

112TH CONGRESS  
1ST SESSION

# S. 1027

To provide for the rescission of certain instruction memoranda of the Bureau of Land Management, to amend the Mineral Leasing Act to provide for the determination of the impact of proposed policy modifications, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 19, 2011

Mr. BARRASSO (for himself, Mr. ENZI, Mr. LEE, 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 provide for the rescission of certain instruction memoranda of the Bureau of Land Management, to amend the Mineral Leasing Act to provide for the determination of the impact of proposed policy modifications, 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3 The following are rescinded and shall have no force  
4 or effect:

5 (1) The Bureau of Land Management Instruc-  
6 tion Memorandum entitled “Oil and Gas Leasing  
7 Reform—Land Use Planning and Lease Parcel Re-  
8 views”, numbered 2010–117, and dated May 17,  
9 2010.

10 (2) The Bureau of Land Management Instruc-  
11 tion Memorandum entitled “Energy Policy Act Sec-  
12 tion 390 Categorical Exclusion Policy Revision”,  
13 numbered 2010–118, and dated May 17, 2010.

14 (3) Secretarial Order No. 3310 issued by the  
15 Secretary of the Interior on December 22, 2010.

16 **SEC. 3. AMENDMENTS TO THE MINERAL LEASING ACT.**

17 (a) ONSHORE OIL AND GAS LEASE ISSUANCE IM-  
18 PROVEMENT.—Section 17(b)(1)(A) of the Mineral Leasing  
19 Act (30 U.S.C. 226(b)(1)(A)) is amended in the seventh  
20 sentence, by striking “Leases shall be issued within 60  
21 days following payment by the successful bidder of the re-  
22 mainder of the bonus bid, if any, and the annual rental  
23 for the first lease year” and inserting “The Secretary of  
24 the Interior shall automatically issue a lease 60 days after  
25 the date of the payment by the successful bidder of the  
26 remainder of the bonus bid, if any, and the annual rental

1 for the first lease year, unless the Secretary of the Interior  
2 is able to issue the lease before that date. The filing of  
3 any protest to the sale or issuance of a lease shall not  
4 extend the date by which the lease is to be issued”.

5 (b) JUDICIAL REVIEW.—Section 17 of the Mineral  
6 Leasing Act (30 U.S.C. 226) is amended by adding at the  
7 end the following:

8 “(q) JUDICIAL REVIEW.—Any action seeking judicial  
9 review of the adequacy of any program or site-specific en-  
10 vironmental impact statement under section 102 of the  
11 National Environmental Policy Act of 1969 (42 U.S.C.  
12 4332) concerning oil and gas leasing for onshore Federal  
13 land shall be barred unless the action is brought in the  
14 appropriate district court of the United States by the date  
15 that is 60 days after the date on which there is published  
16 in the Federal Register the notice of the availability of  
17 the environmental impact statement.”.

18 (c) DETERMINATION OF IMPACT OF PROPOSED POL-  
19 ICY MODIFICATIONS.—The Mineral Leasing Act is amend-  
20 ed by inserting after section 37 (30 U.S.C. 193) the fol-  
21 lowing:

22 **“SEC. 38. DETERMINATION OF IMPACT OF PROPOSED POL-  
23 ICY MODIFICATIONS.**

24 “(a) DEFINITIONS.—In this section:

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

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

5           “(b) DUTY OF SECRETARY.—

6           “(1) IN GENERAL.—Before the modification  
7 and implementation of any onshore oil or natural  
8 gas preleasing or leasing and development policy (as  
9 in effect as of January 1, 2010) or a policy relating  
10 to protecting the wilderness characteristics of public  
11 land, the Secretary shall—

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

14                   “(B) issue a determination that the pro-  
15 posed policy modification would have the effects  
16 described in paragraph (2)(A).

17           “(2) REQUIREMENTS.—In carrying out an as-  
18 sessment to determine the impact of a proposed pol-  
19 icy modification described in paragraph (1), the Sec-  
20 retary shall—

21                   “(A) in consultation with the appropriate  
22 officials of each State (including political sub-  
23 divisions of the State) in which 1 or more par-  
24 cels of land subject to oil and natural gas leas-  
25 ing are located and any other appropriate indi-

1           viduals or entities, as determined by the Sec-  
2           retary—

3                   “(i)(I) carry out an economic analysis  
4                   of the impact of the policy modification on  
5                   oil- and natural gas-related employment  
6                   opportunities and domestic reliance on for-  
7                   eign imports of petroleum resources; and

