

AMENDMENT TO RULES COMM. PRINT 114-21
OFFERED BY MS. MICHELLE LUJAN GRISHAM OF
NEW MEXICO

(HR 2647)

In section 302, strike subsections (b) and (c), insert the following new subsections, and redesignate subsections (d) and (e) as subsections (e) and (f):

1 (b) RECOVERY OF LITIGATION COSTS, EXPENSES,
2 AND ATTORNEYS FEES BY PREVAILING SECRETARY.—

3 (1) MOTION FOR PAYMENT.—If the Secretary
4 concerned substantially prevails on the merits in an
5 action challenging a forest management activity de-
6 scribed in subsection (a), the Secretary concerned
7 shall submit to the court a motion for payment,
8 from the bond or other security posted under sub-
9 section (a) in such action, of the reasonable costs,
10 expenses, and attorneys fees incurred by the Sec-
11 retary concerned.

12 (2) MAXIMUM AMOUNT RECOVERED.—The
13 amount of costs, expenses, and attorneys fees recov-
14 ered by the Secretary concerned under paragraph
15 (1) as a result of prevailing in an action challenging
16 the forest management activity may not exceed the

1 amount of the bond or other security posted under
2 subsection (a) in such action.

3 (3) RETURN OF REMAINDER.—Any funds re-
4 maining from the bond or other security posted
5 under subsection (a) after the payment of costs, ex-
6 penses, and attorneys fees under paragraph (1) shall
7 be returned to the plaintiff or plaintiffs that posted
8 the bond or security in the action.

9 (c) RETURN OF BOND TO PREVAILING PLAINTIFF.—
10 If the plaintiff substantially prevails on the merits in an
11 action challenging a forest management activity described
12 in subsection (a), the court shall return to the plaintiff
13 any bond or security provided by the plaintiff under sub-
14 section (a), plus interest from the date the bond or secu-
15 rity was provided.

16 (d) DETERMINATION OF SUBSTANTIALLY PREVAILS
17 ON THE MERITS.—For purposes of subsections (b) and
18 (c), the court shall determine whether the plaintiff or the
19 Secretary concerned has substantially prevailed on the
20 merits.

