

## HR 4301

### EXPAND Act

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Energy

**Introduced:** Mar 29, 2012

**Current Status:** Referred to the Subcommittee on Readiness.

**Latest Action:** Referred to the Subcommittee on Readiness. (Jul 10, 2012)

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### Sponsor

**Name:** Rep. Duncan, Jeff [R-SC-3]

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

### Cosponsors (22 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Broun, Paul C. [R-GA-10]	R · GA		Mar 29, 2012
Rep. Gohmert, Louie [R-TX-1]	R · TX		Mar 29, 2012
Rep. Gowdy, Trey [R-SC-4]	R · SC		Mar 29, 2012
Rep. Graves, Tom [R-GA-9]	R · GA		Mar 29, 2012
Rep. Harris, Andy [R-MD-1]	R · MD		Mar 29, 2012
Rep. Landry, Jeffrey M. [R-LA-3]	R · LA		Mar 29, 2012
Rep. Mulvaney, Mick [R-SC-5]	R · SC		Mar 29, 2012
Rep. Poe, Ted [R-TX-2]	R · TX		Mar 29, 2012
Rep. Scott, Tim [R-SC-1]	R · SC		Mar 29, 2012
Rep. Westmoreland, Lynn A. [R-GA-3]	R · GA		Mar 29, 2012
Rep. Wilson, Joe [R-SC-2]	R · SC		Mar 29, 2012
Rep. Huelskamp, Tim [R-KS-1]	R · KS		Mar 30, 2012
Rep. McKinley, David B. [R-WV-1]	R · WV		Apr 16, 2012
Rep. Scott, Austin [R-GA-8]	R · GA		Apr 17, 2012
Rep. Fleming, John [R-LA-4]	R · LA		Apr 18, 2012
Rep. Kingston, Jack [R-GA-1]	R · GA		Apr 18, 2012
Rep. Ribble, Reid J. [R-WI-8]	R · WI		Apr 18, 2012
Rep. Roe, David P. [R-TN-1]	R · TN		Apr 18, 2012
Rep. Rokita, Todd [R-IN-4]	R · IN		Apr 18, 2012
Rep. McClintock, Tom [R-CA-4]	R · CA		Apr 19, 2012
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		May 7, 2012
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		May 7, 2012

Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Referred to	May 10, 2012
Armed Services Committee	House	Referred to	Jul 10, 2012
Energy and Commerce Committee	House	Referred to	Mar 30, 2012
Judiciary Committee	House	Referred to	Apr 16, 2012
Natural Resources Committee	House	Referred to	Apr 16, 2012
Natural Resources Committee	House	Referred to	Apr 16, 2012
Natural Resources Committee	House	Referred to	Apr 16, 2012
Oversight and Government Reform Committee	House	Referred To	Mar 29, 2012
Rules Committee	House	Referred To	Mar 29, 2012
Transportation and Infrastructure Committee	House	Referred to	Mar 30, 2012
Transportation and Infrastructure Committee	House	Referred to	Mar 30, 2012
Transportation and Infrastructure Committee	House	Referred to	Mar 30, 2012
Transportation and Infrastructure Committee	House	Referred to	Mar 30, 2012
Transportation and Infrastructure Committee	House	Referred to	Mar 30, 2012
Ways and Means Committee	House	Referred To	Mar 29, 2012

Subjects & Policy Tags

Policy Area:

Energy

Related Bills

Bill	Relationship	Last Action
112 HR 6333	Related bill	<b>Sep 7, 2012:</b> Referred to the Subcommittee on Courts, Commercial and Administrative Law.
112 S 3383	Related bill	<b>Jul 12, 2012:</b> Read twice and referred to the Committee on Energy and Natural Resources.

Energy Exploration and Production to Achieve National Demand Act or EXPAND Act - **Title I: Development of Federal Energy Resources** - Amends the Gulf of Mexico Energy Security Act of 2006 to repeal the moratorium upon oil and gas leasing (or any related activity) in: (1) any area east of the Military Mission Line in the Gulf of Mexico; (2) any area in the Eastern Planning Area that is within 125 miles of the Florida coastline; or (3) specified areas within the Central Planning Area and within 100 miles of the Florida coastline.

Amends the Outer Continental Shelf Lands Act (OCSLA) regarding the Outer Continental Shelf (OCS) leasing program to direct Secretary of Defense (DOD) to review OCS areas that have been designated as restricted from exploration and operation to determine whether they should remain under restriction.

