

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4273
OFFERED BY MR. OLSON OF TEXAS, MR. DOYLE
OF PENNSYLVANIA, AND MR. GENE GREEN OF
TEXAS**

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Resolving Environ-
3 mental and Grid Reliability Conflicts Act of 2012”.

4 SEC. 2. AMENDMENTS TO THE FEDERAL POWER ACT.

5 (a) COMPLIANCE WITH OR VIOLATION OF ENVIRON-
6 MENTAL LAWS WHILE UNDER EMERGENCY ORDER.—
7 Section 202(c) of the Federal Power Act (16 U.S.C.
8 824a(c)) is amended—

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

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

11 “(2) With respect to an order issued under this sub-
12 section that may result in a conflict with a requirement
13 of any Federal, State, or local environmental law or regu-
14 lation, the Commission shall ensure that such order re-
15 quires generation, delivery, interchange, or transmission
16 of electric energy only during hours necessary to meet the

1 emergency and serve the public interest, and, to the max-
2 imum extent practicable, is consistent with any applicable
3 Federal, State, or local environmental law or regulation
4 and minimizes any adverse environmental impacts.

5 “(3) To the extent any omission or action taken by
6 a party, that is necessary to comply with an order issued
7 under this subsection, including any omission or action
8 taken to voluntarily comply with such order, results in
9 noncompliance with, or causes such party to not comply
10 with, any Federal, State, or local environmental law or
11 regulation, such omission or action shall not be considered
12 a violation of such environmental law or regulation, or
13 subject such party to any requirement, civil or criminal
14 liability, or a citizen suit under such environmental law
15 or regulation.

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

24 “(B) In renewing or reissuing an order under sub-
25 paragraph (A), the Commission shall consult with the pri-

1 mary Federal agency with expertise in the environmental
2 interest protected by such law or regulation, and shall in-
3 clude in any such renewed or reissued order such condi-
4 tions as such Federal agency determines necessary to min-
5 imize any adverse environmental impacts to the maximum
6 extent practicable. The conditions, if any, submitted by
7 such Federal agency shall be made available to the public.
8 The Commission may exclude such a condition from the
9 renewed or reissued order if it determines that such condi-
10 tion would prevent the order from adequately addressing
11 the emergency necessitating such order and provides in
12 the order, or otherwise makes publicly available, an expla-
13 nation of such determination.”.

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

