

111TH CONGRESS
1ST SESSION

H. R. 3694

To establish judicial procedures for causes and claims relating to any action or decision by a Federal official regarding the leasing of Federal lands (including submerged lands) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2009

Mr. BROUN of Georgia introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish judicial procedures for causes and claims relating to any action or decision by a Federal official regarding the leasing of Federal lands (including submerged lands) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, and for other purposes.

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 “Removing Excess Liti-
5 gation Involving Energy on Federal Lands Act” or the
6 “RELIEF Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the United States spends over \$1 billion per
4 day to import crude oil from foreign countries;

5 (2) such expenditure represents the largest
6 wealth transfer in history;

7 (3) the United States has at least 86 billion
8 barrels of oil and 420 trillion cubic feet of natural
9 gas in the outer Continental Shelf;

10 (4) environmental groups have legally chal-
11 lenged every lease in the Alaskan Outer Continental
12 Shelf in the Chukchi and Beaufort Seas;

13 (5) environmental groups have legally chal-
14 lenged the entire 2007–2012 5-year national outer
15 Continental Shelf leasing program;

16 (6) such legal challenges significantly delay or
17 ultimately prevent energy resources from reaching
18 the American public;

19 (7) these legal challenges come at a high cost
20 to the American public and the American economy;
21 and

22 (8) Congress finds that expedited judicial re-
23 view is necessary to prevent this gross abuse of the
24 United States judicial system.

1 **SEC. 3. EXCLUSIVE JURISDICTION OVER CAUSES AND**
2 **CLAIMS RELATING TO COVERED ENERGY**
3 **PROJECTS.**

4 Notwithstanding any other provision of law, the
5 United States District Court for the District of Columbia
6 shall have exclusive jurisdiction to hear all causes and
7 claims under this Act or any other Act that arise from
8 any covered energy project.

9 **SEC. 4. TIME FOR FILING COMPLAINT.**

10 All causes and claims referred to in section 3 must
11 be filed not later than the end of the 60-day period begin-
12 ning on the date of the action or decision by a Federal
13 official that constitutes the covered energy project con-
14 cerned. Any cause or claim not filed within that time pe-
15 riod shall be barred.

16 **SEC. 5. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**
17 **DEADLINE.**

18 (a) IN GENERAL.—All proceedings that are subject
19 to section 3—

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

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

25 (b) FAILURE TO COMPLY WITH DEADLINE.—If an
26 interlocutory or final judgment, decree, or order has not

1 been issued by the district court by the deadline described
2 under this section, the cause or claim shall be dismissed
3 with prejudice and all rights relating to such cause or
4 claim shall be terminated.

5 **SEC. 6. ABILITY TO SEEK APPELLATE REVIEW.**

6 An interlocutory or final judgment, decree, or order
7 of the district court may be reviewed by no other court
8 except the Supreme Court.

9 **SEC. 7. DEADLINE FOR APPEAL TO THE SUPREME COURT.**

10 If a writ of certiorari has been granted by the Su-
11 preme Court pursuant to section 6, 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. 8. 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 Act, 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 Act, 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. 9. LEGAL FEES.**

12 Any person filing a petition seeking judicial review
13 of any action, or failure to act, under this Act 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. 10. EXCLUSION.**

21 This Act 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. 11. COVERED ENERGY PROJECT DEFINED.**

2 In this Act, 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, including
8 actions and decisions regarding the selection or of-
9 fering of Federal lands for such leasing; or

10 (2) any action under such a lease.

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