

## Union Calendar No. 187

113TH CONGRESS  
1ST SESSION

# H. R. 2728

[Report No. 113-261]

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

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### 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

NOVEMBER 12, 2013

Additional sponsors: Mr. CRAMER, Mr. FLEMING, Mr. LANKFORD, Mr. MCKINLEY, Mr. HENSARLING, Mr. RADEL, Mr. WEBER of Texas, Mr. GRIFFIN of Arkansas, Mr. PEARCE, Mr. KELLY of Pennsylvania, Mr. BARLETTA, Mr. WOODALL, Mr. CARTER, Mr. FARENTHOLD, and Mr. HUDSON

NOVEMBER 12, 2013

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

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 18, 2013]

# **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’ Rights*  
5 *to Promote American Energy Security Act”.*

6 **SEC. 2. STATE AUTHORITY FOR HYDRAULIC FRACTURING**  
7 **REGULATION.**

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

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

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

20        *“(b) STATE AUTHORITY.—The Department of the Inte-*  
21 *rior shall recognize and defer to State regulations, permit-*  
22 *ting, and guidance, for all activities related to hydraulic*  
23 *fracturing, or any component of that process, relating to*  
24 *oil, gas, or geothermal production activities on Federal land*  
25 *regardless of whether those rules are duplicative, more or*

1 *less restrictive, shall have different requirements, or do not*  
2 *meet Federal guidelines.*

3       “(c) *HYDRAULIC FRACTURING DEFINED.*—*In this sec-*  
4 *tion the term ‘hydraulic fracturing’ means the process by*  
5 *which fracturing fluids (or a fracturing fluid system) are*  
6 *pumped into an underground geologic formation at a cal-*  
7 *culated, predetermined rate and pressure to generate frac-*  
8 *tures or cracks in the target formation and thereby increase*  
9 *the permeability of the rock near the wellbore and improve*  
10 *production of natural gas or oil.”.*

11 **SEC. 3. TRIBAL AUTHORITY ON TRUST LAND.**

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



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