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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To prohibit the use of eminent domain in carrying out certain projects.

IN THE HOUSE OF REPRESENTATIVES

Mr. WOMACK introduced the following bill; which was referred to the
Committee on _____

A BILL

To prohibit the use of eminent domain in carrying out
certain projects.

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 “Assuring Private Prop-
5 erty Rights Over Vast Access to Land Act” or the “AP-
6 PROVAL Act”.

1 **SEC. 2. PROHIBITION ON EMINENT DOMAIN FOR CERTAIN**
2 **PROJECTS.**

3 Section 1222 of the Energy Policy Act of 2005 (42
4 U.S.C. 16421) is amended—

5 (1) by redesignating subsections (d) through (g)
6 as subsections (f) through (i), respectively; and

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(d) PROHIBITION ON EMINENT DOMAIN.—Notwith-
10 standing any other provision of law (including regula-
11 tions), the Secretary, SWPA, and WAPA may not carry
12 out any Project under this section through the use of emi-
13 nent domain, unless the use of eminent domain is explic-
14 itly authorized by—

15 “(1) the Governor and the head of each applica-
16 ble public utility commission or public service com-
17 mission of the affected State; and

18 “(2) the head of the governing body of each In-
19 dian tribe the land of which would be affected.

20 “(e) SITING REQUIREMENT.—To the maximum ex-
21 tent practicable, a Project carried out under this section
22 shall be sited on—

23 “(1) an existing Federal right-of-way; or

24 “(2) Federal land managed by—

25 “(A) the Bureau of Land Management;

26 “(B) the Forest Service;

- 1 “(C) the Bureau of Reclamation; or
- 2 “(D) the Corps of Engineers.”.