

legislation will provide my son Copeland and all of the other students of northeast Georgia with the best possible data that they and their parents can use to select the right postsecondary education paths for them.

I urge my colleagues to join me in supporting this bill, and I would like to thank the gentleman from Indiana for his leadership. The nature in which we bring this forward is a positive solution for our country and is a positive solution for the families looking at this decision of higher education.

Mr. ANDREWS. Mr. Speaker, in closing, this is an example of how we can work together and accomplish something constructive for the American people. I am pleased to support this bill, and I would urge a "yes" vote.

I yield back the balance of my time.

Mr. MESSER. I am a former State legislator from Indiana. They used to say on the House floor back there, "Good bill. Should pass," and it's great when you have the opportunity to work together across the aisle on a bill that just makes sense.

My colleague from North Carolina (Ms. FOXX) made the comment that there is a lot of data out there for families but that there is a difference between data and information. Our goal with this bill is to help bring this data together, to get past the data dump and to try to get families the information they need while at the same time lessening the regulatory burden on our colleges and universities. They're doing the best they can with limited resources as well.

So, with that, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. MESSER) that the House suspend the rules and pass the bill, H.R. 1949, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS ACT OF 2013

Mr. OLSON. Mr. Speaker, I move to suspend the rules and pass the bill (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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 271

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 2013".

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:

"(2) With respect to an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

"(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, 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.

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

"(B) In renewing or reissuing an order under subparagraph (A), the Commission shall consult with the primary Federal agency with expertise in the environmental interest protected by such law or regulation, and shall include in any such renewed or reissued order such conditions as such Federal agency determines necessary to minimize any adverse environmental impacts to the maximum extent practicable. The conditions, if any, submitted by such Federal agency shall be made available to the public. The Commission may exclude such a condition from the renewed or reissued order if it determines that such condition would prevent the order from adequately addressing the emergency necessitating such order and provides in the order, or otherwise makes publicly available, an explanation of such determination."

(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".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. OLSON) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. OLSON).

GENERAL LEAVE

Mr. OLSON. Mr. Speaker, I ask unanimous consent that all Members have 5

legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on H.R. 271.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OLSON. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 271, Resolving Environmental and Grid Reliability Conflicts Act of 2013.

My colleagues and I carefully drafted this bill last year to resolve a conflict between the Federal Power Act and environmental rules that, if left unresolved, could create serious problems for the reliability of our Nation's electric grid. With the hot summer coming and power demands set to surge, the potential for dangerous power outages is rising, alongside the mercury.

Just last week, States like California and my own State of Texas were warned by regulators that electricity reserve margins could dip dangerously low. Texas faces critical electricity shortages in the next few years. We simply won't have enough reliable power to guarantee our grid. Rolling blackouts in Texas alone would impact over 25 million people. As coal plants continue to be shut down, pockets of areas across the country could quickly experience blackouts. When the power fails and the AC shuts down on a hot 100-degree day, it's the elderly, the young, and the poor who suffer first.

Prior experience shows that in rare and limited circumstances, emergency actions have been needed to ensure the reliable delivery of electricity. When an emergency exists due to a sudden increase in a demand for electricity or a shortage of supply, the Department of Energy has a tool of last resort to address the emergency. That tool is an emergency order under section 202(c) of the Federal Power Act.

DOE can order a grid connection to be made or power plant to generate electricity when outages occur due to weather events, equipment failures, or the electricity supply is too low to avoid a blackout. As they should, DOE can mandate a company to comply with a 202(c) order, even if it means a brief violation of environmental laws.

Unfortunately, under current law, a company or individual can be penalized for violating environmental laws even when they're following a Federal order to avoid a blackout. In recent years, these conflicting Federal laws have resulted in lawsuits and heavy fines for electricity providers complying with legal orders. Unless Congress passes this legislation to resolve the potential conflict in laws, the section 202(c) tool is in jeopardy.

H.R. 271 eliminates the uncertainty facing power generators and their customers by providing a needed safety valve which clarifies 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. To be clear, these emergency orders are not issued lightly and only under extreme power reliability scenarios. In the last 30 years, this authority has only been invoked about half a dozen times.

If the need arises, my legislation will ensure that DOE works to minimize any adverse environmental impacts by balancing environmental interests with liability considerations.

While some people are concerned that H.R. 271 doesn't go far enough to protect plant operators who might face lawsuits from environmental groups, my bill is a vast improvement over current law.

Major utilities, both public and investor-owned power trade associations believe that a Federal court would be hard pressed to overrule an emergency order issued by the DOE. In a crisis, if this bill becomes law, DOE will be given deference, which will apply to utilities following these orders. DOE will consult with clean air regulators, but the final decision in emergencies will always firmly remain in the hands of those charged with keeping the power flowing.

The protection H.R. 271 offers is critical; and given the number of plant retirements that have been announced, as operators grapple with new EPA air and water rules, I worry that DOE may need to use its emergency authority more often in the future.