Instructs the Secretary of the Interior (Secretary in this title) to offer for leasing: (1) the Destin Dome and Pensacola areas, even though they were omitted from a certain 5-year leasing program, (2) any other areas in the Eastern Gulf of Mexico Planning Area that are made available for leasing under this Act, and (3) include the aforementioned areas in any 5-year leasing program approved after the date of enactment of this Act.

Extends, by 24 months, certain deepwater oil and gas leases in the Gulf of Mexico OCS region that were not producing as of April 30, 2010.

Directs the Secretary to: (1) reinstate certain expired leases, and (2) conduct expanded OCS lease sales.

Sets forth an allocation scheme for coastal states to receive funds from OCS leases that are inversely proportional to the respective distances between the point on the coastline of the adjacent state that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

Directs the Secretary, acting through the Director of the Bureau of Land Management (BLM), to establish and implement a competitive oil and gas leasing program for exploration, development, and production of the oil and gas resources of the Arctic Coastal Plain.

Authorizes the Secretary to: (1) designate special areas on such Coastal Plain to preserve fish, wildlife, and subsistence resource values, and (2) exclude leasing or surface occupancy from such areas. Authorizes, however, leasing all or a portion of a Special Area under terms permitting horizontal drilling technology from sites on leases located outside the Special Area.

Prescribes: (1) lease sales procedures, (2) lease terms and conditions, and (3) Coastal Plain environmental protection.

Sets forth requirements for: (1) distribution of federal and state revenues emanating from bonus, rental, and royalty revenues from oil and gas leasing and operations, (2) semiannual payments to the state of Alaska, (3) rights-of-way and easements across the Coastal Plain for oil and gas transportation, (4) conveyance of surface and subsurface estates to specified Corporations, and (5) local government aid and community service assistance.

Establishes in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

Expresses the sense of Congress regarding establishment of regional offices and regional permit coordinators to coordinate review of federal permits for oil and gas projects on federal lands onshore and on the OCS, including the appointment of a Regional Permit Coordinator.

Prescribes federal agency schedules for permit decisionmaking.

Designates the Federal Energy Regulatory Commission (FERC) to act as lead agency for any agency action regarding a Priority Energy Project pursuant to this Act.

Amends federal law governing congressional review of agency rulemaking to add: (1) congressional approval procedures for major rules, and (2) congressional disapproval procedures for nonmajor rules.

Requires the Secretary invite the governor of any state in which either an oil and gas operation may require a federal permit, or whose coastline is in immediate geographic proximity to OCS oil and gas operations, to be a signatory to a specified memorandum in order to fulfill any state responsibilities regarding federal oil and gas permitting decisions.

Authorizes a federal agency with jurisdiction over a Priority Energy Project to delegate to the state in which the Project is located the agency's statutory responsibilities regarding the Project.

Removes from further administrative review within the federal agency responsible for decisionmaking any oil and gas permitting decision for federal lands onshore or on the OCS.

Subjects to congressional approval implementation, administration, or enforcement by the BLM of Secretarial Order No. 3310.

Prescribes wilderness designation procedures subject to congressional approval.

Subjects to congressional approval any future executive branch action that withdraws more than 100 acres in the aggregate of public lands within the United States.

Grants FERC, in lieu of the Department of the Interior, exclusive jurisdiction and authority to implement and administer the leasing program for research and development of oil shale and tar sands and all other programs and requirements contained in the Energy Policy Act of 2005.

Instructs the Secretary to take actions to ensure that by January 1, 2018, at least 10% of the federal OCS lands and at least 10% of onshore federal lands and interests in lands that are under the Secretary's jurisdiction, are being leased for the production of energy.

Confers upon the U.S. District Court for the District of Columbia exclusive jurisdiction over any final agency decision concerning covered oil and natural gas activity.

Requires the Secretary to complete and finalize the Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States to analyze the potential impacts of developing solar energy on land administered by the Secretary.

Directs the Secretary of Agriculture to publish in the Federal Register a notice of intent to prepare a programmatic environmental impact statement to analyze the potential impacts of a program to develop solar and wind energy on National Forest System land.

Directs the Secretary of Defense to identify locations on land withdrawn from the public domain and reserved for military purposes that exhibit a high potential for solar, wind, geothermal, or other energy resources production.

Instructs the Secretary to establish a wind and solar leasing pilot program on covered land.

Instructs the Secretary and the Secretary of Agriculture to: (1) make a joint determination on whether to establish a leasing program for wind or solar energy, or both, on land within their respective jurisdictions; and (2) establish a leasing program unless they determine that it is not in the public interest, and does not provide an effective means of developing wind or solar energy.

Prescribes a revenue disposition format for such leasing program.

Requires the Secretary to consult and work with the Secretary of Defense regarding military operations in OCS waters, including resolution of conflicts that might arise between such operations and leasing under this Act.

