

113TH CONGRESS
1ST SESSION

H. R. 2728

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

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2013

Mr. FLORES (for himself, Mr. CUELLAR, Mr. HASTINGS of Washington, Mr. LAMBORN, and Mrs. LUMMIS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. STATE AUTHORITY FOR HYDRAULIC FRACTURING**
2 **REGULATION.**

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

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

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

15 “(b) STATE AUTHORITY.—The Department of the
16 Interior shall recognize and defer to State regulations,
17 permitting, and guidance, for all activities related to hy-
18 draulic fracturing, or any component of that process, re-
19 lating to oil, gas, or geothermal production activities on
20 Federal land regardless of whether those rules are duplica-
21 tive, more or less restrictive, shall have different require-
22 ments, or do not meet Federal guidelines.

23 “(c) HYDRAULIC FRACTURING DEFINED.—In this
24 section the term ‘hydraulic fracturing’ means the process
25 by which fracturing fluids (or a fracturing fluid system)
26 are pumped into an underground geologic formation at a

- 1 calculated, predetermined rate and pressure to generate
- 2 fractures or cracks in the target formation and thereby
- 3 increase the permeability of the rock near the wellbore and
- 4 improve production of natural gas or oil.”.

