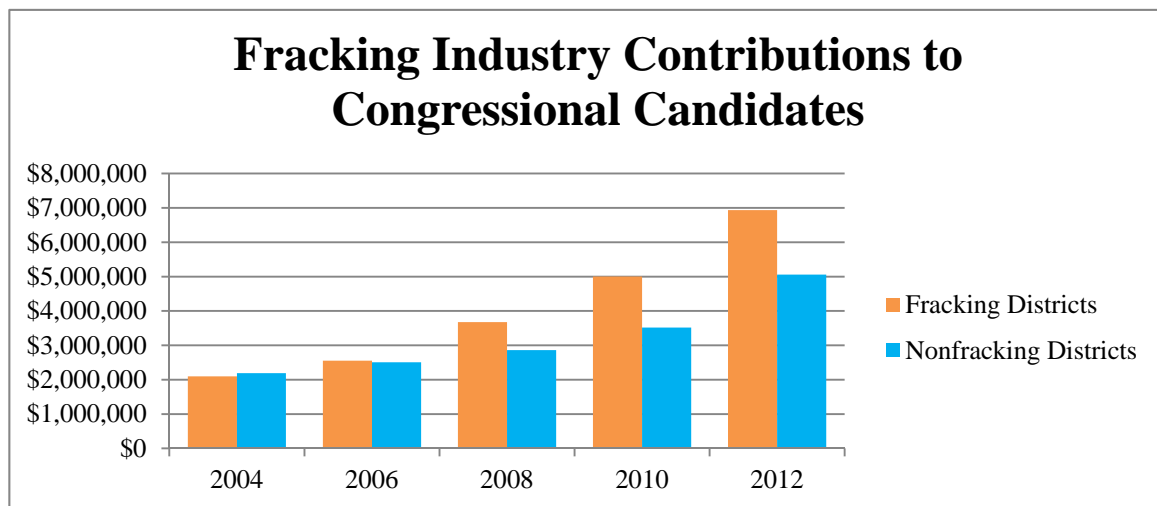


NATURAL CASH: HOW THE FRACKING INDUSTRY FUELS CONGRESS

KEY FINDINGS

The fracking boom is yielding gushers of campaign contributions for congressional candidates from districts containing hydraulically fractured wells. A new CREW analysis of federal campaign contribution data tracked by MapLight found:

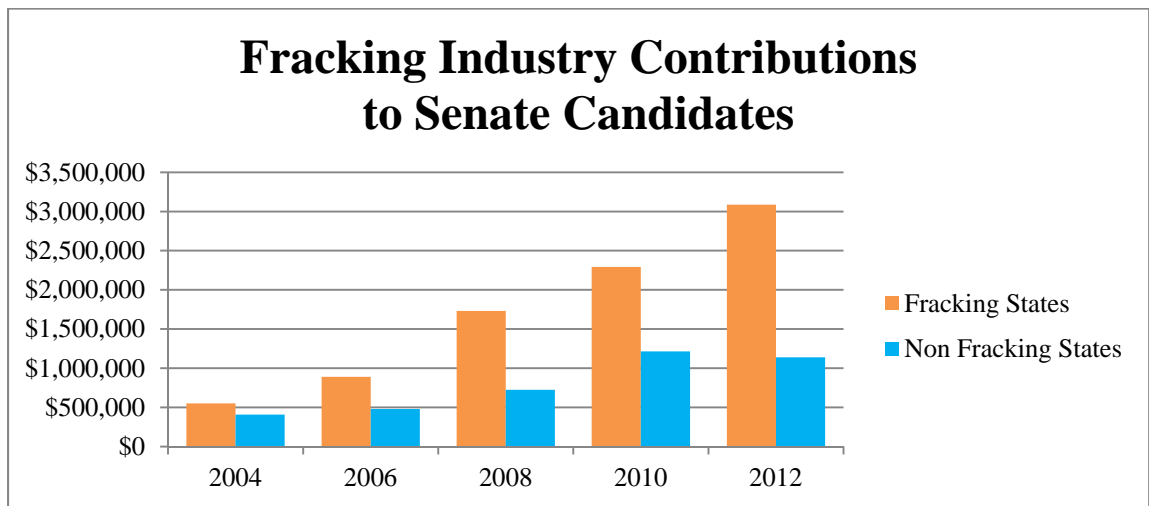
- Contributions from companies operating hydraulically fractured wells and trade associations supporting the fracking industry (“the fracking industry”) to House and Senate candidates from districts and states home to fracking activity rose by 231 percent between the 2004 and 2012 election cycles, from approximately \$2.1 million to \$6.9 million.
- The increase is almost twice as much as the increase in contributions from the fracking industry to congressional candidates from nonfracking districts, which rose by 131 percent, from approximately \$2.2 million to \$5.1 million, during the same period.



