

109TH CONGRESS
1ST SESSION

H. R. 3807

To amend the Clean Air Act to create a uniform national standard for gasoline, to eliminate “boutique” fuels, to require the Secretary of Energy to construct, and sell to private businesses, 15 new gasoline refineries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2005

Mr. NEY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to create a uniform national standard for gasoline, to eliminate “boutique” fuels, to require the Secretary of Energy to construct, and sell to private businesses, 15 new gasoline refineries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Excellence
5 in Fuel Independence and National Energy (REFINE)
6 Act of 2005”.

1 **SEC. 2. AMENDMENT OF CLEAN AIR ACT FUELS PROVI-**
2 **SIONS.**

3 (a) **ELIMINATION OF MULTIPLE FUELS.**—Section
4 211(c)(4) of the Clean Air Act is amended to read as fol-
5 lows:

6 “(4) After the date of the enactment of the
7 “Restoring Excellence in Fuel Independence and National
8 Energy (REFINE) Act of 2005” no State (or political
9 subdivision thereof) may prescribe or attempt to enforce
10 any control or prohibition respecting any characteristic or
11 component of a fuel or fuel additive in a motor vehicle
12 or motor vehicle engine. Any such control or prohibition
13 adopted before such date of enactment shall cease to have
14 any force and effect on the date 3 years after such date
15 of enactment.”.

16 (b) **CONVENTIONAL GASOLINE.**—Section 211(k) of
17 the Clean Air Act is amended to read as follows:

18 “(k) **CONVENTIONAL GASOLINE REQUIRED**
19 **THROUGHOUT ENTIRE NATION.**—The Administrator
20 shall promulgate regulations under this subsection requir-
21 ing that all gasoline sold or introduced into commerce in
22 the United States (except the noncontiguous States and
23 territories) after the date 3 years after the date of the
24 enactment of the “Restoring Excellence in Fuel Independ-
25 ence and National Energy (REFINE) Act of 2005” for
26 use in a motor vehicle or motor vehicle engine be conven-

1 tional gasoline. As used in this section, the term ‘conven-
2 tional gasoline’ means a single blend of gasoline identified
3 in regulations of the Administrator with a uniform chem-
4 ical composition in all regions of the country that is iden-
5 tical to the chemical composition of the gasoline most
6 widely sold in the United States before the date of the
7 enactment of the REFINE Act of 2005 in areas other
8 than nonattainment areas.”.

9 (c) OXYGENATED FUELS.—Subsection (m) of section
10 211 of the Clean Air Act is repealed.

11 **SEC. 3. CONSTRUCTION OF REFINERIES.**

12 (a) GAO STUDY.—The Comptroller General of the
13 United States shall conduct, complete, and publish within
14 6 months after the enactment of this Act, a study to iden-
15 tify the the most viable locations throughout the United
16 States for the construction of 15 new gasoline refineries.
17 The locations shall identified based upon the following fac-
18 tors:

19 (1) Impact on the local community (determined
20 after requesting and receiving comments from State,
21 county or parish, and municipal governments).

22 (2) Regional vulnerability to a natural disaster.

23 (3) Regional vulnerability to terrorist attacks.

24 (4) Proximity to the Strategic Petroleum Re-
25 serves.

1 (5) Accessibility to national transportation sys-
2 tem.

3 (b) REFINERY CONSTRUCTION.—

4 (1) 15 REFINERIES.—Upon completion of the
5 study under subsection (a), the Secretary of Energy
6 shall enter into contracts with private entities for
7 the construction of 5 gasoline refineries at the 5 sep-
8 arate locations throughout the United States identi-
9 fied by the Comptroller General as most viable.
10 After the sale of such refineries under subsection
11 (c), the Secretary shall enter into contracts with pri-
12 vate entities for the construction of an additional 5
13 gasoline refineries at the next most viable locations.
14 After the sale of such 5 additional refineries under
15 subsection (c), the Secretary shall enter into con-
16 tracts with private entities for the construction of an
17 additional 5 refineries at the last 5 most viable loca-
18 tions.

19 (2) SIZE.—Each refinery constructed under this
20 subsection shall be capable of processing at least the
21 average barrels per day of crude oil equivalent to the
22 average of all refineries nationwide as determined on
23 December 31st of the previous calendar year and
24 shall process at least such amount for a period of

1 not less than 10 years after the commencement of
2 operations at that refinery.

3 (3) CONTRACT AND CONSTRUCTION REQUIRE-
4 MENTS.—The contracts entered into under this sub-
5 section shall be subject to all applicable Federal laws
6 governing Federal contracts and all Federal laws re-
7 lating to the protection of the environment, except
8 that in any environmental review under any such
9 law, only governmental entities shall be permitted to
10 comment.

11 (c) SALE OF REFINERIES.—Upon completion of con-
12 struction, the Secretary of Energy shall sell the refinery
13 to the highest bidder. Each refinery shall be sold in a sepa-
14 rate sale from the other refineries.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated such sums as may be
17 necessary to carry out this section.

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