

109TH CONGRESS
1ST SESSION

H. R. 3405

To prohibit the provision of Federal economic development assistance for any State or locality that uses the power of eminent domain power to obtain property for private commercial development or that fails to pay relocation costs to persons displaced by use of the power of eminent domain for economic development purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2005

Mr. BONILLA (for himself, Ms. HERSETH, Mr. GOODLATTE, Ms. WATERS, Mr. POMBO, Mr. SMITH of Texas, Mr. DEFazio, Mr. OTTER, Mrs. DRAKE, Mr. BOYD, Mr. CALVERT, Mr. PEARCE, Mr. KUCINICH, Mr. DUNCAN, Mr. THORNBERRY, Mr. NEUGEBAUER, and Mr. MCKEON) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, Financial Services, Resources, and Education and the Workforce, 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 prohibit the provision of Federal economic development assistance for any State or locality that uses the power of eminent domain power to obtain property for private commercial development or that fails to pay relocation costs to persons displaced by use of the power of eminent domain for economic development purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Strengthening the
3 Ownership of Private Property Act of 2005” or the
4 “STOPP Act of 2005”.

5 **SEC. 2. CONDITIONS OF FINANCIAL ASSISTANCE UNDER**
6 **FEDERAL ECONOMIC DEVELOPMENT PRO-**
7 **GRAMS.**

8 (a) PROHIBITION OF ASSISTANCE.—If, after the date
9 of the enactment of this Act, any State (or any agency
10 thereof) or any unit of general local government (or any
11 agency thereof) engages in any act described in subsection
12 (b), Federal financial assistance under any Federal eco-
13 nomic development program may not be provided to such
14 State (including any agency thereof) or unit of general
15 local government (including any agency thereof), respec-
16 tively, at any time after such act.

17 (b) LIMITATIONS ON USE OF EMINENT DOMAIN.—
18 The acts described in this subsection are as follows:

19 (1) USE OF EMINENT DOMAIN FOR PRIVATE
20 COMMERCIAL DEVELOPMENT.—Any use of the power
21 of eminent domain to take property from one private
22 individual or entity for any economic development
23 purpose and transfer ownership of such property (or
24 a portion thereof) to another private individual or
25 entity.

1 (2) FAILURE TO PROVIDE RELOCATION ASSIST-
2 ANCE FOR PERSONS DISPLACED BY USE OF EMI-
3 NENT DOMAIN FOR ECONOMIC DEVELOPMENT.—

4 Failing to provide, to any person displaced by the
5 use of the power of eminent domain for any eco-
6 nomic development purpose, relocation assistance
7 under the Uniform Relocation Assistance and Real
8 Property Acquisitions Policies Act of 1970 (42
9 U.S.C. 4601 et seq.) in the same manner and to the
10 same extent as relocation assistance is required
11 under such Act to be provided by a Federal agency
12 that undertakes a program or project that results in
13 displacement of such person.

14 (c) CERTIFICATION OF COMPLIANCE.—If the head of
15 a Federal agency does not have actual knowledge that a
16 particular State or unit of general government has en-
17 gaged in an act described subsection (b) after the date
18 of the enactment of this Act, a certification made to such
19 Federal agency head by the chief executive officer of the
20 State or unit of general government that such State or
21 unit has not engaged in any such act shall be sufficient
22 for such Federal agency head to determine that the State
23 or unit is not ineligible, by reason of subsection (a), for
24 Federal financial assistance under a Federal economic de-

1 velopment program administered by such Federal agency
2 head.

3 **SEC. 3. DEFINITIONS.**

4 For purposes of this Act, the following definitions
5 shall apply:

6 (1) FEDERAL ECONOMIC DEVELOPMENT PRO-
7 GRAM.—The term “Federal economic development
8 program” means any of the following programs:

9 (A) DEPARTMENT OF AGRICULTURE.—

10 (i) FOREST SERVICE.—

11 (I) The National Forest-depend-
12 ent rural communities program for as-
13 sistance for economic recovery under
14 the National Forest-Dependent Rural
15 Communities Economic Diversification
16 Act of 1990 (7 U.S.C. 6611 et seq.).