- Contributions from the fracking industry to all congressional candidates increased by 180 percent, from approximately \$4.3 million to nearly \$12 million, between the 2004 and 2012 election cycles, according to CREW’s analysis. The increase outpaced contributions from the entire oil and gas industry to all congressional candidates, which increased by 104 percent, from approximately \$17.5 million to \$35.6 million, during the same period.¹

¹ <http://www.opensecrets.org/industries/summary.php?ind=E01&recipdetail=A&sortorder=U&cycle=2004>. The Center for Responsive Politics (CRP) tracks campaign contributions from the oil and gas industry, which CRP

- Nearly 80 percent of fracking industry contributions to congressional candidates went to Republicans. In addition, only six of the top 50 recipients of fracking industry contributions among current members were Democrats. Out of 94 current fracking districts identified by CREW, only 19 are represented by Democrats. Contributions from the fracking industry to Republican congressional candidates from fracking districts increased by 268 percent between the 2004 and 2012 campaign cycles, from approximately \$1.6 million to \$6.1 million. Contributions from the fracking industry to Democratic congressional candidates from fracking districts increased by far less, 95 percent, from approximately \$450,000 to \$850,000.
- Senate candidates in states where fracking occurs saw fracking industry contributions increase 461 percent, from approximately \$550,000 to nearly \$3.1 million, between the 2004 and 2012 campaign cycles, compared to a 179 percent increase, from approximately \$400,000 to \$1.1 million, for Senate candidates in states without fracking activity.²



- The federal candidate who has received the most in contributions from the fracking industry, Rep. Joe Barton (R-TX), received \$509,447 between the 2004 and 2012 election cycles—more than \$100,000 more than any other candidate in the country. Rep. Barton previously chaired the House Committee on Energy and Commerce, which has authority over bills seeking to regulate fracking.³ In addition, he sponsored the Energy Policy Act of 2005, which exempted fracking from the Safe Drinking Water Act.⁴

identifies as “multinational and independent oil and gas producers and refiners, natural gas pipeline companies, gasoline service stations and fuel oil dealers.” See <http://www.opensecrets.org/industries/background.php?cycle=2014&ind=E01>.

² During the 2004 election cycle, there were 12 Senate races in fracking states. During the 2012 cycle, there were 14 Senate races in fracking states.

³ Rules of the House of Representatives, Rule 10, cl. (1)(f); Michael O’Brien, Barton ‘Confident’ He Can Win Fight to Become Energy and Commerce Chairman, *The Hill*, October 28, 2010.

⁴ Corey Kane, Congress Debates Whether States or Feds Should Regulate Fracking, *Houston Chronicle*, February 16, 2013; Energy Policy Act of 2005, H.R. 6, 109th Congress, April 18, 2005.

Background and Legislative Landscape

Hydraulic fracturing, commonly referred to as “fracking,” is a critical step in unlocking oil and natural gas reserves embedded in rock underground.⁵ Energy companies drill wells and pump a pressurized fluid composed mostly of water, sand or a similar material, and chemicals into the drilled well to knock loose the oil and gas.⁶ The oil or gas then flows to the surface to be captured.⁷ In recent years, technological advances, such as combining the technique with horizontal drilling, have prompted huge growth in fracking and driven the current boom in oil and natural gas production.⁸

States have traditionally taken the lead in regulating oil and gas production, and the rules in each state are different.⁹ For instance, Illinois just this year passed legislation to allow fracking but enacted some of the strictest restrictions in the country, requiring companies to disclose information about the chemicals used in wells before drilling and monitor groundwater throughout the process.¹⁰ In contrast, Virginia does not require companies to publicly disclose any of the chemicals they use in fracking.¹¹ New York, meanwhile, has so far maintained a moratorium on fracking in most wells.¹²

The patchwork of state regulations and growing questions about the possible environmental consequences of fracking have helped fuel a push for greater federal oversight. A number of studies have attempted to determine whether fracking contaminates groundwater, but the results have been mixed and are the subject of fierce debate.¹³ The investigative journalism nonprofit *ProPublica* found drinking water “had been contaminated in at least 1,000 cases across the country where there has been intensive drilling.”¹⁴ Intensive fracking also took place in many of these areas, but whether the fracking caused the contamination remains unclear.¹⁵ In

⁵ Russell Gold and Daniel Gilbert, U.S. Is Overtaking Russia as Largest Oil-and-Gas Producer, *Wall Street Journal*, October 2, 2013.

⁶ <http://www.propublica.org/special/hydraulic-fracturing-national>; Daniel Jones, A Tale of 2 Proppant Companies, *The Motley Fool*, October 15, 2013.

⁷ *Id.*

⁸ Kasia Cieplak-Mayr von Baldegg and Kyle Thetford, What’s Behind the Natural Gas Boom?, *Mother Jones*, August 22, 2013.

⁹ Jody Freeman and David Spence, Should the Federal Government Regulate Fracking?, *Wall Street Journal*, April 12, 2013.

¹⁰ Matt Kasper and Patrick Maloney, Illinois Adopts Nation’s Strictest Fracking Regulations, *Think Progress*, June 19, 2013; Julie Wernau, Fracking Regulations Passed in Springfield, *Chicago Tribune*, May 31, 2013.

¹¹ Editorial, Stronger Rules Needed for Fracking, *Roanoke Times*, August 16, 2012; Ian Urbina, Regulation Lax as Gas Wells’ Tainted Water Hits Rivers, *New York Times*, February 26, 2011.

¹² Pam Sohn, Stage is Set for Fracking in Tennessee, *Times Free Press*, January 28, 2013; Reid Wilson, Slowly, Democrats Embrace Fracking, *Washington Post*, September 25, 2013; Mary Esch, New York Fracking Opposition Groups Collect Comments to Give to State Regulators, *Associated Press*, January 11, 2013.

¹³ Tom Fowler, Shouting Past Each Other: Fracking Debate Generates Lots of Noise, Not Much Else, *Fuelfix*, May 13, 2011.

¹⁴ Abrahm Lustgarten, Where Things Stand: Environmental Pitfalls of Drilling for Natural Gas in the U.S., *ProPublica*, December 29, 2008; <http://www.propublica.org/series/fracking>.

