

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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.

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 2012”.

1 **SEC. 2. AMENDMENTS TO THE FEDERAL POWER ACT.**

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

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

7 (2) by adding at the end the following: “An  
8 order issued under this section should require gen-  
9 eration, delivery, interchange, or transmission of  
10 electric energy only during times necessary to meet  
11 the emergency and serve the public interest, and, to  
12 the extent reasonable, be consistent with any other  
13 applicable Federal law, including any environmental  
14 law or regulation, and endeavor to minimize any ad-  
15 verse environmental impacts.

16 “(2)(A) To the extent any omission or action taken  
17 by a party, which is necessary to comply with an order  
18 issued under paragraph (1), including any omission or ac-  
19 tion taken to voluntarily comply with such order, results  
20 in noncompliance with, or causes such party to not comply  
21 with, any Federal, State, or local environmental law or  
22 regulation, such omission or action shall not be considered  
23 a violation of such environmental law or regulation, or  
24 subject such party to any requirement, civil or criminal  
25 liability, or a citizen suit under such environmental law  
26 or regulation.

1       “(B) In this paragraph, the term ‘environmental law’  
2 does not include the Occupational Safety and Health Act  
3 of 1970 (29 U.S.C. 651 et seq.).”.

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

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