8                   “(II) certify that the policy modifica-  
9                   tion would not result in a detrimental im-  
10                  pact on employment opportunities relating  
11                  to oil- and natural gas-related development  
12                  or contribute to an increase in the domes-  
13                  tic use of imported petroleum resources;  
14                  and

15                  “(ii) carry out a policy assessment to  
16                  determine the manner by which the policy  
17                  modification would impact—

18                         “(I) revenues from oil and nat-  
19                         ural gas receipts to the general fund  
20                         of the Treasury, including a certifi-  
21                         cation that the modification would, for  
22                         the 10-year period beginning on the  
23                         date of implementation of the modi-  
24                         fication, not contribute to an aggre-

1                   gate loss of oil and natural gas re-  
2                   ceipts; and

3                   “(II) revenues to the treasury of  
4                   each affected State that shares oil and  
5                   natural gas receipts with the Federal  
6                   Government, including a certification  
7                   that the modification would, for the  
8                   10-year period beginning on the date  
9                   of implementation of the modification,  
10                  not contribute to an aggregate loss of  
11                  oil and natural gas receipts; and

12                  “(B) provide notice to the public of, and  
13                  an opportunity to comment on, the policy modi-  
14                  fication in a manner consistent with subchapter  
15                  II of chapter 5 and chapter 7 of title 5, United  
16                  States Code (commonly known as the ‘Adminis-  
17                  trative Procedure Act’).”.

18 **SEC. 4. ANNUAL REPORT ON REVENUES GENERATED FROM**

19                                   **MULTIPLE USE OF PUBLIC LAND.**

20                  (a) ANNUAL REPORT.—As part of the annual agency  
21                  budget, the Secretary of the Interior (acting through the  
22                  Director of the Bureau of Land Management) and the  
23                  Secretary of Agriculture (acting through the Chief of the  
24                  Forest Service) shall submit an annual report detailing,

1 for each field office, the revenues generated by each use  
2 of public land.

3 (b) INCLUSIONS.—The report shall include—

4 (1) a line item for each use of public land, in-  
5 cluding use for—

6 (A) grazing;

7 (B) recreation;

8 (C) timber;

9 (D) leasable minerals, including a distinct  
10 accounting for each of oil, natural gas, coal,  
11 and geothermal development;

12 (E) locatable minerals;

13 (F) renewable energy sources, including a  
14 distinct accounting for each of wind and solar  
15 energy;

16 (G) the sale of land; and

17 (H) transmission; and

18 (2) identification of the total acres designated  
19 as wilderness, wilderness study areas, and wild  
20 lands.

21 (c) AVAILABILITY.—The Secretary of the Interior  
22 and the Secretary of Agriculture shall make the report  
23 prepared under this section publicly available on the appli-  
24 cable agency website.

1 **SEC. 5. FEDERAL ONSHORE OIL AND NATURAL GAS PRO-**  
2 **DUCTION GOAL.**

3 (a) IN GENERAL.—The Secretary of the Interior shall  
4 establish a domestic strategic production goal for the de-  
5 velopment of oil and natural gas managed by the Federal  
6 Government.

7 (b) REQUIREMENTS.—In establishing the goal under  
8 subsection (a), the Secretary shall—

9 (1) ensure that the United States maintains or  
10 increases production of Federal onshore oil and nat-  
11 ural gas;

12 (2) ensure that the 10-year production outlook  
13 for Federal onshore oil and natural gas be provided  
14 annually;

15 (3) examine steps to streamline the permitting  
16 process to meet the goal;

17 (4) include the goal in each resource manage-  
18 ment plan; and

19 (5) analyze each proposed policy of the Depart-  
20 ment of the Interior for the potential impact of the  
21 policy on achieving the goal before implementation  
22 of the policy.

23 **SEC. 6. OIL SHALE.**

24 (a) ADDITIONAL RESEARCH AND DEVELOPMENT  
25 LEASE SALES.—Not later than 180 days after the date  
26 of enactment of this Act, the Secretary of the Interior



1 shall hold a lease sale in which the Secretary of the Inte-  
2 rior shall offer an additional 10 parcels for lease for re-  
3 search, development, and demonstration of oil shale re-  
4 sources in accordance with the terms offered in the solici-  
5 tation of bids for the leases described in the notice entitled  
6 “Potential for Oil Shale Development; Call for Nomina-  
7 tions—Oil Shale Research, Development, and Demonstra-  
8 tion (R, D, and D) Program” (74 Fed. Reg. 2611).

9 (b) APPLICATION OF REGULATIONS.—The final rule  
10 entitled “Oil Shale Management—General” (73 Fed. Reg.  
11 69414), shall apply to all commercial leasing for the man-  
12 agement of federally owned oil shale and any associated  
13 minerals located on Federal land.

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