

105TH CONGRESS
2D SESSION

H. R. 3319

To provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1998

Mr. WAMP introduced the following bill; which was referred to the Committee on Commerce

A BILL

To provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes.

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 “Land Owners’ Notifi-
5 cation Act of 1998”.

1 **SEC. 2. NOTIFICATION TO PROPERTY OWNERS OF CERTAIN**
2 **EXERCISES OF EMINENT DOMAIN.**

3 (a) DEFINITION.—In this section, the term “eminent
4 domain authorization statute” means any Federal statute
5 that authorizes a private nongovernmental entity to exer-
6 cise the right of eminent domain to acquire property if—

7 (1) such an entity holds a certificate, license,
8 permit, or other form of authorization from a Fed-
9 eral agency relating to public necessity, benefit, or
10 convenience; and

11 (2) such an entity is unable to acquire such
12 property by contract.

13 (b) NOTIFICATION.—On the date that a private non-
14 governmental entity files an application for a certificate,
15 license, permit, or other authorization under an eminent
16 domain authorization statute, the entity shall make a good
17 faith effort to provide notice by certified mail to any per-
18 son who is the owner of record of any interest in property
19 which may be subject to the exercise of eminent domain
20 under such statute.

21 (c) CONTENT OF NOTICE.—Notice under this section
22 shall include—

23 (1) a specific and conspicuous statement that
24 the private nongovernmental entity is seeking au-
25 thorization to possibly acquire the property of such

1 owner or a portion or interest thereof through the
2 exercise of eminent domain;

3 (2) a specific and conspicuous description of
4 any right such owner may have to participate in any
5 proceeding relating to the granting of authorization
6 to a private nongovernmental entity under the emi-
7 nent domain authorization statute; and

8 (3) a specific and conspicuous statement of the
9 manner in which the owner may contact any appro-
10 priate Federal agency relating to the proceeding.

11 (d) APPLICATION TO OTHER STATUTES.—Nothing in
12 this section shall be construed to modify or supersede any
13 law that requires actual notice by certified mail to be time-
14 ly provided to any affected owner (including any notice
15 required under section 9(b) of the Federal Power Act (16
16 U.S.C. 802(b))).

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