I still expect DOE emergency orders to be the exception and not the rule. In those rare instances when the authority is invoked, we should not punish generators who are simply following orders from the Federal Government to keep the power on in an emergency.

Resolving this conflict is critical, which is why I reintroduced this bipartisan legislation in the 113th Congress. It will allow America's power companies to comply with Federal orders to maintain grid reliability during a power emergency without the threats of lawsuits or penalties.

I'm pleased with the widespread bipartisan support this bill has received. This bill is proof that we can find common ground in Washington, D.C., when working to address a glitch in Federal law and provide a reliable energy supply to all Americans.

I want to thank Chairman FRED UPTON, Ranking Member HENRY WAXMAN, Subcommittee Chairman ED WHITFIELD, and Subcommittee Chairman BOBBY RUSH for their support and assistance in moving this bill forward. I also want to thank my original cosponsors on the committee, GENE GREEN of Texas, MIKE DOYLE of Pennsylvania, LEE TERRY of Nebraska, ADAM KINZINGER of Illinois, and their staffs for working with me to fix this problem, to keep the power running for all Americans in an emergency.

Mr. Speaker, I urge my colleagues to support this commonsense, bipartisan legislation that protects energy consumers, the environment, and those who provide the power.

With that, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 271, the Resolving Environmental and Grid Reliability Conflicts Act.

I'm proud to be an original cosponsor to this bill that we worked on with my good friends, Congressman PETE OLSON and Congressman MIKE DOYLE, last Congress. This bipartisan legislation addresses a conflict in Federal law where a company or individual can be held liable for violating environmental laws when the Federal Government orders them to generate power to avoid blackouts.

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Section 202(c) of the Federal Power Act gives the Department of Energy the authority to order an electric generating facility to generate power in order to avoid an electric reliability emergency.

At the same time, the possibility of violating environmental laws and regulations may restrict the operation of power plants or transmission lines. For example, a company may have mothballed a power plant because it had reached its Clean Air Act emissions limit for the year. So if a company, or publicly owned utility, is ordered by DOE to operate under section 202(c), and at the same time is prohibited from operating in accordance with the DOE order due to environmental limitations, the operator must choose which legal mandate to follow. These conflicting legal mandates should not complicate an electric reliability crisis, but they do. It is not fair for the government to put a power generator in this position.

As a longtime member of the Energy and Commerce Committee and someone who has worked on both reliability and environmental legislation during that time, I can honestly say that it was never our intention to put electric generating facilities in the position of having to choose between compliance with one law over another. And while there have only been a couple of instances to date where a generator has been in this situation, this potential for conflict will only grow as several coal-fired plants are scheduled to be taken offline in the coming years.

That is why Congress needs to address this issue. Otherwise, we risk threatening our electric reliability and for certain regions of the country, this issue is coming fast. H.R. 271 simply clarifies that if an emergency order issued pursuant to section 202(c) of the Federal Power Act may result in a conflict with an environmental law or regulation, the order shall expire no later than 90 days after issuance.

This deadline does two things. First, this ensures that the Department of Energy continues to have the necessary authority to "keep the lights

on" in true emergencies. However, it then gives DOE the opportunity to renew or reissue the order for an additional 90-day period only after consulting with the appropriate Federal agencies and including conditions submitted by these agencies to mitigate any potential adverse environmental impacts.

This is not a messaging bill. It's not an anti-EPA bill or an anti-air toxic standards bill. Instead, it's a commonsense bill that addresses a very worrisome deficiency in current law that is only going to become more prominent in the coming years.

I want to thank our ranking member, Mr. WAXMAN, for his continued support of this bill. This is one of a handful of bills that actually were supported by both Democrats and Republicans in the Energy and Commerce Committee, and it has support across the utility industry. My hope is that the committee will continue to refer to the floor truly bipartisan bills like this one. It's time we get back to legislating and not messaging. With that, I encourage my colleagues on both sides of the aisle to support this bill.

I reserve the balance of my time.

Mr. OLSON. Mr. Speaker, I have no other Members wanting to speak, and I'm willing to close if my colleague is as well.

Mr. GENE GREEN of Texas. Mr. Speaker, I encourage my colleagues to support this great legislation.

I yield back the balance of my time.

Mr. OLSON. Mr. Speaker, in closing, I want to thank Chairman UPTON, Ranking Member WAXMAN, subcommittee Chairman WHITFIELD, and subcommittee Ranking Member RUSH for their assistance in getting this bill passed in the 113th Congress.

If my colleagues want to go home next week with an example of bipartisanship for their constituents, vote for H.R. 271.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEWART). The question is on the motion offered by the gentleman from Texas (Mr. OLSON) that the House suspend the rules and pass the bill, H.R. 271.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a), and the order of the House of January 3, 2013, of the following Members on the part of the House to the Migratory Bird Conservation Commission:

Mr. WITTMAN, Virginia