

114TH CONGRESS  
1ST SESSION

# H. R. 866

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2015

Mrs. BLACK (for herself, Mrs. BLACKBURN, Mr. FINCHER, Mr. FLEISCHMANN, Mr. DESJARLAIS, Mr. DUNCAN of Tennessee, Mr. ROE of Tennessee, Mr. PITTENGER, Mr. WEBER of Texas, Mr. ZINKE, Mr. GRAVES of Missouri, Mr. SESSIONS, Mr. FARENTHOLD, Mr. STEWART, Mr. DUNCAN of South Carolina, Mr. SMITH of Missouri, Mr. CHAFFETZ, Mr. TIPTON, Mr. SALMON, Mr. POMPEO, Mr. CRAMER, and Mr. HUELSKAMP) introduced the following bill; which was referred to the Committee on Natural Resources

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## 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 2015”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

4 (A) 113,000,000 acres of onshore Federal  
5 land are open and accessible for oil and gas de-  
6 velopment; and

7 (B) approximately 166,000,000 acres of  
8 onshore Federal land are off-limits or inacces-  
9 sible for oil and gas development;

10 (2) despite the recent oil and gas boom in the  
11 United States, the number of acres of Federal land  
12 leased for oil and gas exploration has decreased by  
13 24 percent since 2008;

14 (3) in 2013, the Federal Government leased  
15 only 36,000,000 acres of Federal land, in contrast to  
16 the 131,000,000 acres that were leased in 1984;

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

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

21 (6) the States have extensive and sufficient reg-  
22 ulatory frameworks for permitting oil and gas devel-  
23 opment.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

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

4           (A) is located within the boundaries of a  
5 State;

6           (B) is not held by the United States in  
7 trust for the benefit of a federally recognized  
8 Indian tribe;

9           (C) is not a unit of the National Park Sys-  
10 tem;

11           (D) is not a unit of the National Wildlife  
12 Refuge System; and

13           (E) is not a congressionally designated wil-  
14 derness area.

15           (2) STATE.—The term “State” means—

16           (A) a State; and

17           (B) the District of Columbia.

18           (3) STATE LEASING, PERMITTING, AND REGU-  
19 LATORY PROGRAM.—The term “State leasing, per-  
20 mitting, and regulatory program” means a program  
21 established pursuant to State law that regulates oil  
22 and gas exploration and development on land located  
23 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 and gas development  
13 from the Federal Government to the State.

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

20 (c) EFFECT OF STATE ACTION.—Any action by a  
21 State to lease, permit, or regulate oil and gas exploration  
22 and development pursuant to subsection (b) shall not be  
23 subject to, or considered a Federal action, Federal permit,  
24 or Federal license under—

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

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

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

8 (4) the National Environmental Policy Act of  
9 1969 (42 U.S.C. 4321 et seq.).

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

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

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

23 (c) EFFECT ON STATE PROCESSING FEES.—Nothing  
24 in this Act prohibits a State from collecting and retaining

- 1 a fee from an applicant to cover the administrative costs
- 2 of processing an application for a lease or permit.

