

109TH CONGRESS
2^D SESSION

H. R. 6220

To require payment of three times the amount of just compensation whenever private property is taken for private economic development use.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2006

Mr. PEARCE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require payment of three times the amount of just compensation whenever private property is taken for private economic development use.

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. TREBLE COMPENSATION FOR USE OF EMINENT**
4 **DOMAIN FOR PRIVATE DEVELOPMENT PUR-**
5 **POSES.**

6 If—

7 (1)(A) the Federal Government or any author-
8 ity of the Federal Government exercises its power of
9 eminent domain or allows the exercise of such power

1 by any person or entity to which such power has
2 been delegated, or

3 (B) any State or political subdivision thereof
4 exercises its power of eminent domain or allows the
5 exercise of such power by any person or entity to
6 which such power has been delegated, during a fiscal
7 year in which said State or political subdivision re-
8 ceives Federal economic development funds, and

9 (2) the property over which the power of emi-
10 nent domain is exercised is planned, or subsequently
11 used, for economic development,

12 such Government, State, political subdivision, or delegee
13 shall provide to the owner of such property, as compensa-
14 tion for such property, an amount equal to three times
15 the amount that is determined to be the amount of just
16 compensation for such property required under the Fifth
17 Amendment to the Constitution of the United States.

18 **SEC. 2. DEFINITIONS.**

19 For purposes of this Act, the following definitions
20 shall apply:

21 (1) **ECONOMIC DEVELOPMENT.**—The term
22 “economic development” means taking private prop-
23 erty, without the consent of the owner, and con-
24 veying or leasing such property from one private
25 person or entity to another private person or entity

1 for commercial enterprise carried on for profit, or to
2 increase tax revenue, tax base, employment, or gen-
3 eral economic health, except that such term shall not
4 include—

5 (A) conveying private property—

6 (i) to public ownership, such as for a
7 road, hospital, airport, or military base;

8 (ii) to an entity, such as a common
9 carrier, that makes the property available
10 to the general public as of right, such as
11 a railroad or public facility;

12 (iii) for use as a road or other right
13 of way or means, open to the public for
14 transportation, whether free or by toll;

15 (iv) for use as an aqueduct, flood con-
16 trol facility, pipeline, or similar use;

17 (B) removing harmful uses of land pro-
18 vided such uses constitute an immediate threat
19 to public health and safety;

20 (C) leasing property to a private person or
21 entity that occupies an incidental part of public
22 property or a public facility, such as a retail es-
23 tablishment on the ground floor of a public
24 building;

25 (D) acquiring abandoned property;

- 1 (E) clearing defective chains of title;
- 2 (F) taking private property for use by a
- 3 public utility; and
- 4 (G) redeveloping of a brownfield site as de-
- 5 fined in the Small Business Liability Relief and
- 6 Brownfields Revitalization Act (42 U.S.C.
- 7 9601(39)).

8 (2) FEDERAL ECONOMIC DEVELOPMENT

9 FUNDS.—The term “Federal economic development

10 funds” means any Federal funds distributed to or

11 through States or political subdivisions of States

12 under Federal laws designed to improve or increase

13 the size of the economies of States or political sub-

14 divisions of States.

15 (3) STATE.—The term “State” means each of

16 the several States, the District of Columbia, the

17 Commonwealth of Puerto Rico, or any other terri-

18 tory or possession of the United States.

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