prevailing plaintiffs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “The Consumer Bounty
5 Act”.

1 **SEC. 2. AMENDMENT TO THE TOXIC SUBSTANCES CONTROL**
2 **ACT.**

3 Section 20 of the Toxic Substances Control Act (15
4 U.S.C. 2619) is amended by adding at the end the fol-
5 lowing:

6 “(e) CONSUMER BOUNTY.—In any civil action
7 brought under this section in which the plaintiff or plain-
8 tiffs prevail in whole or in part, the court shall award the
9 plaintiff or plaintiffs not less than \$10,000, to be paid
10 by the defendant or defendants against whom the plaintiff
11 or plaintiffs prevailed. Multiple plaintiffs shall split the
12 award based on the time each plaintiff spent on the case.
13 Multiple defendants are jointly and severally liable to the
14 plaintiff or plaintiffs.”.

15 **SEC. 3. AMENDMENT TO THE SURFACE MINING CONTROL**
16 **AND RECLAMATION ACT OF 1977.**

17 Section 520 of the Surface Mining Control and Rec-
18 lamation Act of 1977 (30 U.S.C. 1270) is amended by
19 adding at the end the following:

20 “(g) In any civil action brought under this section
21 in which the plaintiff or plaintiffs prevail in whole or in
22 part, the court shall award the plaintiff or plaintiffs not
23 less than \$10,000, to be paid by the defendant or defend-
24 ants against whom the plaintiff or plaintiffs prevailed.
25 Multiple plaintiffs shall split the award based on the time

1 each plaintiff spent on the case. Multiple defendants are
2 jointly and severally liable to the plaintiff or plaintiffs.”.

3 **SEC. 4. AMENDMENT TO THE FEDERAL WATER POLLUTION**
4 **CONTROL ACT.**

5 Section 505 of the Federal Water Pollution Control
6 Act (33 U.S.C. 1365) is amended by adding at the end
7 the following:

8 “(i) In any civil action brought under this section in
9 which the plaintiff or plaintiffs prevail in whole or in part,
10 the court shall award the plaintiff or plaintiffs not less
11 than \$10,000, to be paid by the defendant or defendants
12 against whom the plaintiff or plaintiffs prevailed. Multiple
13 plaintiffs shall split the award based on the time each
14 plaintiff spent on the case. Multiple defendants are jointly
15 and severally liable to the plaintiff or plaintiffs.”.

16 **SEC. 5. AMENDMENT TO THE SAFE DRINKING WATER ACT.**

17 Section 1449 of the Safe Drinking Water Act (42
18 U.S.C. 300j-8) is amended by adding at the end the fol-
19 lowing:

20 “(f) In any civil action brought under this section in
21 which the plaintiff or plaintiffs prevail in whole or in part,
22 the court shall award the plaintiff or plaintiffs not less
23 than \$10,000, to be paid by the defendant or defendants
24 against whom the plaintiff or plaintiffs prevailed. Multiple
25 plaintiffs shall split the award based on the time each

1 plaintiff spent on the case. Multiple defendants are jointly
2 and severally liable to the plaintiff or plaintiffs.”.

3 **SEC. 6. AMENDMENT TO THE MARINE PROTECTION, RE-**
4 **SEARCH, AND SANCTUARIES ACT OF 1972.**

5 Section 105(g) of the Marine Protection, Research,
6 and Sanctuaries Act of 1972 (33 U.S.C. 1415(g)) is
7 amended by adding at the end the following:

8 “(6) In any civil action brought under this subsection
9 in which the plaintiff or plaintiffs prevail in whole or in
10 part, the court shall award the plaintiff or plaintiffs not
11 less than \$10,000, to be paid by the defendant or defend-
12 ants against whom the plaintiff or plaintiffs prevailed.
13 Multiple plaintiffs shall split the award based on the time
14 each plaintiff spent on the case. Multiple defendants are
15 jointly and severally liable to the plaintiff or plaintiffs.”.

16 **SEC. 7. AMENDMENT TO THE NOISE CONTROL ACT OF 1972.**

17 Section 12 of the Noise Control Act of 1972 (42
18 U.S.C. 4911) is amended—

19 (1) by redesignating subsection (f) as sub-
20 section (g); and

21 (2) by inserting after subsection (e) the fol-
22 lowing:

23 “(f) In any civil action brought under this section in
24 which the plaintiff or plaintiffs prevail in whole or in part,
25 the court shall award the plaintiff or plaintiffs not less

1 than \$10,000, to be paid by the defendant or defendants
2 against whom the plaintiff or plaintiffs prevailed. Multiple
3 plaintiffs shall split the award based on the time each
4 plaintiff spent on the case. Multiple defendants are jointly
5 and severally liable to the plaintiff or plaintiffs.”.

6 **SEC. 8. AMENDMENT TO THE ENERGY POLICY AND CON-**
7 **SERVATION ACT.**

8 Section 335 of the Energy Policy and Conservation
9 Act (42 U.S.C. 6305) is amended by adding at the end
10 the following:

11 “(g) CONSUMER BOUNTY.—In any civil action
12 brought under this section in which the plaintiff or plain-
13 tiffs prevail in whole or in part, the court shall award the
14 plaintiff or plaintiffs not less than \$10,000, to be paid
15 by the defendant or defendants against whom the plaintiff
16 or plaintiffs prevailed. Multiple plaintiffs shall split the
17 award based on the time each plaintiff spent on the case.
18 Multiple defendants are jointly and severally liable to the
19 plaintiff or plaintiffs.”.

