

NOVEMBER 13, 2013

RULES COMMITTEE PRINT 113-27

**H.R. 2728, PROTECTING STATES' RIGHTS TO
PROMOTE AMERICAN ENERGY SECURITY ACT**

[Showing the texts of H.R. 2728, as reported by the Committee on Natural Resources, and H.R. 2850, as reported by the Committee on Science, Space, and Technology.]

1 **TITLE I—STATE AUTHORITY FOR**
2 **HYDRAULIC FRACTURING**
3 **REGULATION**

4 **SECTION 101. SHORT TITLE.**

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

7 **SEC. 102. STATE AUTHORITY FOR HYDRAULIC FRACTURING**
8 **REGULATION.**

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

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

14 “(a) IN GENERAL.—The Department of the Interior
15 shall not enforce any Federal regulation, guidance, or per-
16 mit requirement regarding hydraulic fracturing, or any
17 component of that process, relating to oil, gas, or geo-

1 thermal production activities on or under any land in any
2 State that has regulations, guidance, or permit require-
3 ments for that activity.

4 “(b) STATE AUTHORITY.—The Department of the
5 Interior shall recognize and defer to State regulations,
6 permitting, and guidance, for all activities related to hy-
7 draulic fracturing, or any component of that process, re-
8 lating to oil, gas, or geothermal production activities on
9 Federal land regardless of whether those rules are duplica-
10 tive, more or less restrictive, shall have different require-
11 ments, or do not meet Federal guidelines.

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

20 **SEC. 103. TRIBAL AUTHORITY ON TRUST LAND.**

21 The Department of the Interior shall not enforce any
22 Federal regulation, guidance, or permit requirement re-
23 garding the underground injection of fluids or propping
24 agents as part of the hydraulic fracturing process, or any
25 component of that process, relating to oil, gas, or geo-

1 thermal production activities on any land held in trust or
2 restricted status for the benefit of Indians except with the
3 express consent of the beneficiary on whose behalf such
4 land is held in trust or restricted status.

5 **TITLE II—EPA HYDRAULIC**
6 **FRACTURING RESEARCH**

7 **SEC. 201. SHORT TITLE.**

8 This title may be cited as the “EPA Hydraulic Frac-
9 turing Study Improvement Act”.

10 **SEC. 202. EPA HYDRAULIC FRACTURING RESEARCH.**

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

17 (1) PEER REVIEW AND INFORMATION QUAL-
18 ITY.—Prior to issuance and dissemination of any
19 final report or any interim report summarizing the
20 Environmental Protection Agency’s research on the
21 relationship between hydraulic fracturing and drink-
22 ing water, the Administrator shall—

23 (A) consider such reports to be Highly In-
24 fluential Scientific Assessments and require
25 peer review of such reports in accordance with

1 guidelines governing such assessments, as de-
2 scribed in—

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

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

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

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

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

17 (3) RELEASE OF FINAL REPORT.—The final re-
18 port shall be publicly released by September 30,
19 2016.

