

AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MR. GALLAGHER OF CALIFORNIA

At the end of subtitle B of title XVII, add the following new section:

1 **SEC. 17___ . STUDY ON PREEMPTION OR MITIGATION OF**
2 **STATE ACTIONS THAT UNDERMINE CRITICAL**
3 **DOMESTIC REFINING CAPACITY.**

4 (a) **STUDY.**—Not later than 30 days after the date
5 of the enactment of this Act, Comptroller General of the
6 United States, in coordination with the Administrator of
7 the United States Energy Information Administration,
8 shall conduct a study on potential mechanisms by which
9 the Federal government may preempt, repeal, or otherwise
10 mitigate actions taken, or proposed to be taken, by a State
11 or political subdivision thereof that have, or would have,
12 the effect of undermining domestic refining capacity critical
13 to national security.

14 (b) **ELEMENTS.**—The study under subsection (a)
15 shall assess, at a minimum, the following mechanisms:

16 (1) The regulatory preemption of State actions
17 specified in such subsection.

1 (2) The issuance of national security waivers to
2 preclude such actions.

3 (3) The use of other appropriate Federal legal
4 authorities to ensure the stability and sufficiency of
5 the domestic refining capacity specified in such sub-
6 section.

7 (c) SCOPE.—In carrying out the study under sub-
8 section (a), the Comptroller General shall assess mecha-
9 nisms available to the Federal government on a national
10 basis, but shall take into consideration as a case study
11 mechanisms available with respect to actions taken by the
12 State of California.

13 (d) REPORT.—Not later than 120 days after the date
14 of the enactment of this Act, Comptroller General shall
15 submit to the appropriate congressional committees a re-
16 port containing the findings of the study under subsection
17 (a).

18 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
19 FINED.—In this section, the term “appropriate congres-
20 sional committees” means—

21 (1) the Committee on Armed Services, the
22 Committee on Energy and Commerce, and the Com-
23 mittee on Natural Resources of the House of Rep-
24 resentatives; and

1 (2) the Committee on Armed Services and the
2 Committee on Energy and Natural Resources of the
3 Senate.