Deems existing leases issued under the Final Outer Continental Shelf Oil and Gas Leasing Program, 2007-2012, including any lease issued pursuant to Lease Sale 193 or 213, to be in full compliance with the Final Outer Continental Shelf Oil and Gas Leasing Program, 2007-2012.

Authorizes holders of certain previously approved permits to drill (or to sidetrack) to conduct all operations authorized under such permits: (1) without further review by the Bureau of Ocean Energy Management, Regulation and Enforcement and the Bureau of Safety and Environmental Enforcement, and (2) without further review or delay under specified federal environmental protection law.

Requires the Secretary to act on oil and natural gas drilling permits within 30 days after an application's submission.

**Title II: Continental Pipeline Approval** - Approves a certain permit for the Keystone XL Pipeline. Deems approved a specified route within the state of Nebraska submitted by the governor of Nebraska if the President does not approve such route within 10 days after its date of submission.

**Title III: Radiological Material Repository** - Requires the federal government to site and permit at least one radiological material geologic repository for the disposal of radiological material.

Retains the repository site at Yucca Mountain as the site for the nation's radiological material repository following full statutory review of the Department of Energy's (DOE's) license application to construct the Yucca Mountain repository.

Directs the Nuclear Regulatory Commission (NRC) to continue to review DOE's pending license application to construct the repository at Yucca Mountain until a determination is made on its merits.

Instructs the NRC to approve such application within 180 days after enactment of this Act.

Removes statutory limitations on the amount of radiological material that can be placed in Yucca Mountain.

Requires the NRC to replace such limitations with new limits based on scientific and technical analysis of the full capacity of Yucca Mountain for the storage of radiological material.

**Title IV: Relief from Regulations and Prohibitions that Cause Artificial Price Increases** - Amends the Endangered Species Act of 1973 to: (1) require a decision to include a species on the list of threatened and endangered species to be based on the best scientific and economic (currently, commercial) data available at the time, including analysis of the costs and benefits of the matter under consideration; and (2) declare that nothing in such Act shall be construed to authorize the regulation of greenhouse gas emissions.

Amends the Clean Air Act to exclude from the definition of "air pollutant" carbon dioxide, water vapor, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride (greenhouse gases). Declares that nothing in the

Clean Air Act, the Federal Water Pollution Control Act (commonly known as the Clean Water Act), the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, or the Solid Waste Disposal Act shall be treated as authorizing or requiring the regulation of climate change or global warming. Provides that such provisions shall not prohibit: (1) implementation and enforcement of the rule entitled "Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards" and finalization, implementation, enforcement, and revision of the proposed rule entitled "Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles"; (2) statutorily authorized federal research, development, and demonstration programs and voluntary programs addressing climate change; (3) implementation and enforcement of stratospheric ozone protection provisions of the Clean Air Act to the extent that such implementation or enforcement only involves class I or II substances; or (4) implementation and enforcement of requirements of the Clean Air Act Amendments of 1990 for monitoring and reporting of carbon dioxide emissions.

Amends the Energy Independence and Security Act of 2007 to repeal provisions prohibiting any federal agency from entering into a contract for procurement of an alternative or synthetic fuel for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel must be less than or equal to such emissions from the equivalent conventional fuel.

Amends the Clean Air Act to repeal the renewable fuel program.

**Title V: Refinery Reform** - Requires the Administrator of the Environmental Protection Agency (EPA) to enter into a refinery permitting agreement upon the request of a state or Indian tribe to streamline the process for obtaining all permits licenses, approvals, variances, or other forms of authorization that a refiner is required to obtain for the construction and operation of a facility that refines crude oil into transportation fuel or other petroleum products or a facility that processes coal into synthetic crude oil or any other fuel.

Requires the Administrator to: (1) conduct a research and demonstration program to evaluate the air quality benefits of Fischer-Tropsch transportation fuel, (2) evaluate the use of such fuel as a mechanism for reducing engine exhaust emissions, and (3) recommend the most effective use and associated benefits of such fuels for reducing public exposure to exhaust emissions. Requires such program to consider: (1) the use of neat (100%) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector, and (2) the production costs associated with domestic production of fuel and prices for consumers.

Prohibits applications for permits for existing refineries from being considered to be timely if submitted after 120 days after this Act's enactment.

