

118TH CONGRESS
2D SESSION

H. R. 7008

To amend section 404 of the Federal Water Pollution Control Act relating to judicial review of a permit issued under such section, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2024

Mr. BURLISON (for himself and Mr. ROUZER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend section 404 of the Federal Water Pollution Control Act relating to judicial review of a permit issued under such section, 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 “Judicial Review
5 Timeline Clarity Act”.

6 **SEC. 2. PERMITS FOR DREDGED OR FILL MATERIAL.**

7 Section 404 of the Federal Water Pollution Control
8 Act (33 U.S.C. 1344) is amended—

1 (1) by redesignating subsection (t) as sub-
2 section (u);

3 (2) in subsection (u), as so redesignated, by
4 striking “Nothing in the section” and inserting
5 “SAVINGS PROVISION.—Nothing in this section”;
6 and

7 (3) by inserting after subsection (s) the fol-
8 lowing:

9 “(t) JUDICIAL REVIEW.—

10 “(1) STATUTE OF LIMITATIONS.—

11 “(A) IN GENERAL.—Notwithstanding any
12 applicable provision of law relating to statutes
13 of limitations, an action seeking judicial review
14 of an individual or general permit issued under
15 this section shall be filed not later than the date
16 that is 60 days after the date on which the per-
17 mit was issued.

18 “(B) SAVINGS PROVISION.—Nothing in
19 subparagraph (A) may be construed to author-
20 ize an action seeking judicial review of the
21 structure of, or authorization for, a State per-
22 mit program approved pursuant to this section.

23 “(2) REMEDY.—If a court determines that the
24 Secretary or the State, as applicable, did not comply

1 with the requirements of this section in issuing an
2 individual or general permit under this section—

3 “(A) the court shall remand the matter to
4 the Secretary or the State, as applicable, for
5 further proceedings consistent with the court’s
6 determination; and

7 “(B) the court may not vacate, revoke, en-
8 join, or otherwise limit the permit, unless the
9 court finds that activities authorized under the
10 permit would present an imminent and substan-
11 tial danger to human health or the environment
12 for which there is no other equitable remedy
13 available under the law.

14 “(3) TIMELINE TO ACT ON COURT ORDER.—If
15 a court remands a matter under paragraph (2), the
16 court shall set and enforce a reasonable schedule
17 and deadline, which may not exceed 180 days from
18 the date on which the court remands such matter,
19 for the Secretary or the State, as applicable, to take
20 such actions as the court may order.”.

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