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.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Assuring Private Prop-

erity Rights Over Vast Access to Land Act” or the “AP-

PROVAL Act”.
SEC. 2. PROHIBITION ON EMINENT DOMAIN FOR CERTAIN PROJECTS.

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

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

(2) by inserting after subsection (c) the following:

“(d) PROHIBITION ON EMINENT DOMAIN.—Notwithstanding any other provision of law (including regulations), the Secretary, SWPA, and WAPA may not carry out any Project under this section through the use of eminent domain, unless the use of eminent domain is explicitly authorized by—

“(1) the Governor and the head of each applicable public utility commission or public service commission of the affected State; and

“(2) the head of the governing body of each Indian tribe the land of which would be affected.

“(e) SITING REQUIREMENT.—To the maximum extent practicable, a Project carried out under this section shall be sited on—

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

“(2) Federal land managed by—

“(A) the Bureau of Land Management;

“(B) the Forest Service;
“(C) the Bureau of Reclamation; or

“(D) the Corps of Engineers.”