¹⁵ *Id.*; Committee Forum on Environmental Impacts of Shale Gas Development and Best Practices, *Senate Committee on Energy and Natural Resources*, May 23, 2013 (Response to Questions from Senator Landrieu Regarding Water Contamination from the Sierra Club and Natural Resources Defense Council), *available at* http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=f5aa8c33-b106-4d49-ad31-cfc43c688ea8; Abrahm Lustgarten, Buried Secrets: Is Natural Gas Drilling Endangering U.S. Water Supplies?, *ProPublica*, November 13, 2008.

high-profile cases in Pennsylvania, Texas, and Wyoming, people living near well sites requested investigations by the Environmental Protection Agency (EPA) after noticing changes in their water.¹⁶ The EPA investigations were later dropped except in the case of Wyoming, which was turned over to the state and is still ongoing.¹⁷

Disposing of the contaminated wastewater created by fracking raises additional issues.¹⁸ Injecting the wastewater into underground wells has caused earthquakes, while open air pits used to store the wastewater have leaked and caused environmental harm.¹⁹ The technique often requires millions of gallons of water, contributing to a spike in water prices in dry states and affecting water available for crop irrigation.²⁰ It also requires specialized sand, which has driven a sand mining boom in Wisconsin, Missouri, and Iowa with still unknown environmental consequences.²¹

So far, the industry has successfully fended off almost all federal regulation of fracking, in part through key exemptions from federal laws such as the Safe Drinking Water Act, which otherwise would allow the EPA to directly regulate fracking and other aspects of oil and gas production.²² During the 1990s, a group of citizens and an environmental nonprofit sued the agency to force it to regulate hydraulic fracturing in Alabama.²³ In the wake of the case, the EPA conducted a major study to evaluate the possible environmental effects of fracking and determine the best way to regulate it.²⁴ The study, released in 2004, concluded fracking did not

¹⁶ *Id.*; Press Release, Environmental Protection Agency, EPA Completes Drinking Water Sampling in Dimock, PA, July 25, 2012; Press Release, Environmental Protection Agency, EPA Issues an Imminent and Substantial Endangerment Order to Protect Drinking Water in Southern Parker County, December 7, 2010; Press Release, Environmental Protection Agency, EPA Releases Draft Findings of Pavillion, Wyoming Ground Water Investigation for Public Comment and Independent Scientific Review, December 8, 2011; Abraham Lustgarten, [EPA's Abandoned Wyoming Fracking Study One Retreat of Many](#), *ProPublica*, July 3, 2013; Kate Sinding, [Why is EPA Treating Dimock Differently Than Pavillion, WY or Hood County, TX?](#), *National Resources Defense Council's Switchboard Blog*, March 19, 2012.

¹⁷ *Id.*; Lustgarten, *ProPublica*, July 3, 2013; Daniel Gilbert and Russell Gold, [EPA Backpedals on Fracking Contamination](#), *Wall Street Journal*, April 1, 2012.

¹⁸ Terrence Henry and Kate Galbraith, [As Fracking Proliferates, So Do Wastewater Wells](#), *Texas Tribune*, March 28, 2013; Rebecca Hammer and Jeanne VanBriessen, [In Fracking's Wake: New Rules Are Needed to Protect Our Health and Environment from Contaminated Wastewater](#), *National Resources Defense Council*, May 2012.

¹⁹ Henry and Galbraith, *Texas Tribune*, March 28, 2013; Becky Hammer, [Fracking's Aftermath: Wastewater Disposal Methods Threaten Our Health & Environment](#), *National Resources Defense Council's Switchboard Blog*, May 9, 2012; Justin Doom, [Fracking Wastewater Disposal Seen Linked to Earthquakes](#), *Bloomberg*, July 16, 2013; Mike Soraghan, [N.M. Is Loosening Drilling Rules, Bucking Trends and Riling Ranchers](#), *EnergyWire*, November 15, 2012.

²⁰ Garance Burke, [Colorado's Fracking Woes Show Fight Brewing in Oklahoma, Texas And Other Drought-Ridden Areas](#), *Associated Press*, June 16, 2013; Jack Healy, [For Farms in the West, Oil Wells Are Thirsty Rivals](#), *New York Times*, September 5, 2012.

²¹ Steve Horn and Trisha Marczak, [Sand Land: Fracking Industry Mining Iowa's Iconic Sand Bluffs in New Form of Mountaintop Removal](#), *DeSmog*, April 30, 2013; Jason Smathers, [Wisconsin Feeding a Fracking Boom in U.S.](#), *Wisconsin Center for Investigative Journalism*, July 31, 2011; Jeffrey Tomich, [Missouri Sand Companies Tap Fracking Demand](#), *St. Louis Post-Dispatch*, November 4, 2012.

²² Abraham Lustgarten, [Energy Industry Sways Congress With Misleading Data](#), *ProPublica*, July 8, 2009; Lustgarten, *ProPublica*, July 3, 2013; [Lax Rules for the Natural Gas Industry](#), *New York Times*, March 3, 2011.

²³ Lena Groeger, [From Gung-Ho to Uh-Oh: Charting the Government Moves on Fracking](#), *ProPublica*, February 7, 2012.

