

Union Calendar No. 142

109TH CONGRESS
1ST SESSION

H. R. 3405

[Report No. 109–261, Part I]

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

OCTOBER 31, 2005

Additional sponsors: Mr. CANNON, Mr. CARTER, Mr. GOODE, Mr. MORAN of Kansas, Mrs. EMERSON, Mr. WALDEN of Oregon, Mr. MANZULLO, Mr. BOOZMAN, Mr. BARTLETT of Maryland, Mrs. CUBIN, Mr. TOM DAVIS of Virginia, Mr. BAKER, Mr. JONES of North Carolina, Mr. HALL, Mr. PITTS, Mr. PENCE, Mrs. MUSGRAVE, Mr. SHADEGG, Mr. FLAKE, Mr. WAMP, Mr. LUCAS, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. McCAUL of Texas, Mr. GARRETT of New Jersey, Mr. CONAWAY, Mr. ROSS, Mr. KIND, Mr. McINTYRE, Mr. PETERSON of Minnesota, Mr. LEACH, Mr. WILSON of South Carolina, Mr. LEWIS of Kentucky, Mr. BACHUS, Mr. KUHLMAN of New York, Mr. CUELLAR, Mr. HERGER, Mr. MACK, Mr. DOOLITTLE, Mr. McGOVERN, Ms. HARRIS, Mr. RAMSTAD, Mr. OSBORNE, Mr. SCHWARZ of Michigan, Mr. GUTKNECHT, Mr. HAYES, Mr. SALAZAR, Mr. CHANDLER, Mr. GENE GREEN of Texas, Mr. LATHAM, Mrs. JO ANN

DAVIS of Virginia, Mr. GORDON, Mr. JENKINS, Mr. STUPAK, Mr. HOLDEN, Mr. ETHERIDGE, Mr. BOSWELL, Ms. ROS-LEHTINEN, Mr. HAYWORTH, Mr. RANGEL, Mr. FORD, Mr. BURTON of Indiana, Mr. CANTOR, Mr. COBLE, Mr. COLE of Oklahoma, Mr. DEAL of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. FORBES, Mr. HENSARLING, Mr. SAM JOHNSON of Texas, Mr. MCCRERY, Mr. NORWOOD, Mr. REHBERG, Mr. ROGERS of Michigan, Mr. RYAN of Wisconsin, Mr. SHUSTER, Mr. TLAHRT, Ms. JACKSON-LEE of Texas, Mr. ALEXANDER, Ms. KILPATRICK of Michigan, Mr. WELDON of Florida, Mr. COSTA, Mr. MARCHANT, Mr. CLAY, Mr. EDWARDS, Mrs. MYRICK, Mr. EVERETT, Mr. LEWIS of California, Mr. PUTNAM, Mr. ROGERS of Alabama, Mr. HUNTER, Mr. PAUL, Mr. BARROW, Mr. KLINE, Mr. AKIN, and Mr. CULBERSON

OCTOBER 31, 2005

Reported from the Committee on Agriculture with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 31, 2005

Committees on Transportation and Infrastructure, Financial Services, Resources, and Education and the Workforce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 22, 2005]

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 Own-*
 3 *ership of Private Property Act of 2005” or the “STOPP*
 4 *Act of 2005”.*

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

8 (a) *PROHIBITION OF ASSISTANCE.*—

9 (1) *PROHIBITION.*—*If, after the date of the enact-*
 10 *ment of this Act, an entity using the power of a State*
 11 *engages in any conduct described in subsection (b), no*
 12 *officer or employee of the Federal Government having*
 13 *responsibility over Federal financial assistance under*
 14 *any Federal economic development program shall*
 15 *make such assistance available to the relevant entity*
 16 *during the period described in paragraph (3).*

17 (2) *ENTITY TO WHICH ASSISTANCE IS PROHIB-*
 18 *ITED.*—*In this subsection, the term “relevant entity”*
 19 *means—*

