

114TH CONGRESS
1ST SESSION

S. 485

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2015

Mr. BOOZMAN (for himself and Mr. COTTON) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

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”.

7 **SEC. 2. PROHIBITION ON EMINENT DOMAIN FOR CERTAIN**
8 **PROJECTS.**

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

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

3 (2) by inserting after subsection (c) the fol-
4 lowing:

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

11 “(1) the Governor and the head of each applica-
12 ble public utility commission or public service com-
13 mission of the affected State; and

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

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

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

20 “(2) Federal land managed by—

21 “(A) the Bureau of Land Management;

22 “(B) the Forest Service;

23 “(C) the Bureau of Reclamation; or

24 “(D) the Corps of Engineers.”.