

AMENDMENT TO SENATE AMENDMENT TO H.R.

5376

OFFERED BY MRS. BOEBERT OF COLORADO

At the end of title V, insert the following:

1 **Subtitle F—Fueling American**
2 **Prosperity**

3 **SEC. ___ 01. SHORT TITLE.**

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

6 **SEC. ___ 02. DEADLINE FOR CERTAIN OFFSHORE LEASE**
7 **SALES.**

8 (a) **IN GENERAL.**—Notwithstanding any other provi-
9 sion of law, by not later than June 30, 2022, the Secretary
10 of the Interior shall hold the following lease sales, as pro-
11 vided under the 2017–2022 Outer Continental Shelf Oil
12 and Gas Leasing Proposed Final Program (November
13 2016):

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

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

18 (b) **NEPA EXEMPTION.**—Any lease sale held under
19 this section shall not be considered a major Federal action

1 under section 102(2)(C) of the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

3 **SEC. ___ 03. DEADLINE TO FINALIZE OFFSHORE OIL AND**
4 **GAS LEASING PROGRAM.**

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

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

13 (c) **NEPA EXEMPTION.**—The finalization of an off-
14 shore oil and gas leasing program under this section shall
15 not be considered a major Federal action under section
16 102(2)(C) of the National Environmental Policy Act of
17 1969 (42 U.S.C. 4332(2)(C)).

18 **SEC. ___ 04. ONSHORE OIL AND GAS LEASING.**

19 (a) **REQUIREMENT TO IMMEDIATELY RESUME ON-**
20 **SHORE OIL AND GAS LEASE SALES.**—

21 (1) **IN GENERAL.**—The Secretary of the Inte-
22 rior shall immediately resume onshore oil and gas
23 lease sales in compliance with the Mineral Leasing
24 Act (30 U.S.C. 181 et seq.).

1 (2) REQUIREMENT.—The Secretary of the Inte-
2 rior shall ensure that any oil and gas lease sale pur-
3 suant to paragraph (1) is conducted immediately on
4 completion of all applicable scoping, public comment,
5 and environmental analysis requirements under the
6 Mineral Leasing Act (30 U.S.C. 181 et seq.) and the
7 National Environmental Policy Act of 1969 (42
8 U.S.C. 4321 et seq.).

9 (b) ANNUAL LEASE SALES.—

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

15 (A) Wyoming.

16 (B) New Mexico.

17 (C) Colorado.

18 (D) Utah.

19 (E) Montana.

20 (F) North Dakota.

21 (G) Oklahoma.

22 (H) Nevada.

23 (I) Any other State in which there is land
24 available for oil and gas leasing under the Min-

1 eral Leasing Act (30 U.S.C. 181 et seq.) or any
2 other mineral leasing law.

3 (2) REQUIREMENT.—In conducting a lease sale
4 under paragraph (1) in a State described in that
5 paragraph, the Secretary of the Interior shall offer
6 all parcels eligible for oil and gas exploration, devel-
7 opment, and production under the resource manage-
8 ment plan in effect for the State.

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

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

18 “(q) UNREASONABLE DELAYS.—

19 “(1) IN GENERAL.—The President shall not,
20 through Executive order or any other administrative
21 procedure, unreasonably pause, cancel, delay, defer,
22 or otherwise impede or circumvent any Federal en-
23 ergy mineral leasing processes under this Act, or a
24 related rulemaking process required by subchapter II
25 of chapter 5, and chapter 7, of title 5, United States

1 Code (commonly known as the ‘Administrative Pro-
2 cedure Act’), without congressional approval.

3 “(2) REBUTTABLE PRESUMPTION.—There shall
4 be a rebuttable presumption that any attempt by the
5 President to pause, cancel, delay, defer, or otherwise
6 impede or circumvent any Federal energy mineral
7 leasing process, or a related rulemaking process, de-
8 scribed in paragraph (1), without congressional ap-
9 proval, is considered unreasonable for purposes of
10 paragraph (1).”.

11 **SEC. ___ 05. EFFECT OF GASOLINE PRICE INCREASES ON**
12 **ENVIRONMENTAL REVIEWS.**

13 (a) DEADLINE FOR CERTAIN ENVIRONMENTAL RE-
14 VIEWS.—During any period of time in which the national
15 average price of a gallon of gas is greater than \$3.99 per
16 gallon (as determined by the Energy Information Adminis-
17 tration)—

18 (1) any environmental assessment required pur-
19 suant to the National Environmental Policy Act of
20 1969 (42 U.S.C. 4321 et seq.) during such period
21 of time shall be finalized by not later than 1 year
22 after the date on which a Federal agency begins pre-
23 paring such environmental assessment; and

24 (2) any environmental impact statement re-
25 quired pursuant to the National Environmental Pol-

1 icy Act of 1969 (42 U.S.C. 4321 et seq.) during
2 such period of time shall be finalized by not later
3 than 2 years after the date on which a Federal agen-
4 cy begins preparing such environmental impact
5 statement.

6 (b) EFFECT OF DEADLINE ON NEPA.—If an envi-
7 ronmental assessment or environmental impact statement
8 described in subsection (a) is not finalized by the applica-
9 ble deadline provided in such subsection, then the major
10 Federal action that is the subject of the environmental as-
11 sessment or environmental impact statement shall not be
12 subject to the requirements of the National Environmental
13 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

14 (c) APPLICABILITY OF REQUIREMENT.—This section
15 shall not apply to any environmental assessment or envi-
16 ronmental impact statement finalized before the date of
17 enactment of this section.

18 **SEC. ___ 06. HIRING FREEZE AND OTHER LIMITATIONS.**

19 (a) IN GENERAL.—If each of the requirements under
20 sections 2, 3, and 4(a) of this subtitle are not met on or
21 before June 30, 2022, during the period beginning on July
22 1, 2022, and ending on the date that each of such require-
23 ment is met—

24 (1) no individual may be appointed to any posi-
25 tion within the Department of the Interior;

1 (2) no new position may be established at the
2 Department;

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

6 (4) except as provided in subsection (b), no offi-
7 cer or employee of the Department may be trans-
8 ferred to a duty station other than the duty station
9 applicable to such officer or employee on July 1,
10 2022.

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

16 (c) LIMITATION ON FUNDS.—No Federal funds may
17 be obligated or expended to pay the salaries or expenses
18 of any individual appointed, assigned duties, or trans-
19 ferred in contravention of subsections (a) and (b).