20 (A) *the entity engaging in the conduct de-*
 21 *scribed in subsection (b), if that entity is a State*
 22 *or a unit of general local government of a State;*
 23 *and*

24 (B) *the State or unit of general local gov-*
 25 *ernment that gave authority for the entity to en-*
 26 *gage in that conduct, in any other case.*

1 (3) *DURATION OF PROHIBITION.*—*The period re-*
 2 *ferred to in paragraph (1) is the period that begins*
 3 *on the date the officer or employee of the Federal Gov-*
 4 *ernment having responsibility over Federal financial*
 5 *assistance under the Federal economic development*
 6 *program determines that the relevant entity has en-*
 7 *gaged in the conduct described in subsection (b) and*
 8 *ends with the earlier of—*

9 *(A) the day that is two years after the date*
 10 *the period began; or*

11 *(B) the day that the property is returned to*
 12 *the entity from whom the property was taken.*

13 (b) *CONDUCT RESULTING IN PROHIBITION OF ASSIST-*
 14 *ANCE.*—*The conduct described in this subsection is the fol-*
 15 *lowing:*

16 (1) *Any use of the power of eminent domain to*
 17 *take property from a private entity and transfer the*
 18 *ownership of, or a leasehold interest, in the property*
 19 *(or a portion thereof) to another private entity, except*
 20 *for a transfer—*

21 *(A) for use by a public utility;*

22 *(B) for a road or other right of way or*
 23 *means, open to the public or common carriers,*
 24 *for transportation;*

1 (C) for an aqueduct, pipeline, or similar
2 use;

3 (D) for a prison or hospital; or

4 (E) for any use during and in relation to
5 a national emergency or national disaster de-
6 clared by the President under other law.

7 (2) *FAILURE TO PROVIDE RELOCATION ASSIST-*
8 *ANCE FOR PERSONS DISPLACED BY USE OF EMINENT*
9 *DOMAIN FOR ECONOMIC DEVELOPMENT.*—*Failing to*
10 *provide, to any person displaced from property by the*
11 *use of the power of eminent domain for any economic*
12 *development purpose, relocation assistance under the*
13 *Uniform Relocation Assistance and Real Property Ac-*
14 *quisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)*
15 *in the same manner and to the same extent as reloca-*
16 *tion assistance would be required under such Act to*
17 *be provided by a Federal agency that undertakes a*
18 *program or project that results in displacement of the*
19 *person.*

20 **SEC. 3. PRIVATE RIGHT OF ACTION.**

21 *The owner of any real property taken by conduct re-*
22 *sulting in the prohibition by this Act of assistance may,*
23 *in a civil action, obtain injunctive and declaratory relief*
24 *to require the enforcement of that prohibition.*

1 **SEC. 4. DEFINITIONS.**

2 *In this Act:*

3 (1) *FEDERAL ECONOMIC DEVELOPMENT PRO-*
4 *GRAM.—The term “Federal economic development*
5 *program” means any of the following programs:*

6 (A) *DEPARTMENT OF AGRICULTURE.—*

7 (i) *FOREST SERVICE.—*

8 (I) *Programs under the National*
9 *Forest-Dependent Rural Communities*
10 *Economic Diversification Act of 1990*
11 *(7 U.S.C. 6611 et seq.).*

12 (II) *The rural development*
13 *through forestry program authorized*
14 *by the Department of the Interior and*
15 *Related Agencies Appropriations Act,*
16 *2006 (Public Law 109–54; 119 Stat.*
17 *538), and subsequent appropriations*
18 *laws.*

19 (ii) *RURAL BUSINESS—COOPERATIVE*
20 *SERVICE.—*

21 (I) *The intermediary relending*
22 *program under section 1323 of the*
23 *Food Security Act of 1985 (7 U.S.C.*
24 *1932 note).*

25 (II) *The rural business opportuni-*
26 *ties grant program under section*

1 306(a)(11) of the Consolidated Farm
2 and Rural Development Act (7 U.S.C.
3 1926(a)(11)).

