

## HR 2728

### Protecting States' Rights to Promote American Energy Security Act

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** Energy

**Introduced:** Jul 18, 2013

**Current Status:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 255.

**Latest Action:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 255. (Dec 9, 2013)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/2728>

#### Sponsor

**Name:** Rep. Flores, Bill [R-TX-17]

**Party:** Republican • **State:** TX • **Chamber:** House

#### Cosponsors (19 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cuellar, Henry [D-TX-28]	D · TX		Jul 18, 2013
Rep. Hastings, Doc [R-WA-4]	R · WA		Jul 18, 2013
Rep. Lamborn, Doug [R-CO-5]	R · CO		Jul 18, 2013
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Jul 18, 2013
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		Jul 31, 2013
Rep. Fleming, John [R-LA-4]	R · LA		Jul 31, 2013
Rep. Lankford, James [R-OK-5]	R · OK		Sep 9, 2013
Rep. McKinley, David B. [R-WV-1]	R · WV		Sep 10, 2013
Rep. Hensarling, Jeb [R-TX-5]	R · TX		Sep 25, 2013
Rep. Radel, Trey [R-FL-19]	R · FL		Sep 30, 2013
Rep. Weber, Randy K., Sr. [R-TX-14]	R · TX		Oct 3, 2013
Rep. Griffin, Tim [R-AR-2]	R · AR		Oct 30, 2013
Rep. Barletta, Lou [R-PA-11]	R · PA		Nov 12, 2013
Rep. Carter, John R. [R-TX-31]	R · TX		Nov 12, 2013
Rep. Farenthold, Blake [R-TX-27]	R · TX		Nov 12, 2013
Rep. Hudson, Richard [R-NC-8]	R · NC		Nov 12, 2013
Rep. Kelly, Mike [R-PA-3]	R · PA		Nov 12, 2013
Rep. Pearce, Stevan [R-NM-2]	R · NM		Nov 12, 2013
Rep. Woodall, Rob [R-GA-7]	R · GA		Nov 12, 2013

#### Committee Activity

Committee	Chamber	Activity	Date
Natural Resources Committee	House	Discharged from	Jul 31, 2013

## Subjects & Policy Tags

---

### Policy Area:

Energy

### Related Bills

Bill	Relationship	Last Action
113 HR 2	Related bill	<b>Nov 17, 2014:</b> Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 601.
113 HR 5360	Related bill	<b>Sep 15, 2014:</b> Referred to the Subcommittee on Public Lands and Environmental Regulation.
113 HR 4304	Related bill	<b>Jun 13, 2014:</b> Referred to the Subcommittee on Health, Employment, Labor, and Pensions.
113 S 1743	Related bill	<b>Nov 20, 2013:</b> Read twice and referred to the Committee on Energy and Natural Resources.
113 HRES 419	Procedurally related	<b>Nov 19, 2013:</b> Motion to reconsider laid on the table Agreed to without objection.

**Title I: State Authority for Hydraulic Fracturing Regulation** - Protecting States' Rights to Promote American Energy Security Act - (Sec. 102) Amends the Mineral Leasing Act to prohibit the Department of the Interior (Department) from enforcing any federal regulation, guidance, or permit requirement regarding hydraulic fracturing (including 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.

Defines "hydraulic fracturing" as the process by which fracturing fluids (including a fracturing fluid system) are pumped into an underground geologic formation to generate fractures or cracks, thereby increasing rock permeability near the wellbore and improving production of natural gas or oil.

Requires the Department to recognize and defer to state regulations, permitting, and guidance for all activities regarding hydraulic fracturing relating to oil, gas, or geothermal production activities on federal land.

Requires each state to submit to the Bureau of Land Management (BLM) a copy of its regulations that: (1) apply to hydraulic fracturing operations on federal land, and (2) require disclosure of chemicals used in hydraulic fracturing operations on federal land.

Directs the Secretary of the Interior to make such state regulations available to the public.

(Sec. 103) Directs the Comptroller General (GAO) to examine the economic benefits of domestic shale oil and gas production resulting from hydraulic fracturing, including identification of: (1) state and federal revenue generated as a result of shale gas production, (2) jobs created as a result of shale oil and gas production, and (3) an estimate of potential energy prices without domestic shale oil and gas production.

(Sec. 104) Prohibits the Department from enforcing any federal regulation, guidance, or permit requirement governing the hydraulic fracturing process, or any of its components, relating to oil, gas, or geothermal production activities on land held either in trust or restricted status for the benefit of Indians except with the express consent of the beneficiary on whose behalf such land is held in trust or restricted status.

