112TH CONGRESS  
2D Session  

H. R. 4273

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

MARCH 28, 2012

Mr. Olson (for himself, Mr. Doyle, Mr. Terry, Mr. Gene Green of Texas, Mr. Kinzinger of Illinois, and Mr. Gonzalez) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Resolving Environmental and Grid Reliability Conflicts Act of 2012”.
SEC. 2. AMENDMENTS TO THE FEDERAL POWER ACT.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—

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

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

(2) by adding at the end the following: “An order issued under this section should require generation, delivery, interchange, or transmission of electric energy only during times necessary to meet the emergency and serve the public interest, and, to the extent reasonable, be consistent with any other applicable Federal law, including any environmental law or regulation, and endeavor to minimize any adverse environmental impacts.

“(2)(A) To the extent any omission or action taken by a party, which is necessary to comply with an order issued under paragraph (1), including any omission or action taken to voluntarily comply with such order, results in noncompliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.
“(B) In this paragraph, the term ‘environmental law’

does not include the Occupational Safety and Health Act

of 1970 (29 U.S.C. 651 et seq.).”.

(b) **TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.**—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting “or municipality” before “engaged in the transmission or sale of

electric energy”.

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