

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 677**  
**OFFERED BY MS. HAGEMAN OF WYOMING**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Expedited Appeals Re-  
3 view Act” or the “EARA”.

**4 SEC. 2. EXPEDITED REVIEWS.**

5       (a) REQUEST FOR EXPEDITED REVIEW.—A party  
6 that files an appeal of a Department of the Interior deci-  
7 sion described under section 4.1(b)(2) of title 43, Code  
8 of Federal Regulations (or any successor regulations),  
9 with the Board of Land Appeals may submit to the Board  
10 of Land Appeals written notice of such party’s intent to  
11 seek expedited review of the appeal. If a party submits  
12 such written notice, the Board of Land Appeals shall issue  
13 a final decision on the appeal by not later than the date  
14 that is 6 months after the date on which such written no-  
15 tice is received, except such deadline may not be earlier  
16 than the date that is 18 months after the date on which  
17 the appeal was initially filed with the Board of Land Ap-  
18 peals.

1 (b) NO FINAL DECISION.—If the Board of Land Ap-  
2 peals does not issue a final decision on an appeal by the  
3 deadline described in subsection (a)—

4 (1) the Department of the Interior decision is  
5 deemed to be a final agency action for purposes of  
6 section 704 of title 5, United States Code; and

7 (2) notwithstanding section 706 of title 5,  
8 United States Code, judicial review of such decision  
9 shall be de novo.

10 (c) APPLICABILITY.—This section shall apply to any  
11 appeal described in subsection (a) that—

12 (1) is pending before the Board of Land Ap-  
13 peals as of the date of enactment of this Act; or

14 (2) is filed with the Board of Land Appeals  
15 after the date of enactment of this Act.

16 (d) CONFLICT.—In the event of a conflict between  
17 the deadline described in subsection (a) and a deadline  
18 under section 115(h) of the Federal Oil and Gas Royalty  
19 Management Act of 1982 (30 U.S.C. 1724(h)) or section  
20 525(b) of the Surface Mining Control and Reclamation  
21 Act of 1977 (30 U.S.C. 1275(b)), the deadline described  
22 in subsection (a) shall control.

