

109TH CONGRESS
1ST SESSION

S. 1704

To prohibit the use of Federal funds for the taking of property by eminent domain for economic development.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2005

Mr. DORGAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the use of Federal funds for the taking of property by eminent domain for economic development.

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. PROHIBITION ON USE OF FEDERAL FUNDS IN**
4 **ECONOMIC DEVELOPMENT RELATING TO**
5 **PROPERTY TAKEN BY EMINENT DOMAIN.**

6 (a) SHORT TITLE.—This Act may be cited as the
7 “Private Property Protection Act of 2005”.

8 (b) PROHIBITION.—

1 (1) IN GENERAL.—No Federal funds may be
2 used relating to a property that is the subject of a
3 taking by eminent domain.

4 (2) EXCEPTION.—Paragraph (1) shall not
5 apply if the property is being used for public use or
6 a public purpose.

7 (c) PUBLIC USE OR PUBLIC PURPOSE.—Economic
8 development, including an increase in the tax base, tax
9 revenues, or employment, may not be the primary basis
10 for establishing a public use or public purpose under sub-
11 section (b).

12 (d) TAKINGS FOR USE BY PRIVATE INDIVIDUAL OR
13 ENTITY.—Subsection (b) shall include takings of private
14 property for the use of, or ownership by, any private indi-
15 vidual or entity.

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