

Calendar No. 82

113TH CONGRESS
1ST SESSION**H. R. 271**

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

Received; read the first time

JUNE 3, 2013

Read the second time and placed on the calendar

AN ACT

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.—

1 Section 202(c) of the Federal Power Act (16 U.S.C.
2 824a(c)) is amended—

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

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

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

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

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

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

24 (b) TEMPORARY CONNECTION OR CONSTRUCTION BY
25 MUNICIPALITIES.—Section 202(d) of the Federal Power

1 Act (16 U.S.C. 824a(d)) is amended by inserting “or mu-
2 nicipality” before “engaged in the transmission or sale of
3 electric energy”.

Passed the House of Representatives May 22, 2013.

Attest:

KAREN L. HAAS,

Clerk.

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