

115TH CONGRESS  
1ST SESSION

# S. 529

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

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IN THE SENATE OF THE UNITED STATES

MARCH 6, 2017

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

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## 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.”.