

Opening Statement of the Honorable Ed Whitfield
Subcommittee on Energy and Power
Markup on H.R. 4273 and H.R. 5892
June 7, 2012
(As Prepared for Delivery)

Today's markup will consider two very important pieces of bipartisan energy legislation:

- the "Hydropower Regulatory Efficiency Act of 2012," and
- the "Resolving Environmental and Grid Reliability Conflicts Act of 2012."

The testimony this subcommittee received at last month's legislative hearing on these bills made it abundantly clear that there are strong legal and policy reasons to support these bills. Their importance is underscored by the fact that both bills are the result of bipartisan compromise, which is why I urge you all to support both pieces of legislation.

The "Hydropower Regulatory Efficiency Act of 2012" was developed by Representatives Cathy McMorris-Rodgers and Diana DeGette in order to eliminate the regulatory red tape that has proven to be one of the primary impediments to greater utilization of hydropower resources in the United States.

Regulatory barriers are costly, time-consuming, and burdensome, which is why the bipartisan legislation developed by our colleagues helps to alleviate inefficiencies in the hydropower licensing process. Their bill will allow companies to reduce the amount of time and money wasted on navigating unnecessary administrative obstacles and instead focus their efforts on constructing hydropower projects that will provide affordable and reliable electricity and create thousands of new jobs.

The other bill under consideration today is the "Resolving Environmental and Grid Reliability Conflicts Act." This legislation is the result of the bipartisan efforts of our colleagues, Mr. Olson, Mr. Doyle, and Mr. Green.

Their bill resolves a conflict between the Federal Power Act and environmental laws and regulations that, if left unresolved, could have serious implications for the reliability of the nation's electric grid.

In contrast to critics of this legislation, H.R. 4273 is not overly broad nor does it give electric generators a "free pass" on environmental compliance. In fact, quite the opposite is true. The legislation is limited to emergency situations only and has been used sparingly over the last 30 years. Furthermore, the legislation requires the Department of Energy to endeavor to minimize any adverse environmental impacts, meaning DOE is required to balance environmental interests with reliability considerations.

While I do believe the Department of Energy may use its emergency authority more often in the future given the strain the EPA's new power sector rules will put on the electric grid, I nevertheless expect that DOE emergency authority orders will continue to be the exception, not the rule.

However, in those rare instances when the authority is invoked, we should not punish generators that are simply following the orders of the federal government to help keep the lights on in an emergency situation. It is therefore essential that we amend the Federal Power Act so that generators aren't forced to choose between compliance with an emergency order and environmental regulations.

Both bills make very good policy and should be noncontroversial. In fact, both bills before us today have broad stakeholder support – the hydropower legislation has the support of the National Hydropower Association and American Rivers, while several groups have provided letters of support for H.R. 4273, including the American Public Power Association, the Edison Electric Institute, the Electric Power Supply Association, the Industrial Energy Consumers of America, the Large Public Power Council, and the National Rural Electric Cooperatives Association.

I want to commend my friends and colleagues – on both sides of the aisle – for their efforts to develop these critical pieces of bipartisan legislation.

I urge my colleagues to support both of these bills.

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