²⁴ http://water.epa.gov/type/groundwater/uic/class2/hydraulicfracturing/wells_hydrowhat.cfm.

pose a threat to groundwater.²⁵ In 2005, based on that heavily criticized study, Congress decided to exempt fracking companies from the requirements of the Safe Drinking Water Act unless the fracking fluid contains diesel fuel, preempting EPA regulation.²⁶ The decision came at the recommendation of the Bush administration's Energy Policy Task Force, a team of experts viewed as influenced by oil and gas interests.²⁷ In 2009, however, responding to the criticism, Congress instructed the EPA to conduct a new study of hydraulic fracturing to determine its potential impact on drinking water.²⁸ A draft report is scheduled to be completed in 2014.²⁹ In addition, in April 2012, the EPA issued regulations aimed at reducing fracking-related air pollution by requiring companies to capture smog-causing chemicals released during the fracking process at some sites.³⁰

Several other federal agencies also have some jurisdiction over fracking. Energy companies lease millions of acres of federal mineral rights from the Bureau of Land Management (BLM), which in May 2012 issued proposed regulations governing hydraulic fracturing on federal lands.³¹ BLM withdrew those and published a revised set in May 2013.³² Environmentalists have said the proposed regulations are too weak, and do not provide for sufficient protection or monitoring of water quality.³³ The Securities and Exchange Commission and the Department of Justice have investigated companies engaged in hydraulic fracturing for possible anticompetitive behaviors and to ensure energy companies are adequately assessing the risk of the technique.³⁴

Several members of Congress have introduced bills to shape federal regulation of hydraulic fracturing, but legislation has stalled.³⁵ The most high-profile has been the FRAC Act, first introduced in 2009, which would require the EPA to regulate fracking and mandate that companies publicly disclose chemicals used in fracking.³⁶ Introduced in the Senate by Sen. Bob

²⁵ Matt Spangler, Group Drops Hydraulic-Fracturing Fight After EPA Finds Little Threat to Water, *Inside Energy with Federal Lands*, June 28, 2004; Abrahm Lustgarten and Sabrina Shankman, Congress Tells EPA to Study Hydraulic Fracturing, *ProPublica*, November 10, 2009; Groeger, *ProPublica*, Feb. 7, 2012.

²⁶ *Id.*; Abrahm Lustgarten, In New Gas Wells, More Drilling Chemicals Remain Underground, *ProPublica*, December 27, 2009; <http://water.epa.gov/type/groundwater/uic/index.cfm>.http://water.epa.gov/type/groundwater/uic/class2/hydraulicfracturing/wells_hydrowhat.cfm.

²⁷ Editorial, The Halliburton Loophole, *New York Times*, November 2, 2009; Nash Keune, Cheney's Energy Success, *National Review*, April 12, 2012.

²⁸ Lustgarten and Shankman, *ProPublica*, Nov. 10, 2009.

²⁹ Abrahm Lustgarten, EPA Launches National Study of Hydraulic Fracturing, *ProPublica*, March 18, 2010; Lustgarten and Shankman, *ProPublica*, Nov. 10, 2009; <http://www2.epa.gov/hfstudy>.

³⁰ Lena Groeger, The EPA's First Fracking Rules – Limited and Delayed, *ProPublica*, April 19, 2012; Nicholas Kusnetz, EPA Proposes New Rules on Emissions Released by Fracking, *ProPublica*, July 29, 2011.

³¹ http://www.blm.gov/wo/st/en/info/newsroom/2013/june/nr_06_07_2013.html.

³² Sofia Plagakis, BLM Fracking Rule Bows to Industry, Ignores Public Concerns, *Center for Effective Government*, May 21, 2013; Steven Mufson, Obama Administration Issues Draft Fracking Regulations, *Washington Post*, May 16, 2013.

³³ Plagakis, *Center for Effective Government*, May 21, 2013.

³⁴ Diane Bartz and Brian Grow, Justice Dept Probing Chesapeake, Encana Land Talks, *Reuters*, July 2, 2012; Deborah Solomon, SEC Bears Down on Fracking, *Wall Street Journal*, August 25, 2011; David Wethe, Antitrust Probe Targets Halliburton's Fracking Business, *Bloomberg*, July 26, 2013.

³⁵ <http://polis.house.gov/news/documentsingle.aspx?DocumentID=323929>.

³⁶ *Fracturing Responsibility and Awareness of Chemicals (FRAC) Act of 2009*, H.R. 2766, 111th Congress, June 9, 2009; *Fracturing Responsibility and Awareness of Chemicals (FRAC) Act*, S. 1215, 111th Congress, June 9, 2009; Editorial, *New York Times*, Nov. 2, 2009.

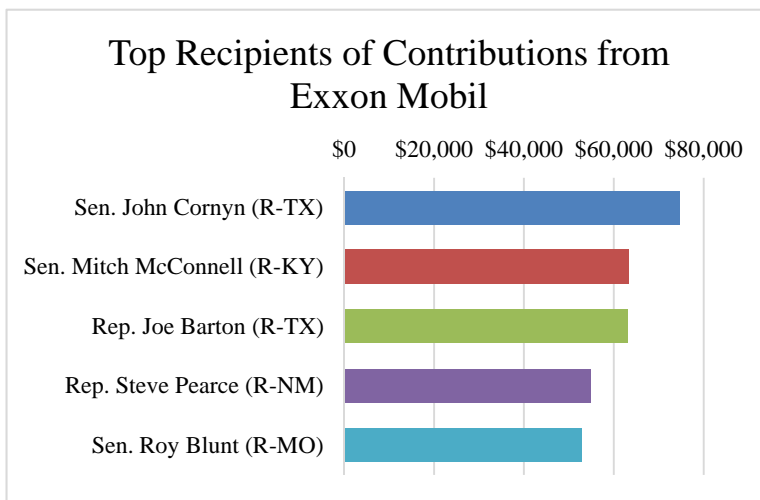
Casey (D-PA), it has five additional cosponsors, all Democrats, and has stalled in the Senate Committee on Environment and Public Works.³⁷ Rep. Diana DeGette (D-CO) introduced a companion bill in the House that currently has 42 cosponsors, including one Republican, but her bill also stalled in committee.³⁸ Members opposing federal regulation formed the Natural Gas Caucus in 2009 and, in 2011, the Marcellus Shale Caucus, both aimed at promoting natural gas and hydraulic fracturing.³⁹

