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

To recognize States’ authority to regulate oil and gas operations and promote American energy security, development, and job creation.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. STATE AUTHORITY FOR HYDRAULIC FRACTURING
REGULATION.

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

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

“(a) IN GENERAL.—The Department of the Interior
shall not enforce any Federal regulation, guidance, or per-
mit requirement regarding hydraulic fracturing, or any
component of that process, relating to oil, gas, or geothermal
production activities on or under any land in any State
that has regulations, guidance, or permit requirements for
that activity.

“(b) STATE AUTHORITY.—The Department of the Inte-
rior shall recognize and defer to State regulations, permit-
ting, and guidance, for all activities related to hydraulic
fracturing, or any component of that process, relating to
oil, gas, or geothermal production activities on Federal land
regardless of whether those rules are duplicative, more or
less restrictive, shall have different requirements, or do not
meet Federal guidelines.

“(c) HYDRAULIC FRACTURING DEFINED.—In this sec-
tion 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 cal-
culated, predetermined rate and pressure to generate frac-
tures or cracks in the target formation and thereby increase
the permeability of the rock near the wellbore and improve
production of natural gas or oil.”.

SEC. 3. TRIBAL AUTHORITY ON TRUST LAND.

The Department of the Interior shall not enforce any
Federal regulation, guidance, or permit requirement re-
regarding the underground injection of fluids or propping
agents as part of the hydraulic fracturing process, or any
component of that process, relating to oil, gas, or geothermal
production activities on any land held in trust or restricted
status for the benefit of Indians except with the express con-
sent of the beneficiary on whose behalf such land is held
in trust or restricted status.
A BILL

[Report No. 113-261]

H. R. 2728

113TH CONGRESS

Union Calendar No. 187

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

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed.

November 12, 2013