

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROUN OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

SR

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 2231
OFFERED BY MR. BROUN OF GEORGIA**

Add at the end the following:

1 **TITLE —JUDICIAL REVIEW**

2 **SEC. 01. TIME FOR FILING COMPLAINT.**

3 (a) IN GENERAL.—Any cause of action that arises
4 from a covered energy decision must be filed not later than
5 the end of the 60-day period beginning on the date of the
6 covered energy decision. Any cause of action not filed with-
7 in this time period shall be barred.

8 (b) EXCEPTION.—Subsection (a) shall not apply to
9 a cause of action brought by a party to a covered energy
10 lease.

11 **SEC. 02. DISTRICT COURT DEADLINE.**

12 (a) IN GENERAL.—All proceedings that are subject
13 to section __01—

14 (1) shall be brought in the United States dis-
15 trict court for the district in which the Federal prop-
16 erty for which a covered energy lease is issued is lo-
17 cated or the United States District Court of the Dis-
18 trict of Columbia;

1 (2) shall be resolved as expeditiously as possible,
2 and in any event not more than 180 days after
3 such cause or claim is filed; and

4 (3) shall take precedence over all other pending
5 matters before the district court.

6 (b) **FAILURE TO COMPLY WITH DEADLINE.**—If an
7 interlocutory or final judgment, decree, or order has not
8 been issued by the district court by the deadline described
9 under this section, the cause or claim shall be dismissed
10 with prejudice and all rights relating to such cause or
11 claim shall be terminated.

12 **SEC. 03. ABILITY TO SEEK APPELLATE REVIEW.**

13 An interlocutory or final judgment, decree, or order
14 of the district court in a proceeding that is subject to section
15 __01 may be reviewed by the U.S. Court of Appeals
16 for the District of Columbia Circuit. The D.C. Circuit
17 shall resolve any such appeal as expeditiously as possible
18 and, in any event, not more than 180 days after such in-
19 terlocutory or final judgment, decree, or order of the dis-
20 trict court was issued.

21 **SEC. 04. LIMITATION ON SCOPE OF REVIEW AND RELIEF.**

22 (a) **ADMINISTRATIVE FINDINGS AND CONCLUSIONS.**—In any judicial review of any Federal action under
23 this title, any administrative findings and conclusions re-
24 lating to the challenged Federal action shall be presumed
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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. 05. 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. 06. 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. 07. DEFINITIONS.**

2 In this title, the following definitions apply:

3 (1) **COVERED ENERGY DECISION.**—The term
4 “covered energy decision” means any action or deci-
5 sion by a Federal official regarding the issuance of
6 a covered energy lease.

7 (2) **COVERED ENERGY LEASE.**—The term “cov-
8 ered energy lease” means any lease under this Act
9 or under an oil and gas leasing program under this
10 Act.