To amend the Mineral Leasing Act to recognize the authority of States
to regulate oil and gas operations and promote American energy security,
development, and job creation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2013

Mr. HATCH (for himself, Mr. ENZI, Mr. BARRASO, and Mr. RISCH) intro-
duced the following bill; which was read twice and referred to the Com-
mittee on Energy and Natural Resources

A BILL

To amend the Mineral Leasing Act to recognize the authority
of States to regulate oil and gas operations and promote
American energy security, development, and job creation,
and for other purposes.

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 “Protecting States’
5 Rights to Promote American Energy Security Act”.
6 SEC. 2. STATE AUTHORITY FOR HYDRAULIC FRACTURING
7 REGULATION.
8 The Mineral Leasing Act is amended—
(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

"SEC. 44. STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

"(a) DEFINITION OF HYDRAULIC FRACTURING.—In this section the term ‘hydraulic fracturing’ means the process by which fracturing fluids (or a fracturing fluid system) are pumped into an underground geologic formation at a calculated, predetermined rate and pressure to generate fractures or cracks in the target formation and, as a result, increase the permeability of the rock near the wellbore and improve production of natural gas or oil.

"(b) PROHIBITION.—The Secretary of the Interior shall not enforce any Federal regulation, guidance, or permit requirement regarding hydraulic fracturing, or any component of hydraulic fracturing, relating to oil, gas, or geothermal production activities on or under any land in any State that has regulations, guidance, or permit requirements for hydraulic fracturing.

"(c) STATE AUTHORITY.—The Secretary shall recognize and defer to State regulations, guidance, and permitting for all activities regarding hydraulic fracturing, or any component of hydraulic fracturing, relating to oil, gas,
or geothermal production activities on Federal land regardless of whether the regulations, guidance, and permitting are duplicative, more or less restrictive, have different requirements, or do not meet Federal regulations, guidance, or permit requirements.”.