

Calendar No. 255

113TH CONGRESS
1ST SESSION**H. R. 2728**

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2013

Received; read the first time

DECEMBER 9, 2013

Read the second time and placed on the calendar

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,*

3 **TITLE I—STATE AUTHORITY FOR**
4 **HYDRAULIC FRACTURING**
5 **REGULATION**

6 **SEC. 101. SHORT TITLE.**

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

1 **SEC. 102. 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.

21 “(c) TRANSPARENCY OF STATE REGULATIONS.—

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

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

4 “(d) TRANSPARENCY OF STATE DISCLOSURE RE-
 5 QUIREMENTS.—

6 “(1) IN GENERAL.—Each State shall submit to
 7 the Bureau of Land Management a copy of any reg-
 8 ulations of the State that require disclosure of
 9 chemicals used in hydraulic fracturing operations on
 10 Federal land.

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

14 “(e) HYDRAULIC FRACTURING DEFINED.—In this
 15 section the term ‘hydraulic fracturing’ means the process
 16 by which fracturing fluids (or a fracturing fluid system)
 17 are pumped into an underground geologic formation at a
 18 calculated, predetermined rate and pressure to generate
 19 fractures or cracks in the target formation and thereby
 20 increase the permeability of the rock near the wellbore and
 21 improve production of natural gas or oil.”.

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

23 (a) STUDY.—The Comptroller General of the United
 24 States shall conduct a study examining the economic bene-
 25 fits of domestic shale oil and gas production resulting from

1 the process of hydraulic fracturing. This study will include
2 identification of—

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

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

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

9 (b) REPORT.—The Comptroller General shall submit
10 a report on the findings of such study to the Committee
11 on Natural Resources of the House of Representatives
12 within 30 days after completion of the study.

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

14 The Department of the Interior shall not enforce any
15 Federal regulation, guidance, or permit requirement re-
16 garding the process of hydraulic fracturing (as that term
17 is defined in section 44 of the Mineral Leasing Act, as
18 amended by section 102 of this Act), or any component
19 of that process, relating to oil, gas, or geothermal produc-
20 tion activities on any land held in trust or restricted status
21 for the benefit of Indians except with the express consent
22 of the beneficiary on whose behalf such land is held in
23 trust or restricted status.

TITLE II—EPA HYDRAULIC FRACTURING RESEARCH

SEC. 201. SHORT TITLE.

This title may be cited as the “EPA Hydraulic Fracturing Study Improvement Act”.

SEC. 202. EPA HYDRAULIC FRACTURING RESEARCH.

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

(1) PEER REVIEW AND INFORMATION QUALITY.—Prior to issuance and dissemination of any final report or any interim report summarizing the Environmental Protection Agency’s research on the relationship between hydraulic fracturing and drinking water, the Administrator shall—

(A) consider such reports to be Highly Influential Scientific Assessments and require peer review of such reports in accordance with guidelines governing such assessments, as described in—

1 (i) the Environmental Protection
2 Agency's Peer Review Handbook 3rd Edi-
3 tion;

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

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

11 (B) require such reports to meet the stand-
12 ards and procedures for the dissemination of in-
13 fluential scientific, financial, or statistical infor-
14 mation set forth in the Environmental Protec-
15 tion Agency's Guidelines for Ensuring and
16 Maximizing the Quality, Objectivity, Utility,
17 and Integrity of Information Disseminated by
18 the Environmental Protection Agency, devel-
19 oped in response to guidelines issued by the Of-
20 fice of Management and Budget under section
21 515(a) of the Treasury and General Govern-
22 ment Appropriations Act for Fiscal Year 2001
23 (Public Law 106-554).

24 (2) PROBABILITY, UNCERTAINTY, AND CON-
25 SEQUENCE.—In order to maximize the quality and

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

15 (3) RELEASE OF FINAL REPORT.—The final re-
16 port shall be publicly released by September 30,
17 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:

KAREN L. HAAS,
Clerk.

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