



# THE COMMITTEE ON ENERGY AND COMMERCE

## INTERNAL MEMORANDUM

June 19, 2012

TO: Members, Committee on Energy and Commerce

FROM: Committee Staff

RE: Amendment in the Nature of a Substitute to H.R. 4273, the “Resolving Environmental and Grid Reliability Conflicts Act of 2012”

On Wednesday, June 20, 2012, at 10:00 a.m. in room 2123 Rayburn House Office Building, the Committee on Energy and Commerce will continue its open markup session to consider, among other items, H.R. 4273, the Resolving Environmental and Grid Reliability Conflicts Act of 2012.

### I. AINS TO H.R. 4273

The Majority anticipates that the attached Amendment in the Nature of a Substitute (AINS) will be offered to H.R. 4273. The AINS makes the following revisions:

- Amends section 2 to clarify the criteria the Department of Energy (DOE) must take into account prior to issuing an emergency order pursuant to section 202(c) of the Federal Power Act.
- Amends section 2 by striking the provision clarifying that the term “environmental law” does not include laws and regulations under the Occupational Safety and Health Act of 1970.
- Amends section 2 to require 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 it shall expire not later than 90 days after issuance. DOE may renew or reissue such an order for an additional 90-day period. In renewing or reissuing the order, DOE must consult with the appropriate Federal agencies and include in the order conditions submitted by such agencies to mitigate adverse environmental impacts. DOE may exclude a condition from the order if it determines the condition would prevent the order from adequately addressing the emergency.
- Amends section 2 to provide greater transparency in the section 202(c) process.

### II. STAFF CONTACTS

If you have any questions regarding this AINS or the markup of H.R. 4273, please contact Patrick Currier at (202) 225-2927.