

112TH CONGRESS
1ST SESSION

H. R. 3244

To amend the Federal Power Act to prohibit the Federal Energy Regulatory Commission from requiring the removal or modification of existing structures or encroachments in licenses of the Commission.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2011

Mrs. HARTZLER (for herself, Mr. LUETKEMEYER, Mrs. EMERSON, Mr. AKIN, Mr. GRAVES of Missouri, Mr. LONG, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, and Mr. HURT) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Power Act to prohibit the Federal Energy Regulatory Commission from requiring the removal or modification of existing structures or encroachments in licenses of the Commission.

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 “Landowner Protection
5 Act of 2011”.

1 **SEC. 2. SHORELINE MANAGEMENT PLANS.**

2 (a) IN GENERAL.—Section 4(e) of the Federal Power
3 Act (16 U.S.C. 797(e)) is amended—

4 (1) by designating the first, second, and third
5 sentences as paragraphs (1), (2), and (3), respec-
6 tively; and

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

8 “(4) REMOVAL OR MODIFICATION OF EXISTING
9 NONCONFORMING STRUCTURES OR ENCROACH-
10 MENTS.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), in issuing, denying, approv-
13 ing, or modifying a shoreline management plan
14 required under any license issued under this
15 part for any project, the Commission shall not
16 require the removal or modification of any ex-
17 isting nonconforming structure or encroachment
18 within the project boundary.

19 “(B) EXCEPTION.—Subparagraph (A)
20 shall not apply to any existing nonconforming
21 structure or encroachment built within the
22 project boundary in bad faith.”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 subsection (a) shall take effect on January 1, 2011.