

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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 5 17, 2010, are rescinded and shall have no force or effect.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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