

104TH CONGRESS
1ST SESSION

H. R. 1277

To improve procedures for determining when a taking of private property has occurred, and to direct the Secretary of Agriculture to report to Congress with respect to takings under progress at the Department of Agriculture.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1995

Mr. CONDIT introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve procedures for determining when a taking of private property has occurred, and to direct the Secretary of Agriculture to report to Congress with respect to takings under progress at the Department of Agriculture.

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 “Private Property Im-
5 pact Assessment Act of 1995”.

1 **SEC. 2. LIMITATION ON AGENCY ACTION.**

2 No agency action that will have binding force on an
3 owner of property with respect to the use of that property
4 shall take effect until the President certifies that the agen-
5 cy taking that action is in compliance with the guidelines
6 required by this Act.

7 **SEC. 3. GUIDELINES.**

8 (a) ISSUANCE.—Not later than 180 days after the
9 date of the enactment of this Act, the President shall by
10 rule issue guidelines—

11 (1) for assessing whether a proposed agency ac-
12 tion will have the potential for taking private prop-
13 erty or imposing a negative impact on private prop-
14 erty; and

15 (2) minimizing that taking or impact wherever
16 possible.

17 (b) IMPLEMENTING RULES.—Not later than 60 days
18 after the date guidelines are issued under subsection (a),
19 each agency shall issue rules implementing those guide-
20 lines with respect to that agency.

21 **SEC. 4. REPORT.**

22 Not later than one year after the President issues
23 guidelines under section 3, the President shall, after af-
24 fording the public notice and an opportunity to comment,
25 report to Congress—

1 (1) the status of each agency’s compliance with
2 this Act;

3 (2) an evaluation of the guidelines; and

4 (3) any recommendations for additional legisla-
5 tive or administrative action to minimize the taking
6 of private property by the Federal Government.

7 **SEC. 5. CONSULTATION.**

8 The President and each agency, in carrying out du-
9 ties under sections 3 and 4, shall consult with representa-
10 tives of appropriate State agencies and local governments
11 and other appropriate parties.

12 **SEC. 6. STUDY BY SECRETARY OF AGRICULTURE.**

13 Not later than 300 days after the date of the enact-
14 ment of this Act, the Secretary of Agriculture shall con-
15 duct a study to determine the effect of this Act on the
16 farm economy and agricultural production of the United
17 States, and report the results of such study to the
18 Congress.

19 **SEC. 7. DEFINITIONS.**

20 As used in this Act—

21 (1) the term “agency” has the meaning given
22 such term in section 551 of title 5, United States
23 Code;

1 (2) the term “agency action” has the meaning
2 given such term in section 551 of title 5, United
3 States Code;

4 (3) the term “private property” includes real
5 and personal property and tangible and intangible
6 property;

7 (4) the term “taking” means a taking with re-
8 spect to which compensation to the owner is required
9 by the Constitution of the United States;

10 (5) the term “negative impact”, with respect to
11 a given property, means an impact that diminishes
12 the value of that property by 20 percent or more of
13 the affected portion; and

14 (6) the term “President” means the President
15 or his designee.

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