

113TH CONGRESS  
1ST SESSION

# H. R. 2728

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## AN ACT

To recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **TITLE I—STATE AUTHORITY FOR**  
2 **HYDRAULIC FRACTURING**  
3 **REGULATION**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Protecting States’  
6 Rights to Promote American Energy Security Act”.

7 **SEC. 102. STATE AUTHORITY FOR HYDRAULIC FRACTURING**  
8 **REGULATION.**

9 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is  
10 amended by redesignating section 44 as section 45, and  
11 by inserting after section 43 the following:

12 **“SEC. 44. STATE AUTHORITY FOR HYDRAULIC FRACTURING**  
13 **REGULATION.**

14 “(a) IN GENERAL.—The Department of the Interior  
15 shall not enforce any Federal regulation, guidance, or per-  
16 mit requirement regarding hydraulic fracturing, or any  
17 component of that process, relating to oil, gas, or geo-  
18 thermal production activities on or under any land in any  
19 State that has regulations, guidance, or permit require-  
20 ments for that activity.

21 “(b) STATE AUTHORITY.—The Department of the  
22 Interior shall recognize and defer to State regulations,  
23 permitting, and guidance, for all activities related to hy-  
24 draulic fracturing, or any component of that process, re-

1 lating to oil, gas, or geothermal production activities on  
2 Federal land.

3 “(c) TRANSPARENCY OF STATE REGULATIONS.—

4 “(1) IN GENERAL.—Each State shall submit to  
5 the Bureau of Land Management a copy of its regu-  
6 lations that apply to hydraulic fracturing operations  
7 on Federal land.

8 “(2) AVAILABILITY.—The Secretary of the In-  
9 terior shall make available to the public State regu-  
10 lations submitted under this subsection.

11 “(d) TRANSPARENCY OF STATE DISCLOSURE RE-  
12 QUIREMENTS.—

13 “(1) IN GENERAL.—Each State shall submit to  
14 the Bureau of Land Management a copy of any regu-  
15 lations of the State that require disclosure of  
16 chemicals used in hydraulic fracturing operations on  
17 Federal land.

18 “(2) AVAILABILITY.—The Secretary of the In-  
19 terior shall make available to the public State regu-  
20 lations submitted under this subsection.

21 “(e) HYDRAULIC FRACTURING DEFINED.—In this  
22 section the term ‘hydraulic fracturing’ means the process  
23 by which fracturing fluids (or a fracturing fluid system)  
24 are pumped into an underground geologic formation at a  
25 calculated, predetermined rate and pressure to generate

1 fractures or cracks in the target formation and thereby  
2 increase the permeability of the rock near the wellbore and  
3 improve production of natural gas or oil.”.

4 **SEC. 103. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.**

5 (a) STUDY.—The Comptroller General of the United  
6 States shall conduct a study examining the economic bene-  
7 fits of domestic shale oil and gas production resulting from  
8 the process of hydraulic fracturing. This study will include  
9 identification of—

10 (1) State and Federal revenue generated as a  
11 result of shale gas production;

12 (2) jobs created both directly and indirectly as  
13 a result of shale oil and gas production; and

14 (3) an estimate of potential energy prices with-  
15 out domestic shale oil and gas production.

16 (b) REPORT.—The Comptroller General shall submit  
17 a report on the findings of such study to the Committee  
18 on Natural Resources of the House of Representatives  
19 within 30 days after completion of the study.

20 **SEC. 104. TRIBAL AUTHORITY ON TRUST LAND.**

21 The Department of the Interior shall not enforce any  
22 Federal regulation, guidance, or permit requirement re-  
23 garding the process of hydraulic fracturing (as that term  
24 is defined in section 44 of the Mineral Leasing Act, as  
25 amended by section 102 of this Act), or any component

1 of that process, relating to oil, gas, or geothermal produc-  
2 tion activities on any land held in trust or restricted status  
3 for the benefit of Indians except with the express consent  
4 of the beneficiary on whose behalf such land is held in  
5 trust or restricted status.

6           **TITLE II—EPA HYDRAULIC**  
7           **FRACTURING RESEARCH**

8   **SEC. 201. SHORT TITLE.**

9           This title may be cited as the “EPA Hydraulic Frac-  
10 turing Study Improvement Act”.

11   **SEC. 202. EPA HYDRAULIC FRACTURING RESEARCH.**

12           In conducting its study of the potential impacts of  
13 hydraulic fracturing on drinking water resources, with re-  
14 spect to which a request for information was issued under  
15 Federal Register Vol. 77, No. 218, the Administrator of  
16 the Environmental Protection Agency shall adhere to the  
17 following requirements:

18           (1) PEER REVIEW AND INFORMATION QUAL-  
19           ITY.—Prior to issuance and dissemination of any  
20           final report or any interim report summarizing the  
21           Environmental Protection Agency’s research on the  
22           relationship between hydraulic fracturing and drink-  
23           ing water, the Administrator shall—

24                           (A) consider such reports to be Highly In-  
25                           fluential Scientific Assessments and require

1 peer review of such reports in accordance with  
2 guidelines governing such assessments, as de-  
3 scribed in—

4 (i) the Environmental Protection  
5 Agency's Peer Review Handbook 3rd Edi-  
6 tion;

7 (ii) the Environmental Protection  
8 Agency's Scientific Integrity Policy, as in  
9 effect on the date of enactment of this Act;  
10 and

11 (iii) the Office of Management and  
12 Budget's Peer Review Bulletin, as in effect  
13 on the date of enactment of this Act; and

14 (B) require such reports to meet the stand-  
15 ards and procedures for the dissemination of in-  
16 fluential scientific, financial, or statistical infor-  
17 mation set forth in the Environmental Protec-  
18 tion Agency's Guidelines for Ensuring and  
19 Maximizing the Quality, Objectivity, Utility,  
20 and Integrity of Information Disseminated by  
21 the Environmental Protection Agency, devel-  
22 oped in response to guidelines issued by the Of-  
23 fice of Management and Budget under section  
24 515(a) of the Treasury and General Govern-

1           ment Appropriations Act for Fiscal Year 2001  
2           (Public Law 106–554).

3           (2) PROBABILITY, UNCERTAINTY, AND CON-  
4           SEQUENCE.—In order to maximize the quality and  
5           utility of information developed through the study,  
6           the Administrator shall ensure that identification of  
7           the possible impacts of hydraulic fracturing on  
8           drinking water resources included in such reports be  
9           accompanied by objective estimates of the prob-  
10          ability, uncertainty, and consequence of each identi-  
11          fied impact, taking into account the risk manage-  
12          ment practices of States and industry. Estimates or  
13          descriptions of probability, uncertainty, and con-  
14          sequence shall be as quantitative as possible given  
15          the validity, accuracy, precision, and other quality  
16          attributes of the underlying data and analyses, but  
17          no more quantitative than the data and analyses can  
18          support.

19          (3) RELEASE OF FINAL REPORT.—The final re-  
20          port shall be publicly released by September 30,  
21          2016.

1       **TITLE III—MISCELLANEOUS**  
2                               **PROVISIONS**

3 **SEC. 301. REVIEW OF STATE ACTIVITIES.**

4       The Secretary of the Interior shall annually review  
5 and report to Congress on all State activities relating to  
6 hydraulic fracturing.

      Passed the House of Representatives November 20,  
2013.

Attest:

*Clerk.*



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