In addition, industry supporters have pushed legislation explicitly limiting the federal government’s ability to regulate hydraulic fracturing. In the spring of 2012, Rep. Louie Gohmert (R-TX) and Sen. James Inhofe (R-OK) introduced the Fracturing Regulations are Effective in State Hands Act in the House and Senate to prevent the federal government from regulating any fracking activity on federal lands.⁴⁰ In September 2012, Sen. John Hoeven (R-ND) introduced the Empower States Act of 2012, which would have created new barriers to federal regulation of hydraulic fracturing.⁴¹ In July 2013, Rep. Bill Flores (R-TX) introduced the Protecting States’ Rights to Promote American Energy Security Act, which would prohibit BLM from regulating fracking.⁴² On July 31, 2013, the House Committee on Natural Resources passed the bill, and in September 2013, Rep. Eric Cantor (R-VA) said the House would bring the bill up for consideration.⁴³

Campaign Contributions

The steady increases in federal campaign contributions from the fracking industry track with the intensifying debate over whether the federal government should take a more assertive role in overseeing it. Industry contributions to federal congressional candidates have increased every cycle, with the biggest increase—nearly 41 percent—coming between the 2010 and 2012 election cycles, a time when the congressional debate over fracking was particularly active.

The largest companies make the most campaign contributions. Roughly 30 percent of campaign contributions from the fracking industry to congressional candidates came from



³⁷ *FRAC Act*, S. 1135, 113th Congress, June 11, 2013.

³⁸ *Fracturing Responsibility and Awareness of Chemicals (FRAC) Act of 2013*, H.R. 1921, 113th Congress, May 9, 2013.

³⁹ <http://murphy.house.gov/index.cfm?sectionid=44&itemid=1170>; Daniel Malloy, *Critz Forms Special Caucus on Marcellus Shale*, *Pittsburgh Post-Gazette*, March 15, 2011.

⁴⁰ *Fracturing Regulations are Effective in State Hands Act*, H.R. 4322, 112th Congress, March 29, 2012; *Fracturing Regulations are Effective in State Hands Act*, S. 2248, 112th Congress, March 28, 2012.

⁴¹ *Empower States Act of 2012*, S. 3573, 112th Congress, September 19, 2012.

⁴² *Protecting States’ Rights to Promote American Energy Security Act*, H.R. 2728, 113th Congress, September 18, 2013.

⁴³ Ben Geman, *House Panel Votes to Block Interior’s ‘Fracking’ Rule*, *The Hill*, July 31, 2013; Julian Hattem, *House to Take Aim at Fracking Regulations*, *The Hill*, September 6, 2013.

three companies. The top contributor, Exxon Mobil, donated more than \$5.4 million. Exxon is a diversified energy company with a wide range of interests, but fracking is an increasingly large part of the company's business.⁴⁴ In 2010, the company paid \$35 billion to acquire natural gas producer XTO, a move seen as driven by XTO's expertise in hydraulic fracturing.⁴⁵

The second largest contributor, Chevron, donated nearly \$3.1 million. Chevron was a latecomer to hydraulic fracturing, but since 2011 has moved to dramatically expand its natural gas operations.⁴⁶ Chesapeake Energy is the third largest contributor, and donated more than \$2.3 million. Oklahoma City-based Chesapeake is a major player in the fracking industry, and fracking constitutes much of its business.⁴⁷

CREW's analysis shows the strongest congressional advocates of limiting federal regulation of fracking hail from districts home to fracking activity and received strong support from the industry. Sen. Inhofe, for example, received more than \$229,379 in contributions from the fracking industry between the 2004 and 2012 election cycles, which made him the 15th highest recipient among current members. The senator, who last ran for reelection in 2008 and is running for a fifth term in 2014, delivered a speech on the floor of the Senate in 2009 in which he said that "new federal regulation of hydraulic fracturing would be a disaster."⁴⁸ He was the third highest recipient of contributions from the fracking industry during the 2008 cycle, taking in \$144,600, behind only Sens. John Cornyn (R-TX) and Mary Landrieu (D-LA).

Sen. Hoeven, meanwhile, received \$133,150 from the fracking industry during the 2010 election cycle, the last time he was on the ballot.⁴⁹ Rep. Flores, who was first elected in 2010, has received \$146,800 from the fracking industry, all in the 2010 and 2012 election cycles.⁵⁰ Rep. Gohmert, who represents northeastern Texas, has received \$73,500 from the fracking industry.⁵¹

The fracking industry's support yielded mixed results during the recent 2012 election cycle. Republican Senate candidates in North Dakota (former Rep. Rick Berg), Montana (former Rep. Denny Rehberg), and Texas (Lt. Gov. David Dewhurst) were first, third, and fourth on the list of candidates receiving the most money from the fracking industry during the 2012 cycle, but their bids were unsuccessful. Lt. Gov. Dewhurst lost to Sen. Ted Cruz (R-TX), who was the second largest recipient of fracking industry contributions during the 2012 cycle. Former Reps. Rehberg and Berg received \$352,500 and \$333,299 from the fracking industry between the 2004 and 2012 cycles, which, if they were still in Congress, would place them on the list of the top 10 recipients of the industry's largesse, together with former Rep. Dan Boren (D-OK).

