

113TH CONGRESS
1ST SESSION

S. 1743

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. BARRASSO, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee 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 (1) by redesignating section 44 (30 U.S.C. 181
2 note) as section 45; and

3 (2) by inserting after section 43 (30 U.S.C.
4 226–3) the following:

5 **“SEC. 44. STATE AUTHORITY FOR HYDRAULIC FRACTURING**
6 **REGULATION.**

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

15 “(b) PROHIBITION.—The Secretary of the Interior
16 shall not enforce any Federal regulation, guidance, or per-
17 mit requirement regarding hydraulic fracturing, or any
18 component of hydraulic fracturing, relating to oil, gas, or
19 geothermal production activities on or under any land in
20 any State that has regulations, guidance, or permit re-
21 quirements for hydraulic fracturing.

22 “(c) STATE AUTHORITY.—The Secretary shall recog-
23 nize and defer to State regulations, guidance, and permit-
24 ting for all activities regarding hydraulic fracturing, or
25 any component of hydraulic fracturing, relating to oil, gas,

1 or geothermal production activities on Federal land re-
2 gardless of whether the regulations, guidance, and permit-
3 ting are duplicative, more or less restrictive, have different
4 requirements, or do not meet Federal regulations, guid-
5 ance, or permit requirements.”.

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