

110TH CONGRESS
2^D SESSION

H. R. 6887

To authorize the President or a designee of the President to waive any legal requirement under any provision of Federal law otherwise applicable to a covered energy project as the President or such designee determines necessary to ensure expeditious conduct of such project, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2008

Mr. SHADEGG introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources and Transportation and Infrastructure, 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 authorize the President or a designee of the President to waive any legal requirement under any provision of Federal law otherwise applicable to a covered energy project as the President or such designee determines necessary to ensure expeditious conduct of such project, 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,*

1 **SECTION 1. WAIVER OF LAWS APPLICABLE TO COVERED**
2 **ENERGY PROJECTS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, the President or a designee of the President
5 may waive any legal requirement under any provision of
6 Federal law otherwise applicable to a covered energy
7 project, including any provision of law relating to any ad-
8 ministrative protest of any agency action taken with re-
9 spect to such a project, as the President or such designee,
10 in his or her sole discretion, determines necessary to en-
11 sure expeditious conduct of such project. Any such deter-
12 mination shall be effective upon being published in the
13 Federal Register.

14 (b) FEDERAL COURT REVIEW.—

15 (1) IN GENERAL.—The district courts of the
16 United States shall have exclusive jurisdiction to
17 hear all causes or claims arising from any action un-
18 dertaken, or any decision made, by the President or
19 such designee pursuant to subsection (a). Such a
20 cause of action or claim may only be brought alleg-
21 ing a violation of the Constitution of the United
22 States. The court shall not have jurisdiction to hear
23 any claim not specified in this paragraph.

24 (2) TIME FOR FILING OF COMPLAINT.—Any
25 cause or claim brought pursuant to paragraph (1)
26 shall be filed not later than 60 days after the date

1 of the action or decision made by the President or
2 such designee. A claim shall be barred unless it is
3 filed within the time specified.

4 (3) ABILITY TO SEEK APPELLATE REVIEW.—An
5 interlocutory or final judgment, decree, or order of
6 the district court may be reviewed only upon petition
7 for a writ of certiorari to the Supreme Court of the
8 United States.

9 (c) COVERED ENERGY PROJECT DEFINED.—In this
10 section the term, “covered energy project”—

11 (1) means the construction, operation, or main-
12 tenance of any building, structure, or other facility
13 for the development, production, processing, or
14 transmission of energy; and

15 (2) includes—

16 (A) construction, operation, or mainte-
17 nance of any oil or natural gas pipeline or refin-
18 ery; and

19 (B) the leasing of Federal lands (including
20 submerged lands) for the exploration, develop-
21 ment, production, processing, or transmission of
22 oil, natural gas, or any other source or form of
23 energy.

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