⁴⁴ Brian O'Keefe, Exxon's Big Bet on Shale Gas, *Fortune*, April 16, 2012.

⁴⁵ *Id.*; Joe Carroll, Exxon Trails BP After \$35 Billion XTO Natural-Gas Gamble Amid Supply Glut, *Bloomberg*, May 24, 2011.

⁴⁶ Isabel Ordonez, Chevron Plays Catch-Up in Shale Gas, *Wall Street Journal*, March 12, 2012.

⁴⁷ Jeff Goodell, The Big Fracking Bubble: The Scam Behind Aubrey McClendon's Gas Boom, *Rolling Stone*, March 1, 2012.

⁴⁸ Abraham Lustgarten, Inhofe Defends Hydraulic Fracturing on Senate Floor, *ProPublica*, July 29, 2009; Inhofe to Seek Re-Election, *CNN*, August 7, 2013.

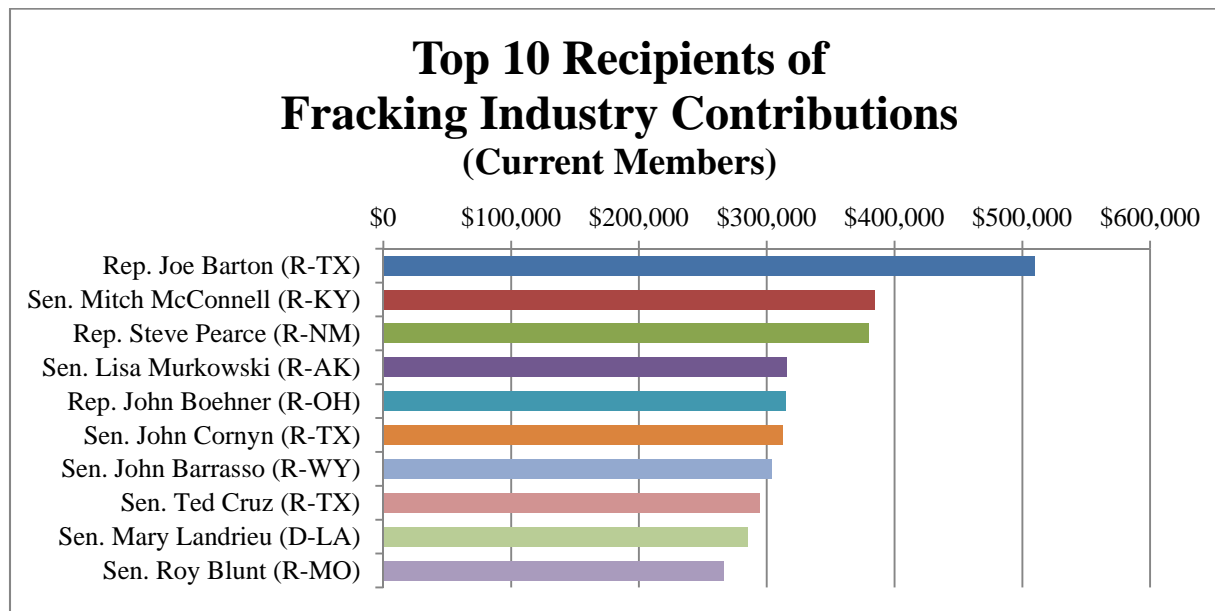
⁴⁹ <http://elections.nytimes.com/2010/results/north-dakota>.

⁵⁰ Flores Sworn Into Congress, *Cleburne Times-Review*, January 11, 2011.

⁵¹ <https://www.govtrack.us/congress/members/TX/1>.

Top Recipients

The top 10 recipients of fracking industry campaign contributions among current members of Congress are a mix of members who have shown strong support for the industry and the Republican leadership. The only Democrat on the list is Sen. Mary Landrieu (D-LA).



The recipient of the largest amount of contributions by far among current members of Congress is Rep. Barton, the former chair of the House Committee on Energy and Commerce, with \$509,447. The second highest recipient, Senate Minority Leader Mitch McConnell (R-KY), received \$384,700. Sen. McConnell was one of four cosponsors of a 2012 bill that would have placed new barriers on federal regulation of fracking.⁵² Rep. Steve Pearce (R-NM), the third highest recipient, took in \$379,700. Rep. Pearce has criticized the federal government’s efforts to monitor fracking.⁵³ In 2011, he sharply questioned then-SEC Chairwoman Mary Schapiro about information the SEC had requested from companies regarding fracking.⁵⁴ In May 2013, he pushed back against BLM’s proposed rules for fracking on public land, saying they would “add new and unnecessary layers of burdensome and excessive regulations to an industry that states have been successfully managing for over 60 years.”⁵⁵

The fourth highest recipient is Sen. Lisa Murkowski (R-AK) who received \$315,450. Sen. Murkowski is the ranking member of the Senate Committee on Energy and Natural Resources and the ranking member of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies, both of which have some jurisdiction over fracking-related

⁵² *Empower States Act of 2012*, S. 3573, 112th Congress, September 19, 2012.

⁵³ *EPA Pulls Fracking Water Contamination Report*, *Arizona Daily Independent*, June 23, 2013; Louise Story and Eric Dash, *Lawyer Defends Role in S.E.C. Madoff Case*, *New York Times*, September 22, 2011; James Monteleone, *Proposed Frack Rules Draw Fire*, *Albuquerque Journal*, May 21, 2013.