17 (II) The rural development
18 through forestry program pursuant to
19 the Department of the Interior and
20 Related Agencies Appropriations Act,
21 2001 (Public Law 106–291; 114 Stat.
22 972) and the Department of the Inte-
23 rior and Related Agencies Appropria-
24 tions Act, 2005 (Public Law 108–447,
25 Division E; 118 Stat. 3080).

1 (ii) RURAL BUSINESS—COOPERATIVE
2 SERVICE.—

3 (I) The intermediary relending
4 program under section 1323 of the
5 Food Security Act of 1985 (7 U.S.C.
6 1932 note).

7 (II) The rural business opportu-
8 nities grant program under section
9 306(a)(11) of the Consolidated Farm
10 and Rural Development Act (7 U.S.C.
11 1926(a)(11)).

12 (III) The program for assistance
13 to cooperatives for economic develop-
14 ment under the Act of July 2, 1926
15 (7 U.S.C. 451 et seq.) and subtitle A
16 of the Agricultural Marketing Act of
17 1946 (7 U.S.C. 1621 et seq.).

18 (IV) The rural business enter-
19 prise grants program under section
20 310B(c) of the Consolidated Farm
21 and Rural Development Act (7 U.S.C.
22 1932(e)).

23 (V) The rural economic develop-
24 ment loans and grants program under

1 title III of the Rural Electrification
2 Act of 1936 (7 U.S.C. 930 et seq.).

3 (iii) RURAL UTILITIES SERVICE.—

4 (I) The program for grants, di-
5 rect loans, and guaranteed loans for
6 water and waste disposal systems for
7 rural communities under paragraphs
8 (1) and (2) of section 306(a) of the
9 Consolidated Farm and Rural Devel-
10 opment Act (7 U.S.C. 1926(a)).

11 (II) The Rural Utilities Service
12 program for grants and loans to the
13 Denali Commission under section
14 19(a)(2) of the Rural Electrification
15 Act of 1936 (7 U.S.C. 918a(a)(2)).

16 (iv) RURAL HOUSING SERVICE.—

17 (I) The rural community develop-
18 ment initiative pursuant to the Agri-
19 culture, Rural Development, Food and
20 Drug Administration, and Related
21 Agencies Appropriations Act, 2001
22 (Public Law 106–387; 114 Stat.
23 1549A–17) and the Agriculture, Rural
24 Development, Food and Drug Admin-
25 istration, and Related Agencies Ap-

1 appropriations Act, 2005 (Public Law
2 108–447; 118 Stat. 2826).

3 (II) The program for loans and
4 grants for essential community facili-
5 ties under section 306(a)(1) of the
6 Consolidated Farm and Rural Devel-
7 opment Act (7 U.S.C. 1926(a)(1)).

8 (v) FARM SERVICE AGENCY.—The
9 program for loans to Indian tribes and
10 tribal corporations under the Consolidated
11 Farm and Rural Development Act (7
12 U.S.C. 1921 et seq.).

13 (vi) RURAL BUSINESS INVESTMENT
14 PROGRAM.—The rural business investment
15 program under subtitle H of the Consoli-
16 dated Farm and Rural Development Act (7
17 U.S.C. 2009cc et seq.).

18 (B) DEPARTMENT OF COMMERCE—ECO-
19 NOMIC DEVELOPMENT ADMINISTRATION.—Any
20 program for financial assistance under the Pub-
21 lic Works and Economic Development Act of
22 1965 (42 U.S.C. 3121 et seq.).

23 (C) DEPARTMENT OF HOUSING AND
24 URBAN DEVELOPMENT.—

1 (i) The community development block
2 grant programs under title I of the Hous-
3 ing and Community Development Act of
4 1974 (42 U.S.C. 5301 et seq.), including
5 the entitlement grants, small cities, special
6 purpose and insular areas grants, States,
7 Indian tribe grants, and loan guarantee
8 programs.

