



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

H.R. 1121, the Protecting American Energy Production Act

Prevents any president from unilaterally banning hydraulic fracturing and expresses a Sense of Congress that states should regulate hydraulic fracturing on state and private lands.

Topline Points

- Hydraulic fracturing (fracking) has had a transformative impact on the U.S. economy, positioning the U.S. as the world's leading producer of natural gas and oil.
- The Obama administration attempted to regulate hydraulic fracturing in a proposed rulemaking in 2015 before the courts threw out the action.
- On the campaign trail, then-candidate Biden said he would ban the practice in a primary debate.

Background

Fracking has been employed since 1947 but combined with the more recent advent of horizontal drilling, it has unlocked vast reserves of previously inaccessible hydrocarbons, leading to increased domestic production and reduced reliance on foreign energy sources. This surge in supply has contributed to lower energy prices for consumers, stimulating economic growth and improving Americans' quality of life. While fracking was initially attacked for causing groundwater contamination, those concerns were put to rest by a study conducted by the Obama Administration's Environmental Protection Agency in 2015 that found that fracking has had no "widespread, systemic impacts on drinking water resources in the United States."

In 2015, the Bureau of Land Management (BLM) under the Obama administration finalized a rule to address fracking on federal lands. However, the rule's effective date was postponed due to the issuance of a stay by a Wyoming federal judge which was subsequently struck down by U.S. District Court Judge Scott Skavdahl in 2016. Judge Skavdahl's decision stated, "Congress has not delegated to the Department of Interior the authority to regulate hydraulic fracturing. The BLM's effort to do so through the Fracking Rule is in excess of its statutory authority and contrary to law."

H.R. 1121 prevents any president from unilaterally banning the practice of fracking. It expresses a Sense of Congress that fracking should be regulated by states on state and private land. The House previously passed the legislation as a part of H.R. 1, the Lower Energy Costs Act.

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