⁵⁴ Transcript, CQ Transcriptions, *Rep. Spencer Bachus Holds a Hearing on SEC Operations and Reform, Panel One*, September 15, 2011.

⁵⁵ *Id.*

legislation.⁵⁶ Sen. Murkowski has said states, not the federal government, should have primary responsibility for regulating fracking.⁵⁷ She supported Sen. Hoeven's legislation, which would have required the federal government to defer to the states.⁵⁸

House Speaker John Boehner is the fifth highest recipient, with \$314,700 in contributions. The sixth highest recipient is Sen. John Cornyn (R-TX), who received \$312,400 from the fracking industry. In 2011, Sen. Cornyn spoke out against the FRAC Act, saying, "In my opinion, there is no need to destroy the current partnership between state and federal regulators and put the EPA in the driver's seat."⁵⁹ He co-sponsored Sen. Inhofe's 2012 legislation, the Fracturing Regulations Are Effective in State Hands Act.⁶⁰

Sen. John Barrasso (R-WY), the seventh highest recipient, took in \$303,900 from the fracking industry. Sen. Barrasso opposes federal regulation of fracking, and is the ranking member of the Senate Energy and Natural Resources Subcommittee on Public Lands and Forests which has jurisdiction over fracking related issues on public lands.⁶¹ He has criticized the BLM's draft regulations, saying they are duplicative of measures already put in place by states.⁶² First-term Sen. Ted Cruz (R-TX), the eighth highest recipient, received \$294,950, all during his 2012 campaign. In an April 2013 speech, Sen. Cruz said he would fight opposition to fracking.⁶³ The ninth highest recipient, Sen. Mary Landrieu (D-LA), received \$285,000. Sen. Landrieu is a strong supporter of fracking and has signed two letters to the Environmental Protection Agency (EPA) questioning the agency's definition of "diesel fuels" and expressing concern over whether the agency may overrule state regulations.⁶⁴ Sen. Roy Blunt (R-MO), the vice-chair of the Republican conference, is the tenth highest recipient, with \$266,416.⁶⁵

⁵⁶ <http://www.energy.senate.gov/public/>; <http://www.appropriations.senate.gov/sc-interior.cfm>; Rules of the Senate, Rule 25, cl. (1)(b) and (1)(g).

⁵⁷ Partisan Fracking Rift Opens in Senate Energy Panel, *Congressional Quarterly News*, May 24, 2013; Amy Dalrymple, Hoeven Proposes Fracking Legislation While Hosting Alaska Senator, *Prairie Business*, September 19, 2012.

⁵⁸ *Id.*

⁵⁹ Transcript, Political Transcript Wire, Sen. Barbara Boxer and Sen. Benjamin L. Cardin Hold a Hearing on Natural Gas Drilling, Health, and Environmental Concerns, April 13, 2011.

⁶⁰ Fracturing Regulations are Effective in State Hands Act, S. 2248, 112th Congress, March 28, 2012.; Texas Sen. John Cornyn Among Senators Requesting Fracking Study, *The Eagle*, January 21, 2012; Brantley Hargrove, Texas Senators Demand EPA Review of Fracking Endangerment Order in Parker County, *Dallas Observer*, June 26, 2012.

⁶¹ <http://www.barrasso.senate.gov/public/index.cfm?FuseAction=IssuesLegislation.CommitteeAssignments>; http://www.barrasso.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord_id=186c689e-bbcd-47ec-10eb-100f2b586696; Mead Gruver, Federal Fracking Rules Spark Controversy In Wyoming, *Associated Press*, May 17, 2013; Bryan Schutt, Barrasso: BLM Fracking Rule Is 'Solution ... Looking for a Problem', *SNL Daily Gas Report*, June 7, 2013; <http://www.energy.senate.gov/public/index.cfm/jurisdiction>.

⁶² *Id.*

⁶³ Michelle Brownstone, Cruz Addresses Importance of Economic Growth, *Odessa American*, April 5, 2013.

⁶⁴ Chris Tucker, Sen. Landrieu: Hydraulic Fracturing, Shale Gas Opponents in Washington (Hince, DeGrette Casey) Are Wrong, *Energy InDepth*, April 1, 2010; Senators Question EPA Fracking Guide, *EnergyWashington Week*, October 10, 2012; Lauren Gardner, Senators Urge EPA to Narrowly Define Fracking-Related Diesel Fuel, *Congressional Quarterly Today*, December 21, 2011.

⁶⁵ http://www.senate.gov/pagelayout/senators/a_three_sections_with_teasers/leadership.htm.

Conclusion

The fracking industry's campaign contributions have shaped the debate over federal oversight of fracking, and have risen as the congressional debate over fracking has intensified. The industry's influence has contributed to stalling legislation, slowing the evaluation of environmental and other impacts of fracking, and distorting the debate over sensible steps the federal government could take to regulate it.

METHODOLOGY

To identify the locations of wells that were hydraulically fractured, CREW relied on data from the Chemical Disclosure Registry's FracFocus website (www.fracfocus.org). FracFocus maintains the official state fracking chemical disclosure database for the following ten states: Colorado, Oklahoma, Louisiana, Texas, North Dakota, Montana, Mississippi, Utah, Ohio and Pennsylvania.⁶⁶ In addition, FracFocus has information about wells voluntarily submitted by hundreds of companies, including fracking well locations in the following eleven states: Alabama, Alaska, Arkansas, California, Kansas, Michigan, Nebraska, New Mexico, Virginia, West Virginia, and Wyoming.⁶⁷ CREW classified those 21 states as fracking states.