9 (ii) The brownfields economic develop-
10 ment initiative under section 108(q) of the
11 Housing and Community Development Act
12 of 1974 (42 U.S.C. 5308(q)).

13 (iii) The rural housing and economic
14 development program of the Department of
15 Housing and Urban Development pursuant
16 to title II of the Departments of Veterans
17 Affairs and Housing and Urban Develop-
18 ment, and Independent Agencies Appro-
19 priations Act, 2005 (Public Law 108-447;
20 118 Stat. 3300) and title II of the Depart-
21 ments of Veterans Affairs and Housing
22 and Urban Development, and Independent
23 Agencies Appropriations Act, 1999 (Public
24 Law 105-276; 112 Stat. 2475).

1 (iv) The Indian housing block grant
2 program under the Native American Hous-
3 ing Assistance and Self-Determination Act
4 of 1996 (25 U.S.C. 4101 et seq.).

5 (D) EMPOWERMENT ZONES PROGRAM.—
6 The empowerment zones, enterprise commu-
7 nities, and rural development investment areas
8 programs under subchapter U of chapter 1 of
9 the Internal Revenue Code of 1986 (26 U.S.C.
10 1391 et seq.).

11 (E) DEPARTMENT OF THE INTERIOR—
12 BUREAU OF INDIAN AFFAIRS.—The programs
13 for grants, loans, and loan guarantys for Indian
14 economic development of the Office of Eco-
15 nomic Development, Bureau of Indian Affairs
16 of the Department of the Interior.

17 (F) DEPARTMENT OF THE TREASURY.—
18 The community development financial institu-
19 tions fund program under subtitle A of title I
20 of the Riegle Community Development and
21 Regulatory Improvement Act of 1994 (12
22 U.S.C. 4701 et seq.).

23 (G) APPALACHIAN REGIONAL COMMIS-
24 SION.—Any program for assistance for Appa-

1 lachian regional development under subtitle IV
2 of title 40, United States Code.

3 (H) NATIONAL CREDIT UNION ADMINIS-
4 TRATION.—The community development revolv-
5 ing loan fund program for credit unions under
6 the Community Development Credit Union Re-
7 volving Loan Fund Transfer Act (42 U.S.C.
8 9822 note).

9 (I) DENALI COMMISSION.—The Denali
10 Commission program under the Denali Com-
11 mission Act of 1998 (42 U.S.C. 2131 et seq.).

12 (J) DELTA REGIONAL AUTHORITY.—The
13 program for Delta regional development under
14 subtitle F of the Consolidated Farm and Rural
15 Development Act (7 U.S.C. 2009aa et seq.).

16 (K) DEPARTMENT OF HEALTH AND
17 HUMAN SERVICES.—The discretionary award
18 program for community economic development
19 under section 680 of the Community Services
20 Block Grant Act (42 U.S.C. 9921).

21 (2) FEDERAL FINANCIAL ASSISTANCE.—The
22 term “Federal financial assistance” has the meaning
23 given such term in section 101 of the Uniform Relo-
24 cation Assistance and Real Property Acquisitions
25 Policies Act of 1970 (42 U.S.C. 4601).

1 (3) STATE.—The term “State” means any of
2 the States of the United States, the District of Co-
3 lumbia, the Commonwealth of Puerto Rico, the Com-
4 monwealth of the Northern Mariana Islands, Guam,
5 the Virgin Islands, American Samoa, and any other
6 territory or possession of the United States.

7 (4) UNIT OF LOCAL GOVERNMENT.—The term
8 “unit of local government” means any city, county,
9 town, township, parish, village, or other general pur-
10 pose political subdivision of a State or any commu-
11 nity redevelopment agency, housing authority, spe-
12 cial district, or other special purpose political sub-
13 division of a State.

14 **SEC. 4. APPLICABILITY.**

15 at any time after the date of the enactment of this
16 Act, has engaged in either of the following acts

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