

**AMENDMENT TO H.R. 1613, AS REPORTED
OFFERED BY MR. BROUN OF GEORGIA**

Add at the end the following:

1 **TITLE _____—JUDICIAL REVIEW**

2 **SEC. __01. TIME FOR FILING COMPLAINT.**

3 All causes and claims that arise from any covered en-
4 ergy project must be filed not later than the end of the
5 60-day period beginning on the date of the action or deci-
6 sion by a Federal official that constitutes the covered en-
7 ergy project concerned. Any cause or claim not filed within
8 that time period shall be barred.

9 **SEC. __02. DISTRICT COURT DEADLINE.**

10 (a) IN GENERAL.—All proceedings that are subject
11 to section __01—

12 (1) shall be resolved as expeditiously as pos-
13 sible, and in any event not more than 180 days after
14 such cause or claim is filed; and

15 (2) shall take precedence over all other pending
16 matters before the district court.

17 (b) FAILURE TO COMPLY WITH DEADLINE.—If an
18 interlocutory or final judgment, decree, or order has not
19 been issued by the district court by the deadline described
20 under this section, the cause or claim shall be dismissed

1 with prejudice and all rights relating to such cause or
2 claim shall be terminated.

3 **SEC. __03. ABILITY TO SEEK APPELLATE REVIEW.**

4 An interlocutory or final judgment, decree, or order
5 of the district court in a proceeding that is subject to sec-
6 tion __01 may be reviewed by no other court except the
7 Supreme Court.

8 **SEC. __04. DEADLINE FOR APPEAL TO THE SUPREME**
9 **COURT.**

10 If a writ of certiorari has been granted by the Su-
11 preme Court pursuant to section __03, then—

12 (1) the interlocutory or final judgment, decree,
13 or order of the district court shall be resolved as ex-
14 peditiously as possible and in any event not more
15 than 180 days after such interlocutory or final judg-
16 ment, decree, order of the district court is issued;
17 and

18 (2) all such proceedings shall take precedence
19 over all other matters then before the Supreme
20 Court.

21 **SEC. __05. LIMITATION ON SCOPE OF REVIEW AND RELIEF.**

22 (a) ADMINISTRATIVE FINDINGS AND CONCLU-
23 SIONS.—In any judicial review of any Federal action under
24 this title, any administrative findings and conclusions re-
25 lating to the challenged Federal action shall be presumed

1 to be correct unless shown otherwise by clear and con-
2 vincing evidence contained in the administrative record.

3 (b) **LIMITATION ON PROSPECTIVE RELIEF.**—In any
4 judicial review of any action, or failure to act, under this
5 title, the Court shall not grant or approve any prospective
6 relief unless the Court finds that such relief is narrowly
7 drawn, extends no further than necessary to correct the
8 violation of a Federal law requirement, and is the least
9 intrusive means necessary to correct the violation con-
10 cerned.

11 **SEC. 06. LEGAL FEES.**

12 Any person filing a petition seeking judicial review
13 of any action, or failure to act, under this title who is not
14 a prevailing party shall pay to the prevailing parties (in-
15 cluding intervening parties), other than the United States,
16 fees and other expenses incurred by that party in connec-
17 tion with the judicial review, unless the Court finds that
18 the position of the person was substantially justified or
19 that special circumstances make an award unjust.

20 **SEC. 07. EXCLUSION.**

21 This title shall not apply with respect to disputes be-
22 tween the parties to a lease issued pursuant to an author-
23 izing leasing statute regarding the obligations of such
24 lease or the alleged breach thereof.

1 **SEC. __08. COVERED ENERGY PROJECT DEFINED.**

2 In this title, the term “covered energy project” means
3 any action or decision by a Federal official regarding—

4 (1) the leasing of Federal lands (including sub-
5 merged lands) for the exploration, development, pro-
6 duction, processing, or transmission of oil, natural
7 gas, or any other source or form of energy, that is
8 subject to a transboundary hydrocarbon agreement
9 for the management of transboundary hydrocarbon
10 reservoirs that is implemented or approved under
11 this Act or the amendments made by this Act, in-
12 cluding actions and decisions regarding the selection
13 or offering of Federal lands for such leasing; or

14 (2) any action under such a lease.

