

118TH CONGRESS  
1ST SESSION

# S. 20

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 SENATE OF THE UNITED STATES

JANUARY 23 (legislative day, JANUARY 3), 2023

Mr. MULLIN introduced the following bill; which was read twice and referred to the Committee on Energy and 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 2023”.

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 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. 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 Federal  
21 land pursuant to section 3 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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