

112TH CONGRESS
2D SESSION

H. R. 6244

To amend the Federal Power Act to permit States to prohibit the Federal Energy Regulatory Commission from enforcing certain requirements of a license, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2012

Mrs. HARTZLER (for herself, Mr. GRAVES of Missouri, Ms. JENKINS, Mr. LANKFORD, Mr. COLE, Mr. AKIN, and Mr. SHIMKUS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Power Act to permit States to prohibit the Federal Energy Regulatory Commission from enforcing certain requirements of a license, 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 “Leave our Lakes Alone
5 Act”.

1 **SEC. 2. STATE DETERMINATION TO EXEMPT PROJECTS**
2 **FROM CERTAIN REQUIREMENTS OF A FERC**
3 **LICENSE.**

4 Section 4 of the Federal Power Act (16 U.S.C. 797)
5 is amended by adding at the end the following new sub-
6 section:

7 “(h)(1) For the purposes of this subsection—

8 “(A) the term ‘exempt State’ means a
9 State for which a State law is in effect that ex-
10 pressly authorizes paragraph (2) to apply to
11 projects within the State; and

12 “(B) the term ‘public use and environ-
13 mental purposes’ means the purposes of energy
14 conservation, the protection, mitigation of dam-
15 age to, and enhancement of, fish and wildlife
16 (including related spawning grounds and habi-
17 tat), the protection of recreational opportuni-
18 ties, the preservation of other aspects of envi-
19 ronmental quality, and other beneficial public
20 uses, including irrigation, flood control, water
21 supply, and other purposes, as required under
22 subsection (e) and section 10(a), as such pur-
23 poses apply to land within the project boundary
24 that is above the highest target elevation for
25 normal operations of the project.

1 “(2) Notwithstanding subsection (e) and sec-
2 tions 10(a) and 28, the Commission—

3 “(A) may not consider public use and envi-
4 ronmental purposes in issuing a license for a
5 project in an exempt State; and

6 “(B) may not enforce the requirements of
7 a license regarding public use and environ-
8 mental purposes for a project in an exempt
9 State.

10 “(3) If a State law described in paragraph
11 (1)(A) is no longer in effect, paragraph (2) shall
12 continue to apply to any project in the State for
13 which a license is issued before the date on which
14 such law ceases to be in effect.

15 “(4) Paragraph (2) shall not apply to any
16 project or portion of a project on Federal land.”.

○