CREW compared the map of well locations available from FracFocus to the maps of congressional districts for the 2012 cycle available from www.govtrack.us.⁶⁸ CREW compared the map of well locations available from FracFocus to the maps of congressional districts in use from 2004 through 2010 available through Google Maps.⁶⁹ CREW identified 90 fracking districts for the 2004 to 2010 election cycles and 94 fracking districts for the 2012 election cycle.⁷⁰

CREW drew from FracFocus a list of companies registered with the site.⁷¹ CREW's study includes corporate contributions only from companies registered with FracFocus. The site's list consists primarily of companies operating hydraulically fractured wells, as opposed to companies they may contract with to hydraulically fracture the wells.⁷² CREW added trade associations representing the fracking industry: Alaska Oil & Gas Association, American Gas Association, American Petroleum Institute, America's Natural Gas Alliance, Association of Texas Intrastate Natural Gas Pipelines (now Texas Pipeline Association), California Independent Petroleum Association, Independent Oil & Gas Association of Pennsylvania (now Pennsylvania Independent Oil & Gas Association), Independent Petroleum Association of America, Independent Petroleum Association of Mountain States, Interstate Natural Gas Association of America, Louisiana Oil & Gas Association, Michigan Oil and Gas Association, Mid-Continent Oil and Gas Association of Oklahoma, National Ocean Industries Association, National Stripper Well Association, Ohio Oil and Gas Association, Oklahoma Independent Petroleum Association,

⁶⁶ <http://fracfocus.org/welcome>.

⁶⁷ *Id.*; <http://fracfocus.org/links>. FracFocus offers the most complete well location data available, but since disclosure is voluntary in these 11 states, some well locations are likely not included. CREW also reviewed a December 2012 report published by the Environmental Protection Agency (EPA) confirming significant fracking activity in those 11 states, but the report did not provide precise well locations. See U.S. Environmental Protection Agency, *Study of the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources*, December 2012.

⁶⁸ <http://www.govtrack.us/congress/members/map>. CREW used the map of well locations on FracFocus as of October 2013.

⁶⁹ <https://support.google.com/fusiontables/answer/1032332?hl=en>.

⁷⁰ FracFocus includes wells hydraulically fractured after January 1, 2011. Earlier data is unavailable, so CREW was unable to separately determine which districts had fracking activity during each specific cycle, though all well locations match the areas where fracking has historically been known to take place. See <http://www.fracfocusdata.org/DisclosureSearch/>.

⁷¹ CREW downloaded the list, which included 452 companies, on February 5, 2013. See <http://fracfocus.org/links>.

⁷² More than 50 companies hydraulically fracture wells, and new companies are frequently emerging. See Davie Wethe, *Antitrust Probe Targets Halliburton's Fracking Business*, *Bloomberg*, July 26, 2013.

Permian Basin Petroleum Association, Texas Alliance of Energy Producers, US Oil & Gas Association, Western Energy Alliance, and the Western States Petroleum Association.⁷³

MapLight assembled custom campaign contribution data showing all contributions to congressional candidates' campaign committees made by the employees and political action committees (PACs) of these companies and organizations.⁷⁴ CREW drew additional information from news reports, state and federal government reports and data, and official records of legislation and congressional action.

CREW would like to thank MapLight, the Natural Resources Defense Council, and the Union of Concerned Scientists for their assistance.

NOTE

FracFocus, a website funded jointly by the fracking industry, the federal government, nonprofit groups, and state governments, was created in 2011.⁷⁵ The Bureau of Land Management is considering using the site for required disclosures of fracking on federal lands.⁷⁶ Nonetheless, environmentalists and studies have raised questions about the site, including whether it complies with standards for managing government records.⁷⁷ Many of the concerns have to do with reports disclosing use of chemicals in fracking, which are not aggregated in a database or easily searchable.⁷⁸ Also, it isn't clear how states can enforce disclosure requirements when companies fail to file reports with FracFocus or file reports with insufficient information, and voluntary disclosure can lag.⁷⁹

⁷³ CREW only included trade associations that contributed to federal candidates between the 2004 and 2012 election cycles.

⁷⁴ References to companies and trade associations making campaign contributions are shorthand for campaign contributions by their political action committees and employees. We are not insinuating that any company named in the report has made contributions in violation of federal campaign finance laws.

⁷⁵ *Committee Forum on Environmental Impacts of Shale Gas Development and Best Practices, Senate Committee on Energy and Natural Resources*, May 23, 2013 (Response to Questions for the Record from Chairman Wyden from the Sierra Club and National Resources Defense Council), available at http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=6a83d0c7-8926-4446-bdf8-8f4b28a71881; *Committee Forum on Environmental Impacts of Shale Gas Development and Best Practices, Senate Committee on Energy and Natural Resources*, May 23, 2013 (Response to Questions for the Record from Chairman Wyden from the Environmental Defense Fund), available at http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=5ddef814-00f8-46b2-998f-4961cf653e52; <http://fracfocus.org/welcome>.

⁷⁶ Matthew McFeeley, Three Reasons Why the Obama Administration Shouldn't Use FracFocus.org In Its New Fracking Disclosure Rule, *Natural Resources Defense Council's Switchboard Blog*, April 10, 2013.

⁷⁷ *Id.*; Kate Konschnik, Margaret Holden, and Alexa Shasteen, Legal Fractures in Chemical Disclosure Laws, *Harvard Law School*, April 23, 2013.

⁷⁸ *Id.*

⁷⁹ *Id.*