AMENDMENT TO SENATE AMENDMENT TO H.R. 5376

OFFERED BY MRS. BOEBERT OF COLORADO

At the end of title V, insert the following:

Subtitle F—Fueling American Prosperity

SEC. __01. SHORT TITLE.

This subtitle may be cited as the “Fueling American Prosperity Act”.

SEC. __02. DEADLINE FOR CERTAIN OFFSHORE LEASE SALES.

(a) IN GENERAL.—Notwithstanding any other provision of law, by not later than June 30, 2022, the Secretary of the Interior shall hold the following lease sales, as provided under the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016):

(1) Lease Sale 258, relating to the Cook Inlet Planning Area.

(2) Lease Sales 259 and 261, relating to the Gulf of Mexico Region.

(b) NEPA EXEMPTION.—Any lease sale held under this section shall not be considered a major Federal action
SEC. __03. DEADLINE TO FINALIZE OFFSHORE OIL AND GAS LEASING PROGRAM.

(a) DEADLINE.—Not later than June 30, 2022, the Secretary of the Interior shall, under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344), finalize an offshore oil and gas leasing program for 2022 through 2027.

(b) LEASE SALES.—The program finalized under subsection (a) shall provide for at least 11 oil and gas lease sales.

(c) NEPA EXEMPTION.—The finalization of an offshore oil and gas leasing program under this section shall not be considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SEC. __04. ONSHORE OIL AND GAS LEASING.

(a) REQUIREMENT TO IMMEDIATELY RESUME ONSHORE OIL AND GAS LEASE SALES.—

(1) IN GENERAL.—The Secretary of the Interior shall immediately resume onshore oil and gas lease sales in compliance with the Mineral Leasing Act (30 U.S.C. 181 et seq.).
(2) REQUIREMENT.—The Secretary of the Interior shall ensure that any oil and gas lease sale pursuant to paragraph (1) is conducted immediately on completion of all applicable scoping, public comment, and environmental analysis requirements under the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) ANNUAL LEASE SALES.—

(1) IN GENERAL.—In accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.), beginning in fiscal year 2022, the Secretary of the Interior shall annually conduct a minimum of four oil and gas lease sales in each of the following States:

(A) Wyoming.

(B) New Mexico.

(C) Colorado.

(D) Utah.

(E) Montana.

(F) North Dakota.

(G) Oklahoma.

(H) Nevada.

(I) Any other State in which there is land available for oil and gas leasing under the Min-
eral Leasing Act (30 U.S.C. 181 et seq.) or any other mineral leasing law.

(2) REQUIREMENT.—In conducting a lease sale under paragraph (1) in a State described in that paragraph, the Secretary of the Interior shall offer all parcels eligible for oil and gas exploration, development, and production under the resource management plan in effect for the State.

(3) REPLACEMENT SALES.—If, for any reason, a lease sale under paragraph (1) for a fiscal year is canceled, delayed, or deferred, including for a lack of eligible parcels, the Secretary of the Interior shall conduct a replacement sale during the same fiscal year.

(c) ONSHORE OIL AND GAS LEASING DELAYS.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

“(q) UNREASONABLE DELAYS.—

“(1) IN GENERAL.—The President shall not, through Executive order or any other administrative procedure, unreasonably pause, cancel, delay, defer, or otherwise impede or circumvent any Federal energy mineral leasing processes under this Act, or a related rulemaking process required by subchapter II of chapter 5, and chapter 7, of title 5, United States
Code (commonly known as the ‘Administrative Procedure Act’), without congressional approval.

“(2) **Rebuttable Presumption.**—There shall be a rebuttable presumption that any attempt by the President to pause, cancel, delay, defer, or otherwise impede or circumvent any Federal energy mineral leasing process, or a related rulemaking process, described in paragraph (1), without congressional approval, is considered unreasonable for purposes of paragraph (1).”.

**SEC. __05. EFFECT OF GASOLINE PRICE INCREASES ON ENVIRONMENTAL REVIEWS.**

(a) **Deadline for Certain Environmental Reviews.**—During any period of time in which the national average price of a gallon of gas is greater than $3.99 per gallon (as determined by the Energy Information Administration)—

(1) any environmental assessment required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during such period of time shall be finalized by not later than 1 year after the date on which a Federal agency begins preparing such environmental assessment; and

(2) any environmental impact statement required pursuant to the National Environmental Pol-
icy Act of 1969 (42 U.S.C. 4321 et seq.) during such period of time shall be finalized by not later than 2 years after the date on which a Federal agency begins preparing such environmental impact statement.

(b) Effect of Deadline on NEPA.—If an environmental assessment or environmental impact statement described in subsection (a) is not finalized by the applicable deadline provided in such subsection, then the major Federal action that is the subject of the environmental assessment or environmental impact statement shall not be subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

c) Applicability of Requirement.—This section shall not apply to any environmental assessment or environmental impact statement finalized before the date of enactment of this section.

SEC. 06. HIRING FREEZE AND OTHER LIMITATIONS.

(a) In General.—If each of the requirements under sections 2, 3, and 4(a) of this subtitle are not met on or before June 30, 2022, during the period beginning on July 1, 2022, and ending on the date that each of such requirement is met—

(1) no individual may be appointed to any position within the Department of the Interior;
(2) no new position may be established at the Department;

(3) no officer or employee of the Department on July 1, 2022, may be assigned any duties not assigned to that employee on that date; and

(4) except as provided in subsection (b), no officer or employee of the Department may be transferred to a duty station other than the duty station applicable to such officer or employee on July 1, 2022.

(b) EXCEPTION.—During the period any limitation on transfer is in effect under subsection (a)(4), an officer or employee of the Bureau of Land Management whose duty station is in Washington, DC, may be transferred to a duty station in Grand Junction, Colorado.

(e) LIMITATION ON FUNDS.—No Federal funds may be obligated or expended to pay the salaries or expenses of any individual appointed, assigned duties, or transferred in contravention of subsections (a) and (b).