

113TH CONGRESS
1ST SESSION

S. 1233

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

JUNE 26, 2013

Mr. INHOFE (for himself, Mr. VITTER, Mr. PAUL, Mr. COBURN, Mr. CRAPO, Mr. CRUZ, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. HOEVEN, Mr. RUBIO, Mr. CORNYN, Mr. RISCH, Mr. ISAKSON, and Mr. HATCH) 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 2013”.

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

4 (a) DEFINITIONS.—In this section:

5 (1) AVAILABLE FEDERAL LAND.—The term
6 “available Federal land” means any Federal land
7 that, as of May 31, 2013—

8 (A) is located within the boundaries of a
9 State;

10 (B) is not held by the United States in
11 trust for the benefit of a federally recognized
12 Indian tribe;

13 (C) is not a unit of the National Park Sys-
14 tem;

15 (D) is not a unit of the National Wildlife
16 Refuge System; and

17 (E) is not a Congressionally designated
18 wilderness area.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (3) STATE.—The term “State” means—

22 (A) a State; and

23 (B) the District of Columbia.

24 (b) STATE PROGRAMS.—

25 (1) IN GENERAL.—A State—

1 (A) may establish a program covering the
2 leasing and permitting processes, regulatory re-
3 quirements, and any other provisions by which
4 the State would exercise its rights to develop all
5 forms of energy resources on available Federal
6 land in the State; and

7 (B) as a condition of certification under
8 subsection (c)(2) shall submit a declaration to
9 the Departments of the Interior, Agriculture,
10 and Energy that a program under subpara-
11 graph (A) has been established or amended.

12 (2) AMENDMENT OF PROGRAMS.—A State may
13 amend a program developed and certified under this
14 section at any time.

15 (3) CERTIFICATION OF AMENDED PROGRAMS.—
16 Any program amended under paragraph (2) shall be
17 certified under subsection (c)(2).

18 (c) LEASING, PERMITTING, AND REGULATORY PRO-
19 GRAMS.—

20 (1) SATISFACTION OF FEDERAL REQUIRE-
21 MENTS.—Each program certified under this section
22 shall be considered to satisfy all applicable require-
23 ments of Federal law (including regulations), includ-
24 ing—

1 (A) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.);

3 (B) the Endangered Species Act of 1973
4 (16 U.S.C. 1531 et seq.); and

5 (C) the National Historic Preservation Act
6 (16 U.S.C. 470 et seq.).

7 (2) FEDERAL CERTIFICATION AND TRANSFER
8 OF DEVELOPMENT RIGHTS.—Upon submission of a
9 declaration by a State under subsection
10 (b)(1)(B)(i)—

11 (A) the program under subsection
12 (b)(1)(A) shall be certified; and

13 (B) the State shall receive all rights from
14 the Federal Government to develop all forms of
15 energy resources covered by the program.

16 (3) ISSUANCE OF PERMITS AND LEASES.—If a
17 State elects to issue a permit or lease for the devel-
18 opment of any form of energy resource on any avail-
19 able Federal land within the borders of the State in
20 accordance with a program certified under para-
21 graph (2), the permit or lease shall be considered to
22 meet all applicable requirements of Federal law (in-
23 cluding regulations).

1 (d) JUDICIAL REVIEW.—Activities carried out in ac-
2 cordance with this Act shall not be subject to judicial re-
3 view.

4 (e) ADMINISTRATIVE PROCEDURE ACT.—Activities
5 carried out in accordance with this Act shall not be subject
6 to subchapter II of chapter 5, and chapter 7, of title 5,
7 United States Code (commonly known as the “Administra-
8 tive Procedure Act”).

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