

109TH CONGRESS
1ST SESSION

H. R. 3923

To provide for streamlining the process of Federal approval for construction or expansion of petroleum refineries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2005

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

A BILL

To provide for streamlining the process of Federal approval for construction or expansion of petroleum 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 “Refinery Streamlined
5 Permitting Act of 2005”.

6 **SEC. 2. REVIEW PROCESS STREAMLINING.**

7 (a) ASSISTANCE TO STATES.—The Secretary of En-
8 ergy shall offer to States assistance to enable the States
9 to assign responsibilities delegated to the States, under
10 Federal laws relating to the construction or expansion of

1 a petroleum refining facility, in a coordinated and expedi-
2 tious manner.

3 (b) MEMORANDUM OF UNDERSTANDING.—All Fed-
4 eral agencies, and all State agencies to which responsibil-
5 ities are delegated under Federal law, responsible for ap-
6 proving a permit or other Federal authorization for the
7 construction or expansion of a petroleum refining facility
8 shall enter into a memorandum of understanding with re-
9 spect to that facility, or proposed facility, that clearly de-
10 fines all actions required to be taken for Federal permit
11 review and approval. The memorandum of understanding
12 shall identify areas where Federal and State agencies can
13 exercise discretion, and where multiple levels of review on
14 permitting decisions can be coordinated, to enable a more
15 expeditious review process.

16 (c) APPROVAL DEADLINE.—Notwithstanding any
17 other provision of law, a Federal agency, and a State
18 agency to which responsibilities are delegated under Fed-
19 eral law, shall take final action to approve or disapprove
20 an application under Federal law for the construction or
21 expansion of a petroleum refining facility not later than
22 1 year after receipt of a complete application for such ap-
23 proval.

24 (d) PRIORITY PROJECTS.—A Federal agency, and a
25 State agency to which responsibilities are delegated under

1 Federal law, shall give high priority to expediting an appli-
2 cation under Federal law for the construction or expansion
3 of a petroleum refining facility that would—

- 4 (1) allow for production of cleaner burning fuel;
- 5 (2) result in increased refining capacity; or
- 6 (3) result in a reduction in a refinery's pollu-
7 tion output.

8 **SEC. 3. STATEMENT OF ENERGY EFFECTS.**

9 (a) PREPARATION.—

10 (1) REQUIREMENT.—An agency shall prepare
11 and submit a Statement of Energy Effects to the
12 Administrator of the Office of Information and Reg-
13 ulatory Affairs, Office of Management and Budget,
14 for each proposed significant energy action.

15 (2) CONTENTS.—A Statement of Energy Ef-
16 fects shall consist of a detailed statement by the
17 agency responsible for the significant energy action
18 relating to—

19 (A) any adverse effects on energy supply,
20 distribution, or use (including a shortfall in
21 supply, price increases, and increased use of
22 foreign supplies) should the proposal be imple-
23 mented; and

24 (B) reasonable alternatives to the action
25 with adverse energy effects, and the expected

1 effects of such alternatives on energy supply,
2 distribution, and use.

3 (3) GUIDANCE AND CONSULTATION.—The Ad-
4 ministrator of the Office of Information and Regu-
5 latory Affairs shall provide guidance to the agencies
6 on the implementation of this section and shall con-
7 sult with other agencies as appropriate in the imple-
8 mentation of this section.

9 (b) PUBLICATION.—Agencies shall publish their
10 Statements of Energy Effects, or a summary thereof, in
11 each related Notice of Proposed Rulemaking and in any
12 resulting Final Rule.

13 (c) DEFINITIONS.—For purposes of this section—

14 (1) the term “agency” has the meaning given
15 that term in section 3502(1) of title 44, United
16 States Code, except that the term does not include
17 an independent regulatory agency, as defined in
18 paragraph (5) of that section; and

19 (2) the term “significant energy action” means
20 any action by an agency that is expected to lead to
21 promulgation of a final rule or regulation and that—

22 (A) is likely to have a significant adverse
23 effect on the supply, distribution, or use of en-
24 ergy; or

1 (B) is designated by the Administrator of
2 the Office of Information and Regulatory Af-
3 fairs as a significant energy action.

○