

118TH CONGRESS
1ST SESSION

S. 3429

To provide for just compensation in the event that eminent domain is exercised, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2023

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

A BILL

To provide for just compensation in the event that eminent domain is exercised, 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 “Just Compensation
5 Act of 2023”.

6 **SEC. 2. PURPOSE.**

7 (a) CONSTITUTIONAL REQUIREMENT.—The Fifth
8 Amendment to the Constitution of the United States guar-
9 antees that “nor shall private property be taken for public
10 use, without just compensation”.

1 (b) ACT REQUIREMENT.—The purpose of this Act is
 2 to require that the Federal Government—

3 (1) demonstrate “public use” by exercising emi-
 4 nent domain itself and not delegate the power of the
 5 Federal Government to any private entity; and

6 (2) provide just compensation in the form of
 7 150 percent of fair market value for any property
 8 over which the Federal Government exercises emi-
 9 nent domain.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) FEDERAL GOVERNMENT.—The term “Fed-
 13 eral Government” means—

14 (A) the President; and

15 (B) each Executive agency, as defined in
 16 section 105 of title 5, United States Code.

17 (2) PRIVATE ENTITY.—The term “private enti-
 18 ty” means any non-governmental entity.

19 (3) RELEVANT CONGRESSIONAL COMMIT-
 20 TEES.—The term “relevant congress committees”
 21 means—

22 (A) the Committee on the Judiciary of the
 23 Senate; and

24 (B) the Committee on the Judiciary of the
 25 House of Representatives.

1 **SEC. 4. PUBLIC USE.**

2 Notwithstanding any other law, the Federal Govern-
3 ment may not delegate the power to exercise eminent do-
4 main to any private entity.

5 **SEC. 5. JUST COMPENSATION.**

6 The Federal Government, in exercising eminent do-
7 main, shall provide just compensation of not less than 150
8 percent of fair market value.

9 **SEC. 6. REPORTS.**

10 (a) INITIAL REPORT.—Not later than 1 year after
11 the date of enactment of this Act, the Attorney General
12 shall submit a report to the relevant congressional com-
13 mittees describing the implementation of this Act.

14 (b) SUBSEQUENT REPORTS.—Not later than 2 years
15 after the date of enactment of this Act, and annually
16 thereafter, the Attorney General shall submit a report to
17 the relevant congressional committees describing the im-
18 plementation of this Act, which shall include—

19 (1) a description of the precise actions, loca-
20 tions, public uses, and compensations provided for
21 every exercise of eminent domain by the Federal
22 Government; and

23 (2) a summary of the use of eminent domain by
24 States.

1 **SEC. 7. NO ADDITIONAL FUNDS.**

2 No additional funds are authorized to be appropriate
3 to carry out this Act.