**Title VI: Repeal of Energy Tax Subsidies** - Amends the Internal Revenue Code to repeal: (1) the credit for alcohol fuel, biodiesel, and alternative fuel mixtures; (2) the credit for certain plug-in electric vehicles; (3) the credit for qualified fuel cell motor vehicles; (4) the alternative fuel vehicle refueling property credit; (5) the credit for alcohol used as fuel; (6) the credit for biodiesel and renewable diesel used as fuel; (7) the enhanced oil recovery credit; (8) the credit for electricity produced from certain renewable resources; (9) the credit for producing oil and gas from marginal wells; (10) the credit for production from advanced nuclear power facilities; (11) the credit for carbon dioxide sequestration; (12) the energy credit; (13) the qualifying advanced coal project; and (14) the qualifying gasification project credit.

Amends the American Recovery and Reinvestment Tax Act of 2009, Division B of the American Recovery and Reinvestment Act of 2009, to repeal the energy grant program under which the Secretary of the Treasury is required to

make grants to persons who place in service in 2009 and 2010 certain energy property that is eligible for: (1) the tax credit for producing electricity from renewable resources (e.g., wind, biomass, or solar energy facilities), or (2) the energy tax credit (e.g., fuel cell, geothermal, or microturbine property).

**Title VII: Regulatory Relief** - Provides that the following rules shall have no force or effect and shall be treated as though they had never taken effect: (1) the National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; (2) the National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers; (3) the Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; and (4) Identification of Non-Hazardous Secondary Materials That are Solid Waste.

Requires the Administrator of the Environmental Protection Agency (EPA), in place of such rules, to promulgate within 15 months regulations for industrial, commercial, and institutional boilers and process heaters and commercial and industrial solid waste incinerator units subject to such rules, that: (1) establish maximum achievable control technology standards, performance standards, and other requirements for hazardous air pollutants or solid waste combustion under the Clean Air Act; and (2) identify non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such boilers, heaters, or incinerator units, are solid waste under the Solid Waste Disposal Act for purposes of determining the extent to which such combustion units are required to meet emission standards for such pollutants under such Act. Requires the Administrator to establish compliance dates for such standards and requirements after considering compliance costs, non-air quality health and environmental impacts and energy requirements, the feasibility of implementation, the availability of equipment, suppliers, and labor, and potential net employment impacts.

Sets forth guidelines for such rules and regulations, including requiring the Administrator to: (1) ensure that emissions standards for existing and new sources can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, and (2) impose the least burdensome regulatory alternative for each regulation promulgated.

Amends the Internal Revenue Code to allow a taxpayer to elect to expense the cost of property used in the production of energy in the taxable year in which such property is placed in service.

Amends the Solid Waste Disposal Act to authorize states to implement coal combustion residuals permit programs. Requires each state governor to notify the Administrator within six months about whether such state will implement such a program. Requires states that decide to implement such a program to: (1) submit to the Administrator within 36 months a certification that such program meets the specifications of this Act, and (2) maintain either an approved municipal solid waste program for the control of hazardous disposal or an authorized state hazardous waste program. Establishes minimum requirements for coal combustion residuals permit programs. Requires: (1) the revised criteria established by this Act to apply to such programs; (2) landfills, surface impoundments, or other land-based units that may receive coal combustion residuals (structures) to be designed, constructed, and maintained to provide for containment of the maximum volumes of coal combustion residuals appropriate for the structure; (3) such programs to apply such revised criteria to surface impoundments; and (4) new structures that first receive coal combustion residuals after this Act's enactment to be constructed with a base located a minimum of two feet above the upper limit of the natural water table.

Authorizes: (1) state agency heads to require action to correct structural integrity deficiencies according to a schedule for structures that are classified as posing a high hazard potential pursuant to the guidelines published by the Federal Emergency Management Agency (FEMA) entitled "Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams," (2) state agency heads to require that such a structure close if such deficiency is not corrected

according to such schedule, (3) states to inspect structures and implement and enforce such permit program, and (4) states to address wind dispersal of dust from coal combustion residuals by requiring dust control measures.

Sets forth revised criteria for such programs with respect to: (1) design, groundwater monitoring, corrective action, and closure and post-closure for structures; (2) location restrictions for new structures in floodplains, wetlands, fault areas, seismic impact zones, and unstable areas; (3) air quality, financial assurance, surface water, and record keeping; (4) run-on and run-off control systems for landfills and other land-based units, other than surface impoundments that receive coal combustion residuals; and (5) run-off control systems for surface impoundments. Authorizes states to determine that such criteria is not needed for the management of their coal combustion residuals permit program. Authorizes the Administrator to treat such state determination as a deficiency if it does not accurately reflect the needs for the management of coal combustion residuals in the state.

Requires the time period and method for a structure's closure to be set forth in a schedule in a closure plan that takes into account the site-specific characteristics of such structure. Directs the closure plan for a surface impoundment to require the removal of liquid and the stabilization of remaining waste as necessary to support the final cover.

