

**Opening Statement**  
**Ranking Member Alan Lowenthal**  
**Subcommittee on Energy and Mineral Resources Legislative Hearing on**

*H.R. 2661 (Cheney), the State Mineral Revenue Protection Act;*  
*H.R. 2907 (Tipton), the Planning for American Energy Act of 2017; and*  
*H.R. 3565 (Black), the Federal Land Freedom Act.*

**September 6, 2017**

Thank you very much, Mr. Chairman, and welcome back.

Mr. Chairman, I have concerns about the three bills that we are discussing today.

While H.R. 2661 and H.R. 2907 are relatively benign, they would create a whole set of complications for both the federal government and companies operating on public lands, and in their present form I do not believe either one of them would improve the management or stewardship of those lands.

The legislation I am most concerned about is H.R. 3565, the Federal Land Freedom Act, which would turn over the management of oil and gas activities on public lands to the states.

This is a terrible idea. The bill would gut the public's ability to participate in oil and gas decision-making, cause huge conflicts with other uses of public land—such as hunting, fishing, and grazing—and effectively hand public land management over to oil and gas companies in each state.

The Federal Land Freedom Act is also built on a number of questionable assumptions and misleading arguments.

The first is the idea that oil production on federal lands went down under President Obama.

The fact is that federal onshore oil production went up 78 percent between 2007 and 2015.

Oil production on private lands did go up at a slightly higher rate, but much of that is because of where the resources are.

As the Government Accountability Office emphasized in a report they put out in June, the vast majority of shale resources in this country are under private lands.

The second misleading argument is that permitting is too slow on federal lands.

Except that the Bureau of Land Management issues far more drilling permits than companies can even use.

Last year, BLM issued nearly twenty two hundred (2,200) permits, but companies started less than 900 new wells.

All told, as of the end of Fiscal Year 2016, companies had roughly 8,000 approved drilling permits that they had not used.

Yes, the federal government typically takes longer than state governments to issue permits. But I believe that is appropriate.

Because unlike the states, the BLM is not issuing a permit on land belonging to a single private landowner.

The BLM is working on land that belongs to all Americans. And that brings with it a responsibility to all Americans.

It means higher standards for public input, ensuring that the public is not shut out or blocked off from their lands, and balancing the interests of people from coast to coast who don't want every acre of public land to become a drilling pad.

The interests of people who want to use their public lands to hunt, or fish, or hike, or use an off-road vehicle, or graze cattle, or any number of other things.

But H.R. 3565 would eliminate that responsibility by waiving the National Environmental Policy Act, the Administrative Procedures Act, the Endangered Species Act, and the National Historic Preservation Act when it comes to oil and gas activities.

Public comment opportunities would either be lost completely, or vary wildly depending on the laws of individual states. And would the State of Utah give much weight to the views of people from Colorado? Or California, Michigan, Florida, Arizona, or any other state whose citizens have an equal interest in that public land?

States receive half the money from oil and gas development on public land, so they are strongly incentivized to encourage new drilling everywhere they can.

Supporters of the bill might argue that there are limits; that only land open for drilling under a BLM resource management plan are eligible to be leased.

Except that is no restriction at all, since roughly 90 percent of BLM land is open to oil and gas leasing right now.

And when the state issues a lease, there would be none of the timing restrictions or special conditions applied that protect hunting seasons, wildlife habitat, sacred sites, watersheds, and more.

H.R. 3565 does nothing more than hand over our public land to the oil and gas industry, and I strongly oppose it.

I thank the witnesses for being here, and I yield back the balance of my time.