**Title II: EPA Hydraulic Fracturing Research** - EPA Hydraulic Fracturing Study Improvement Act - (Sec. 202) Requires the Administrator of the Environmental Protection Agency (EPA), in conducting the study of the potential impacts of hydraulic fracturing on drinking water resources, with respect to which a request for information was issued in November 2012, to:

- prior to issuance and dissemination of any final or interim report summarizing EPA research on such relationship, consider such reports to be Highly Influential Scientific Assessments requiring peer review in accordance with specified EPA and Office of Management and Budget (OMB) policy documents;
- require the reports to meet the standards and procedures for the dissemination of influential scientific, financial, or statistical information set forth in the EPA's *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency*, developed in response to guidelines issued by OMB under the Treasury and General Government Appropriations Act for Fiscal Year 2001; and
- ensure that identification of the possible impacts included in such reports be accompanied by objective estimates of the probability, uncertainty, and consequence of each identified impact.

Requires public release of the final report by September 30, 2016.

**Title III: Miscellaneous Provisions** - (Sec. 301) Directs the Secretary to review and report annually to Congress on all state activities relating to hydraulic fracturing.

## Actions Timeline

---

- **Dec 9, 2013:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 255.
- **Nov 21, 2013:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Nov 20, 2013:** Considered under the provisions of rule H. Res. 419. (consideration: CR H7280-7297)
- **Nov 20, 2013:** The resolution provides for consideration of H.R. 1965 and H.R. 2728. The resolution provides for one hour of debate and makes in order only those further amendments printed in the Rules report 113-271. The rule provides one motion to recommit with or without instructions.
- **Nov 20, 2013:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 419 and Rule XVIII.
- **Nov 20, 2013:** The Speaker designated the Honorable Kevin Yoder to act as Chairman of the Committee.
- **Nov 20, 2013:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2728.
- **Nov 20, 2013:** DEBATE - Pursuant to the provisions of H. Res. 419, the Committee of Whole proceeded with 10 minutes of debate on the Holt Part B amendment No. 1.
- **Nov 20, 2013:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Holt Part B amendment No. 1, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Holt demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Nov 20, 2013:** DEBATE - Pursuant to the provisions of H. Res. 419, the Committee of Whole proceeded with 10 minutes of debate on the Flores Part B amendment No. 2.
- **Nov 20, 2013:** DEBATE - Pursuant to the provisions of H. Res. 419, the Committee of Whole proceeded with 10 minutes of debate on the Reed Part B amendment No. 3.
- **Nov 20, 2013:** DEBATE - Pursuant to the provisions of H. Res. 419, the Committee of Whole proceeded with 10 minutes of debate on the DeFazio Part B amendment No. 4.
- **Nov 20, 2013:** POSTPONED PROCEEDINGS - At the conclusion of debate on the DeFazio Part B amendment No. 4, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. DeFazio demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Nov 20, 2013:** DEBATE - Pursuant to the provisions of H. Res. 419, the Committee of Whole proceeded with 10 minutes of debate on the Jackson Lee (TX) Part B amendment No. 5.
- **Nov 20, 2013:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Nov 20, 2013:** MOMENT OF SILENCE - The House observed a moment of silence in remembrance of our brave men and women who have given their lives in the service of our country, and of all who serve in our armed forces and their families.
- **Nov 20, 2013:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2728.
- **Nov 20, 2013:** The previous question was ordered pursuant to the rule. (consideration: CR H7295)
- **Nov 20, 2013:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitue: CR H7288)
- **Nov 20, 2013:** Mr. Lowenthal moved to recommit with instructions to Natural Resources. (consideration: CR H7295-7296; text: CR H7295)
- **Nov 20, 2013:** DEBATE - The House proceeded with 10 minutes of debate on the Lowenthal motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House forthwith with an amendment to ensure that the underlying bill does not limit the authority of the Department of Interior or any state to require the public disclosure of chemicals used in hydraulic fracturing.
- **Nov 20, 2013:** On motion to recommit with instructions Failed by recorded vote: 188 - 232 (Roll no. 603). (consideration: CR H7297)
- **Nov 20, 2013:** Passed/agreed to in House: On passage Passed by recorded vote: 235 - 187 (Roll no. 604).
- **Nov 20, 2013:** On passage Passed by recorded vote: 235 - 187 (Roll no. 604).
- **Nov 20, 2013:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 19, 2013:** Rule H. Res. 419 passed House.
- **Nov 18, 2013:** Rules Committee Resolution H. Res. 419 Reported to House. The resolution provides for consideration of

H.R. 1965 and H.R. 2728. The resolution provides for one hour of debate and makes in order only those further amendments printed in the Rules report 113-271. The rule provides one motion to recommit with or without instructions.

- **Nov 12, 2013:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 113-261.
- **Nov 12, 2013:** Placed on the Union Calendar, Calendar No. 187.
- **Jul 31, 2013:** Subcommittee on Energy and Mineral Resources Discharged.
- **Jul 31, 2013:** Committee Consideration and Mark-up Session Held.
- **Jul 31, 2013:** Ordered to be Reported (Amended) by the Yeas and Nays: 23 - 15.
- **Jul 18, 2013:** Introduced in House
- **Jul 18, 2013:** Referred to the House Committee on Natural Resources.
- **Jul 18, 2013:** Referred to the Subcommittee on Energy and Mineral Resources.