

113TH CONGRESS  
2D SESSION

# S. 2620

To amend the Federal Power Act to improve the reliability of the electric transmission grid, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 17, 2014

Mrs. MCCASKILL (for herself and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Federal Power Act to improve the reliability of the electric transmission grid, 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 “Grid Reliability Act  
5 of 2014”.

6 **SEC. 2. GRID RELIABILITY.**

7 (a) COMPLIANCE UNDER EMERGENCY ORDERS.—  
8 Section 202(c) of the Federal Power Act (16 U.S.C.  
9 824a(c)) is amended—

1           (1) by striking “(c) During” and inserting the  
2 following:

3           “(c) TEMPORARY CONNECTION AND EXCHANGE OF  
4 FACILITIES DURING EMERGENCY.—

5           “(1) IN GENERAL.—During”;

6           (2) by striking “If the parties” and inserting  
7 the following:

8           “(2) TERMS.—If the parties”; and

9           (3) by adding at the end the following:

10           “(3) ADMINISTRATION OF ORDERS CON-  
11 FFLICTING WITH OTHER LAWS.—In the case of an  
12 order issued under this subsection that may result in  
13 a conflict with a requirement of any Federal, State,  
14 or local environmental law (including a regulation),  
15 the Commission shall ensure that the order—

16           “(A) requires generation, delivery, inter-  
17 change, or transmission of electric energy only  
18 during hours necessary to meet the emergency  
19 and serve the public interest; and

20           “(B) to the maximum extent practicable—

21           “(i) is consistent with any applicable  
22 Federal, State, or local environmental law  
23 (including a regulation); and

24           “(ii) minimizes any adverse environ-  
25 mental impacts.

1           “(4) APPLICABILITY OF OTHER LAWS CON-  
2           FLICTING WITH ORDERS.—To the extent that an  
3           omission or action taken by a party to comply with  
4           an order issued under this subsection (including any  
5           omission or action taken to voluntarily comply with  
6           the order) results in noncompliance with, or causes  
7           a party to not comply with, any Federal, State, or  
8           local environmental law (including a regulation), the  
9           omission or action shall not be subject to any re-  
10          quirement, civil or criminal liability, or a citizen suit  
11          under the environmental law (or regulation).

12           “(5) RENEWAL OR REISSUANCE OF ORDERS  
13          CONFLICTING WITH OTHER LAWS.—

14           “(A) IN GENERAL.—An order issued under  
15          this subsection that may result in a conflict  
16          with a requirement of any Federal, State, or  
17          local environmental law (including a regulation)  
18          shall expire not later than 90 days after the  
19          date the order is issued.

20           “(B) RENEWAL OR REISSUANCE OF OR-  
21          DERS.—The Commission may renew or reissue  
22          the order in accordance with this subsection for  
23          subsequent periods of not to exceed 90 days for  
24          each period, as the Commission determines nec-

1           essary to meet the emergency and serve the  
2           public interest.

3           “(C) ADMINISTRATION.—In renewing or  
4           reissuing an order under this paragraph, the  
5           Commission shall—

6                   “(i) consult with the primary Federal  
7                   agency with expertise in the environmental  
8                   interest protected by the law (or regula-  
9                   tion); and

10                   “(ii) include in the renewed or re-  
11                   issued order such conditions as such Fed-  
12                   eral agency determines necessary to mini-  
13                   mize any adverse environmental impacts,  
14                   to the maximum extent practicable.

15           “(D) PUBLIC AVAILABILITY.—Any condi-  
16           tions submitted by a Federal agency described  
17           in subparagraph (C)(i) shall be made available  
18           to the public.

19           “(E) EXCLUSION OF CONDITIONS.—The  
20           Commission may exclude a condition described  
21           in subparagraph (D) from the renewed or re-  
22           issued order if the Commission—

23                   “(i) determines that the condition  
24                   would prevent the order from adequately

1                   addressing the emergency necessitating the  
2                   order; and

3                   “(ii) provides in the order, or other-  
4                   wise makes publicly available, an expla-  
5                   nation of the determination.

6                   “(6) ORDERS THAT ARE STAYED, MODIFIED, OR  
7                   SET ASIDE.—If an order issued under this sub-  
8                   section is subsequently stayed, modified, or set aside  
9                   by a court pursuant to section 313 or any other pro-  
10                  vision of law, any omission or action previously  
11                  taken by a party that was necessary to comply with  
12                  the order while the order was in effect (including  
13                  any omission or action taken to voluntarily comply  
14                  with the order) shall remain subject to paragraph  
15                  (4).”.

16                  (b) TEMPORARY CONNECTION OR CONSTRUCTION BY  
17                  MUNICIPALITIES.—Section 202(d) of the Federal Power  
18                  Act (16 U.S.C. 824a(d)) is amended by inserting “or mu-  
19                  nicipality” after “any person”.

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