

117TH CONGRESS
1ST SESSION

S. 2394

To achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2021

Mr. INHOFE (for himself, Mrs. CAPITO, Mr. CRUZ, Mr. CRAMER, Ms. LUMMIS, Mr. LANKFORD, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land.

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 “Federal Land Freedom
5 Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) as of the date of enactment of this Act—

1 (A) 113,000,000 acres of onshore Federal
2 land are open and accessible for oil and natural
3 gas development; and

4 (B) approximately 166,000,000 acres of
5 onshore Federal land are off-limits or inacces-
6 sible for oil and natural gas development;

7 (2) despite the recent oil and natural gas boom
8 in the United States, the number of acres of Federal
9 land leased for oil and natural gas exploration has
10 decreased by 24 percent since 2008;

11 (3) in 2013, the Federal Government leased
12 only 36,000,000 acres of Federal land, in contrast to
13 the 131,000,000 acres that were leased in 1984;

14 (4) the reduction in leasing of Federal land
15 harms economic growth and Federal revenues;

16 (5) in 2013, it took 197 days to process appli-
17 cations for permits to drill on Federal land; and

18 (6) the States have extensive and sufficient reg-
19 ulatory frameworks for permitting oil and natural
20 gas development.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **AVAILABLE FEDERAL LAND.**—The term
24 “available Federal land” means any Federal land
25 that, as of May 31, 2013—

1 (A) is located within the boundaries of a
2 State;

3 (B) is not held by the United States in
4 trust for the benefit of a federally recognized
5 Indian tribe;

6 (C) is not a unit of the National Park Sys-
7 tem;

8 (D) is not a unit of the National Wildlife
9 Refuge System; and

10 (E) is not a congressionally designated wil-
11 derness area.

12 (2) STATE.—The term “State” means—

13 (A) a State; and

14 (B) the District of Columbia.

15 (3) STATE LEASING, PERMITTING, AND REGU-
16 LATORY PROGRAM.—The term “State leasing, per-
17 mitting, and regulatory program” means a program
18 established pursuant to State law that regulates the
19 exploration and development of oil, natural gas, and
20 other forms of energy on land located in the State.

1 **SEC. 4. STATE CONTROL OF ENERGY DEVELOPMENT AND**
2 **PRODUCTION ON ALL AVAILABLE FEDERAL**
3 **LAND.**

4 (a) STATE LEASING, PERMITTING, AND REGU-
5 LATORY PROGRAMS.—Any State that has established a
6 State leasing, permitting, and regulatory program may—

7 (1) submit to the Secretaries of the Interior,
8 Agriculture, and Energy a declaration that a State
9 leasing, permitting, and regulatory program has
10 been established or amended; and

11 (2) seek to transfer responsibility for leasing,
12 permitting, and regulating oil, natural gas, and
13 other forms of energy development from the Federal
14 Government to the State.

15 (b) STATE ACTION AUTHORIZED.—Notwithstanding
16 any other provision of law, on submission of a declaration
17 under subsection (a)(1), the State submitting the declara-
18 tion may lease, permit, and regulate the exploration and
19 development of oil, natural gas, and other forms of energy
20 on Federal land located in the State in lieu of the Federal
21 Government.

22 (c) EFFECT OF STATE ACTION.—Any action by a
23 State to lease, permit, or regulate the exploration and de-
24 velopment of oil, natural gas, and other forms of energy
25 pursuant to subsection (b) shall not be subject to, or con-

1 sidered a Federal action, Federal permit, or Federal li-
2 cense under—

3 (1) subchapter II of chapter 5, and chapter 7,
4 of title 5, United States Code (commonly known as
5 the “Administrative Procedure Act”);

6 (2) division A of subtitle III of title 54, United
7 States Code;

8 (3) the Endangered Species Act of 1973 (16
9 U.S.C. 1531 et seq.); or

10 (4) the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.).

12 **SEC. 5. NO EFFECT ON FEDERAL REVENUES.**

13 (a) IN GENERAL.—Any lease or permit issued by a
14 State pursuant to section 4 shall include provisions for
15 the collection of royalties or other revenues in an amount
16 equal to the amount of royalties or revenues that would
17 have been collected if the lease or permit had been issued
18 by the Federal Government.

19 (b) DISPOSITION OF REVENUES.—Any revenues col-
20 lected by a State from leasing or permitting on Federal
21 land pursuant to section 4 shall be deposited in the same
22 Federal account in which the revenues would have been
23 deposited if the lease or permit had been issued by the
24 Federal Government.

1 (c) EFFECT ON STATE PROCESSING FEES.—Nothing
2 in this Act prohibits a State from collecting and retaining
3 a fee from an applicant to cover the administrative costs
4 of processing an application for a lease or permit.

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