

113TH CONGRESS
1ST SESSION

H. R. 271

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

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”.

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

2 (a) COMPLIANCE WITH OR VIOLATION OF ENVIRON-
3 MENTAL LAWS WHILE UNDER EMERGENCY ORDER.—
4 Section 202(c) of the Federal Power Act (16 U.S.C.
5 824a(c)) is amended—

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

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

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

18 “(3) To the extent any omission or action taken by
19 a party, that is necessary to comply with an order issued
20 under this subsection, including any omission or action
21 taken to voluntarily comply with such order, results in
22 noncompliance with, or causes such party to not comply
23 with, any Federal, State, or local environmental law or
24 regulation, such omission or action shall not be considered
25 a violation of such environmental law or regulation, or
26 subject such party to any requirement, civil or criminal

1 liability, or a citizen suit under such environmental law
2 or regulation.

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

11 “(B) In renewing or reissuing an order under sub-
12 paragraph (A), the Commission shall consult with the pri-
13 mary Federal agency with expertise in the environmental
14 interest protected by such law or regulation, and shall in-
15 clude in any such renewed or reissued order such condi-
16 tions as such Federal agency determines necessary to min-
17 imize any adverse environmental impacts to the maximum
18 extent practicable. The conditions, if any, submitted by
19 such Federal agency shall be made available to the public.
20 The Commission may exclude such a condition from the
21 renewed or reissued order if it determines that such condi-
22 tion would prevent the order from adequately addressing
23 the emergency necessitating such order and provides in
24 the order, or otherwise makes publicly available, an expla-
25 nation of such determination.”.

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

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