

118TH CONGRESS
1ST SESSION

S. 19

To clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State.

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

A BILL

To clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State.

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 “Fracturing Regula-
5 tions are Effective in State Hands Act” or the “FRESH
6 Act”.

7 **SEC. 2. DEFINITION OF FEDERAL LAND.**

8 In this Act, the term “Federal land” means—

1 (1) public lands (as defined in section 103 of
2 the Federal Land Policy and Management Act of
3 1976 (43 U.S.C. 1702));

4 (2) National Forest System land;

5 (3) land under the jurisdiction of the Bureau of
6 Reclamation; and

7 (4) land under the jurisdiction of the Corps of
8 Engineers.

9 **SEC. 3. STATE AUTHORITY.**

10 (a) IN GENERAL.—A State shall have the sole au-
11 thority to promulgate or enforce any regulation, guidance,
12 or permit requirement regarding the treatment of a well
13 by the application of fluids under pressure to which prop-
14 ping agents may be added for the expressly designed pur-
15 pose of initiating or propagating fractures in a target geo-
16 logic formation in order to enhance production of oil, nat-
17 ural gas, or geothermal production activities on or under
18 any land within the boundaries of the State.

19 (b) FEDERAL LAND.—The treatment of a well by the
20 application of fluids under pressure to which propping
21 agents may be added for the expressly designed purpose
22 of initiating or propagating fractures in a target geologic
23 formation in order to enhance production of oil, natural
24 gas, or geothermal production activities on Federal land

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1 shall be subject to the law of the State in which the land
2 is located.

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