

Union Calendar No.

113TH CONGRESS
1ST SESSION

H. R. 271

[Report No. 113-]

To clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2013

Mr. OLSON (for himself, Mr. GENE GREEN of Texas, Mr. DOYLE, Mr. TERRY, and Mr. KINZINGER of Illinois) introduced the following bill; which was referred to the Committee on Energy and Commerce

MAY --, 2013

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation, 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 “Resolving Environ-
5 mental and Grid Reliability Conflicts Act of 2013”.

6 **SEC. 2. AMENDMENTS TO THE FEDERAL POWER ACT.**

7 (a) COMPLIANCE WITH OR VIOLATION OF ENVIRON-
8 MENTAL LAWS WHILE UNDER EMERGENCY ORDER.—
9 Section 202(c) of the Federal Power Act (16 U.S.C.
10 824a(c)) is amended—

11 (1) by inserting “(1)” after “(c)”; and

12 (2) by adding at the end the following:

13 “(2) With respect to an order issued under this sub-
14 section that may result in a conflict with a requirement
15 of any Federal, State, or local environmental law or regu-
16 lation, the Commission shall ensure that such order re-
17 quires generation, delivery, interchange, or transmission
18 of electric energy only during hours necessary to meet the
19 emergency and serve the public interest, and, to the max-
20 imum extent practicable, is consistent with any applicable
21 Federal, State, or local environmental law or regulation
22 and minimizes any adverse environmental impacts.

23 “(3) To the extent any omission or action taken by
24 a party, that is necessary to comply with an order issued
25 under this subsection, including any omission or action

1 taken to voluntarily comply with such order, results in
2 noncompliance with, or causes such party to not comply
3 with, any Federal, State, or local environmental law or
4 regulation, such omission or action shall not be considered
5 a violation of such environmental law or regulation, or
6 subject such party to any requirement, civil or criminal
7 liability, or a citizen suit under such environmental law
8 or regulation.

9 “(4)(A) An order issued under this subsection that
10 may result in a conflict with a requirement of any Federal,
11 State, or local environmental law or regulation shall expire
12 not later than 90 days after it is issued. The Commission
13 may renew or reissue such order pursuant to paragraphs
14 (1) and (2) for subsequent periods, not to exceed 90 days
15 for each period, as the Commission determines necessary
16 to meet the emergency and serve the public interest.

17 “(B) In renewing or reissuing an order under sub-
18 paragraph (A), the Commission shall consult with the pri-
19 mary Federal agency with expertise in the environmental
20 interest protected by such law or regulation, and shall in-
21 clude in any such renewed or reissued order such condi-
22 tions as such Federal agency determines necessary to min-
23 imize any adverse environmental impacts to the maximum
24 extent practicable. The conditions, if any, submitted by
25 such Federal agency shall be made available to the public.

1 The Commission may exclude such a condition from the
2 renewed or reissued order if it determines that such condi-
3 tion would prevent the order from adequately addressing
4 the emergency necessitating such order and provides in
5 the order, or otherwise makes publicly available, an expla-
6 nation of such determination.”.

7 (b) TEMPORARY CONNECTION OR CONSTRUCTION BY
8 MUNICIPALITIES.—Section 202(d) of the Federal Power
9 Act (16 U.S.C. 824a(d)) is amended by inserting “or mu-
10 nicipality” before “engaged in the transmission or sale of
11 electric energy”.