

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

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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.

*Be it enacted by the Senate and House of Representatives 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 permit 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 Interior shall recognize and defer to State regulations, permitting, 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 section 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 calculated, predetermined rate and pressure to generate fractures 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.'

END