

111TH CONGRESS  
1ST SESSION

# S. 1414

To confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 8, 2009

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

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## A BILL

To confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, 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 “Fair Compensation  
5       Act of 2009”.

1 **SEC. 2. JURISDICTION OF THE UNITED STATES COURT OF**  
2 **FEDERAL CLAIMS TO HEAR, DETERMINE,**  
3 **AND RENDER FINAL JUDGMENT ON ANY**  
4 **LEGAL OR EQUITABLE CLAIM AGAINST THE**  
5 **UNITED STATES TO RECEIVE JUST COM-**  
6 **PENSATION FOR THE TAKING OF CERTAIN**  
7 **LANDS IN THE STATE OF MISSOURI.**

8       Notwithstanding sections 2401 and 2501 of title 28,  
9 United States Code, or any other law that would interpose  
10 or support a defense of untimeliness or sovereign immu-  
11 nity, the United States Court of Federal Claims shall have  
12 jurisdiction to hear, determine, and render final judgment  
13 on any legal or equitable claim against the United States  
14 to receive just compensation for the taking by the United  
15 States of any land in the State of Missouri or any right,  
16 title, or other interest therein by reason of the decision  
17 and notice of interim trail use or abandonment authorized  
18 by section 8 of the National Trails System Act (16 U.S.C.  
19 1247) and decided by the Interstate Commerce Commis-  
20 sion on March 25, 1992 (in this Act referred to as the  
21 “ICC Decision”), if the owner of such interest has not oth-  
22 erwise received payment of just compensation by the  
23 United States for such taking.

24 **SEC. 3. INTEREST AND COURT AWARDS.**

25       (a) INTEREST ALLOWED.—

1           (1) IN GENERAL.—Notwithstanding section  
2       1961 of title 28, United States Code, as a matter of  
3       adequate compensation, the United States Court of  
4       Federal Claims may award interest for claims sub-  
5       ject to the ICC Decision. Such interest shall be cal-  
6       culated from the date the ICC Decision was decided  
7       by the Interstate Commerce Commission, at a rate  
8       of 5 percent.

9           (2) COMPUTATION OF INTEREST.—Interest  
10      shall be computed daily to the date of payment, and  
11      shall be compounded annually.

12      (b) COURT AWARDS.—The United States Court of  
13      Federal Claims may award reasonable costs, disburse-  
14      ments, and expenses under section 304(a) of the Uniform  
15      Relocation Assistance and Real Property Acquisition Poli-  
16      cies Act of 1970 (42 U.S.C. 4654(a)) related to any claim  
17      subject to the ICC Decision, including the costs, disburse-  
18      ments, and expenses involved in pursuing such claims in  
19      prior proceedings.

20      **SEC. 4. LIMITATIONS ON FILING CLAIMS.**

21      The jurisdiction conferred upon the United States  
22      Court of Federal Claims by section 2 is conferred only  
23      with respect to those claims filed or refiled not later than  
24      120 days after the date of the enactment of this Act.

1 **SEC. 5. CERTAIN DEFENSES NOT APPLICABLE.**

2       With respect to any claim subject to section 2, the  
3 United States waives its defenses of res judicata, collateral  
4 estoppel, and law of the case, to the extent the claim would  
5 otherwise be timely under this Act.

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