20 **SEC. 9. AMENDMENT TO THE SOLID WASTE DISPOSAL ACT.**

21 Section 7002 of the Solid Waste Disposal Act (42
22 U.S.C. 6972) is amended by adding at the end the fol-
23 lowing:

24 “(h) CONSUMER BOUNTY.—In any civil action
25 brought under this section in which the plaintiff or plain-

1 tiffs prevail in whole or in part, the court shall award the
 2 plaintiff or plaintiffs not less than \$10,000, to be paid
 3 by the defendant or defendants against whom the plaintiff
 4 or plaintiffs prevailed. Multiple plaintiffs shall split the
 5 award based on the time each plaintiff spent on the case.
 6 Multiple defendants are jointly and severally liable to the
 7 plaintiff or plaintiffs.”.

8 **SEC. 10. AMENDMENT TO THE CLEAN AIR ACT.**

9 Section 304 of the Clean Air Act (42 U.S.C. 7604)
 10 is amended by adding at the end the following:

11 “(h) CONSUMER BOUNTY.—In any civil action
 12 brought under this section in which the plaintiff or plain-
 13 tiffs prevail in whole or in part, the court shall award the
 14 plaintiff or plaintiffs not less than \$10,000, to be paid
 15 by the defendant or defendants against whom the plaintiff
 16 or plaintiffs prevailed. Multiple plaintiffs shall split the
 17 award based on the time each plaintiff spent on the case.
 18 Multiple defendants are jointly and severally liable to the
 19 plaintiff or plaintiffs.”.

20 **SEC. 11. AMENDMENT TO THE COMPREHENSIVE ENVIRON-**
 21 **MENTAL RESPONSE, COMPENSATION, AND LI-**
 22 **ABILITY ACT OF 1980.**

23 Section 310 of the Comprehensive Environmental Re-
 24 sponse, Compensation, and Liability Act of 1980 (42
 25 U.S.C. 9659) is amended—

1 (1) by redesignating subsection (i) as subsection
2 (j); and

3 (2) by inserting after subsection (h) the fol-
4 lowing:

5 “(i) CONSUMER BOUNTY.—In any civil action
6 brought under this section in which the plaintiff or plain-
7 tiffs prevail in whole or in part, the court shall award the
8 plaintiff or plaintiffs not less than \$10,000, to be paid
9 by the defendant or defendants against whom the plaintiff
10 or plaintiffs prevailed. Multiple plaintiffs shall split the
11 award based on the time each plaintiff spent on the case.
12 Multiple defendants are jointly and severally liable to the
13 plaintiff or plaintiffs.”.

14 **SEC. 12. AMENDMENT TO THE POWERPLANT AND INDUS-**
15 **TRIAL FUEL USE ACT OF 1978.**

16 Section 725 of the Powerplant and Industrial Fuel
17 Use Act of 1978 (42 U.S.C. 8435) is amended by adding
18 at the end the following:

19 “(f) CONSUMER BOUNTY.—In any civil action
20 brought under this section in which the plaintiff or plain-
21 tiffs prevail in whole or in part, the court shall award the
22 plaintiff or plaintiffs not less than \$10,000, to be paid
23 by the defendant or defendants against whom the plaintiff
24 or plaintiffs prevailed. Multiple plaintiffs shall split the
25 award based on the time each plaintiff spent on the case.

1 Multiple defendants are jointly and severally liable to the
2 plaintiff or plaintiffs.”.

3 **SEC. 13. AMENDMENT TO THE EMERGENCY PLANNING AND**
4 **COMMUNITY RIGHT-TO-KNOW ACT OF 1986.**

5 Section 326(a)(1) of the Emergency Planning and
6 Community Right-To-Know Act of 1986 (42 U.S.C.
7 11046(a)(1)) is amended by adding at the end the fol-
8 lowing:

9 “(E) In any civil action brought under this
10 paragraph in which the plaintiff or plaintiffs
11 prevail in whole or in part, the court shall
12 award the plaintiff or plaintiffs not less than
13 \$10,000, to be paid by the defendant or defend-
14 ants against whom the plaintiff or plaintiffs
15 prevailed. Multiple plaintiffs shall split the
16 award based on the time each plaintiff spent on
17 the case. Multiple defendants are jointly and
18 severally liable to the plaintiff or plaintiffs.”.

19 **SEC. 14. AMENDMENT TO THE OUTER CONTINENTAL SHELF**
20 **LANDS ACT.**

21 Section 23(a) of the Outer Continental Shelf Lands
22 Act (43 U.S.C. 1349(a)) is amended by adding at the end
23 the following:

24 “(7) In any civil action brought under this section
25 in which the plaintiff or plaintiffs prevail in whole or in

1 part, the court shall award the plaintiff or plaintiffs not
2 less than \$10,000, to be paid by the defendant or defend-
3 ants against whom the plaintiff or plaintiffs prevailed.
4 Multiple plaintiffs shall split the award based on the time
5 each plaintiff spent on the case. Multiple defendants are
6 jointly and severally liable to the plaintiff or plaintiffs.”.

7 **SEC. 15. PIPELINE SAFETY AMENDMENT.**

8 Section 60121 of title 49, United States Code, is
9 amended by adding at the end the following:

10 “(e) CONSUMER BOUNTY.—In any civil action
11 brought under this section in which the plaintiff or plain-
12 tiffs prevail in whole or in part, the court shall award the
13 plaintiff or plaintiffs not less than \$10,000, to be paid
14 by the defendant or defendants against whom the plaintiff
15 or plaintiffs prevailed. Multiple plaintiffs shall split the
16 award based on the time each plaintiff spent on the case.
17 Multiple defendants are jointly and severally liable to the
18 plaintiff or plaintiffs.”.

○