

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2006

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

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## 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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