

118TH CONGRESS
1ST SESSION

H. R. 98

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 HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. BIGGS introduced the following bill; which was referred to the Committee on 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”.

6 **SEC. 2. DEFINITIONS.**

7 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 the
22 exploration and development of oil, natural gas, and
23 other forms of energy on land located in the State.

1 **SEC. 3. 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 available Federal land located in the State in lieu of
21 the Federal 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. 4. NO EFFECT ON FEDERAL REVENUES.**

13 (a) IN GENERAL.—Any lease or permit issued by a
14 State pursuant to section 3 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 available
21 Federal land pursuant to section 3 shall be deposited in
22 the same Federal account in which the revenues would
23 have been deposited if the lease or permit had been issued
24 by the 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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