Prohibits the Administrator from applying such programs to the utilization, placement, and storage of coal combustion residuals at surface mining and reclamation operations.

Prohibits this Act from being construed to alter the EPA's regulatory determination, entitled "Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels," that the fossil fuel combustion wastes addressed in that determination do not warrant regulation under such Act.

**Title VIII: Attainment of National Ambient Air Quality Standards** - Amends the Clean Air Act to require any designation or redesignation of an area within a state or an interstate area as a nonattainment area for the national primary or secondary ambient air quality standard for a pollutant to be based on monitoring data and not on modeling data.

Requires the Administrator to set forth the air quality modeling methodologies required to be used in state implementation plans for purposes of predicting the effect on ambient air quality of emissions of air pollutants for which the Administrator has established national ambient air quality standards.

Authorizes a downwind area that is not in attainment with the national ambient air quality standard for ozone within 18 months of the attainment deadline to petition the Administrator for an extension of the time to come into attainment. Authorizes the Administrator, in lieu of reclassifying an area as nonattainment for ozone, to extend such date if the Administrator: (1) determines that the area is a downwind area with respect to such standard, (2) approves a plan revision for such area prior to a reclassification, (3) determines that the petitioning downwind area has demonstrated that it is affected by transport from an upwind area to a degree that affects the area's ability to attain such standard, and (4) provides measures to ensure that no area downwind of the area receiving the extended attainment date will be affected by transport to a degree that affects the other area's ability to attain such standard. Provides for the withdrawal of a reclassification determination.

Requires such extended attainment date to provide for attainment of such ozone standard in the downwind area as expeditiously as practicable but no later than the new date that the area would have been subject to had it been reclassified.

**Title IX: Sub-basin Reporting of Greenhouse Gas Emissions** - Requires the Administrator, in requiring any owner or

operator of any facility in the petroleum and natural gas system source category to report greenhouse gas emissions from facilities in such category, to allow such owner or operator to: (1) designate sub-basins consisting of similar fields within a larger basin, and (2) report such emissions from such sub-basins instead of reporting such emissions from the larger basin.

**Title X: Implementation of National Ocean Policy** - Prohibits federal departments and agencies from performing activities to implement Executive Order 13547, entitled "Stewardship of the Ocean, Our Coasts, and the Great Lakes."

**Title XI: Other Provisions** - Requires: (1) the administrative record compiled by an agency regarding an application for a permit, authorization, or other agency action involving a Priority Energy Project to be the sole and exclusive record for any appeal or review of such action, and (2) such record to be closed upon final agency action and prohibits such record from being subject to any further evidentiary proceedings or requirements unless requested by the applicant.

Requires an agency to: (1) prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), for each proposed significant energy action; and (2) publish such Statement, or a summary of it, in each related notice of proposed rulemaking and in any resulting final rule.

Requires the approval to construct or operate a Priority Energy Project pursuant to any federal permit to remain valid and authorized for the later of: (1) 18 months following the date on which the last permit needed by such Project to commence construction or operation is final and no longer subject to judicial review, (2) three years, or (3) five years in the case of a nationwide permit issued by the Army Corps of Engineers for activities that impact the aquatic environment.

Amends the Migratory Bird Treaty Act to reduce the cap on the maximum penalty for violations of such Act from \$15,000 to \$1,000.

## Actions Timeline

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- **Jul 10, 2012:** Referred to the Subcommittee on Readiness.
- **May 10, 2012:** Referred to the Subcommittee on Conservation, Energy, and Forestry.
- **Apr 16, 2012:** Referred to the Subcommittee on Energy and Mineral Resources.
- **Apr 16, 2012:** Referred to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs.
- **Apr 16, 2012:** Referred to the Subcommittee on National Parks, Forests and Public Lands.
- **Apr 16, 2012:** Referred to the Subcommittee on Courts, Commercial and Administrative Law.
- **Mar 30, 2012:** Referred to the Subcommittee on Energy and Power.
- **Mar 30, 2012:** Referred to the Subcommittee on Aviation.
- **Mar 30, 2012:** Referred to the Subcommittee on Coast Guard and Maritime Transportation.
- **Mar 30, 2012:** Referred to the Subcommittee on Highways and Transit.
- **Mar 30, 2012:** Referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials.
- **Mar 30, 2012:** Referred to the Subcommittee on Water Resources and Environment.
- **Mar 29, 2012:** Introduced in House
- **Mar 29, 2012:** Referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, the Judiciary, Rules, Ways and Means, Agriculture, Armed Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.