

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.

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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

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## 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.”.

