

111TH CONGRESS
2D SESSION

S. 3385

To amend the Mineral Leasing Act to require the Secretary of the Interior to determine the impact of any proposed modification to the policy of the Department of the Interior relating to any onshore oil or natural gas preleasing or leasing activity, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2010

Mr. BENNETT (for himself, Mr. BARRASSO, Mr. ENZI, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Mineral Leasing Act to require the Secretary of the Interior to determine the impact of any proposed modification to the policy of the Department of the Interior relating to any onshore oil or natural gas preleasing or leasing activity, 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 “American Energy and
5 Western Jobs Act”.

1 **SEC. 2. RESCISSION OF CERTAIN INSTRUCTION MEMO-**
 2 **RANDA.**

3 Bureau of Land Management Instruction Memo-
 4 randa numbered 2010–117 and 2010–118, issued on May
 5 17, 2010, are rescinded and shall have no force or effect.

6 **SEC. 3. DETERMINATION OF IMPACT OF PROPOSED POLICY**
 7 **MODIFICATIONS.**

8 The Mineral Leasing Act is amended by inserting
 9 after section 37 (30 U.S.C. 193) the following:

10 **“SEC. 38. DETERMINATION OF IMPACT OF PROPOSED POL-**
 11 **ICY MODIFICATIONS.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) DEPARTMENT.—The term ‘Department’
 14 means the Department of the Interior.

15 “(2) SECRETARY.—The term ‘Secretary’ means
 16 the Secretary of the Interior.

17 “(b) DUTY OF SECRETARY.—

18 “(1) IN GENERAL.—Prior to the modification
 19 and implementation of any onshore oil or natural
 20 gas preleasing or leasing and development policy (as
 21 in effect as of January 1, 2010), the Secretary
 22 shall—

23 “(A) complete an economic impact assess-
 24 ment in accordance with paragraph (2); and

1 “(B) determine that the proposed modi-
2 fication will have the effects described in para-
3 graph (2)(A).

4 “(2) REQUIREMENTS.—In carrying out an as-
5 sessment under paragraph (1), to determine the im-
6 pact of the policy modification described in that
7 paragraph, the Secretary shall—

8 “(A) in consultation with the appropriate
9 officials of each State (including county govern-
10 ments and other political subdivisions of each
11 State) in which 1 or more parcels of land sub-
12 ject to oil and natural gas leasing are located,
13 and each other appropriate individual or entity,
14 as determined by the Secretary—

15 “(i)(I) carry out an economic analysis
16 of the impact of the policy modification on
17 oil- and natural gas-related employment
18 opportunities and domestic reliance on for-
19 eign imports of petroleum resources; and

20 “(II) certify that the modification
21 would not result in a detrimental impact
22 on employment opportunities relating to
23 oil- and natural gas-related development or
24 contribute to an increase in the domestic
25 use of imported petroleum resources; and

1 “(ii) carry out a policy assessment to
2 determine the manner by which the modi-
3 fication would impact—

4 “(I) revenues from oil and nat-
5 ural gas receipts to the general fund
6 of the Treasury and certify that the
7 modification would, for the 10-year
8 period beginning on the date of imple-
9 mentation of the modification, not
10 contribute to an aggregate loss of oil
11 and natural gas receipts; and

12 “(II) revenues to the treasury of
13 each affected State that shares oil and
14 natural gas receipts with the Federal
15 Government and certify that the
16 modification would, for the 10-year
17 period beginning on the date of imple-
18 mentation of the modification, not
19 contribute to an aggregate loss of oil
20 and natural gas receipts; and

21 “(B) provide notice to the public and an
22 opportunity to comment on the modification in
23 a manner consistent with subchapter II of chap-
24 ter 5, and chapter 7, of title 5, United States

- 1 Code (commonly known as the ‘Administrative
- 2 Procedure Act’).”.

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