4 (III) The program for assistance
5 to cooperatives for economic develop-
6 ment under the Act of July 2, 1926 (7
7 U.S.C. 451 et seq.) and subtitle A of
8 the Agricultural Marketing Act of 1946
9 (7 U.S.C. 1621 et seq.).

10 (IV) The rural business enterprise
11 grants program under section 310B(c)
12 of the Consolidated Farm and Rural
13 Development Act (7 U.S.C. 1932(c)).

14 (V) The rural economic develop-
15 ment loans and grants program under
16 title III of the Rural Electrification
17 Act of 1936 (7 U.S.C. 930 et seq.).

18 (iii) RURAL UTILITIES SERVICE.—

19 (I) The program for grants, direct
20 loans, and guaranteed loans for water
21 and waste disposal systems for rural
22 communities under paragraphs (1)
23 and (2) of section 306(a) of the Con-
24 solidated Farm and Rural Develop-
25 ment Act (7 U.S.C. 1926(a)).

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

(iv) *RURAL HOUSING SERVICE.*—

(I) *The rural community development initiative pursuant to the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–17) and the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2826).*

(II) *The program for loans and grants for essential community facilities under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)).*

(v) *FARM SERVICE AGENCY.*—*The program for loans to Indian tribes and tribal corporations under the Consolidated Farm*

1 *and Rural Development Act (7 U.S.C. 1921*
 2 *et seq.).*

3 (vi) *RURAL BUSINESS INVESTMENT*
 4 *PROGRAM.—The rural business investment*
 5 *program under subtitle H of the Consoli-*
 6 *dated Farm and Rural Development Act (7*
 7 *U.S.C. 2009cc et seq.).*

8 (B) *DEPARTMENT OF COMMERCE—ECO-*
 9 *NOMIC DEVELOPMENT ADMINISTRATION.—Any*
 10 *program for financial assistance under the Pub-*
 11 *lic Works and Economic Development Act of*
 12 *1965 (42 U.S.C. 3121 et seq.).*

13 (C) *DEPARTMENT OF HOUSING AND URBAN*
 14 *DEVELOPMENT.—*

15 (i) *The community development block*
 16 *grant programs under title I of the Housing*
 17 *and Community Development Act of 1974*
 18 *(42 U.S.C. 5301 et seq.), including the enti-*
 19 *tlement grants, small cities, special purpose*
 20 *and insular areas grants, States, Indian*
 21 *tribe grants, and loan guarantee programs.*

22 (ii) *The brownfields economic develop-*
 23 *ment initiative under section 108(q) of the*
 24 *Housing and Community Development Act*
 25 *of 1974 (42 U.S.C. 5308(q)).*

1 (iii) *The rural housing and economic*
 2 *development program of the Department of*
 3 *Housing and Urban Development pursuant*
 4 *to title II of the Departments of Veterans*
 5 *Affairs and Housing and Urban Develop-*
 6 *ment, and Independent Agencies Appropria-*
 7 *tions Act, 2005 (Public Law 108–447; 118*
 8 *Stat. 3300) and title II of the Departments*
 9 *of Veterans Affairs and Housing and Urban*
 10 *Development, and Independent Agencies Ap-*
 11 *propriations Act, 1999 (Public Law 105–*
 12 *276; 112 Stat. 2475).*

13 (iv) *The Indian housing block grant*
 14 *program under the Native American Hous-*
 15 *ing Assistance and Self-Determination Act*
 16 *of 1996 (25 U.S.C. 4101 et seq.).*

17 (D) DEPARTMENT OF THE INTERIOR—BU-
 18 REAU OF INDIAN AFFAIRS.—*The programs for*
 19 *grants, loans, and loan guarantees for Indian*
 20 *economic development of the Office of Economic*
 21 *Development, Bureau of Indian Affairs of the*
 22 *Department of the Interior.*

23 (E) DEPARTMENT OF THE TREASURY.—*The*
 24 *community development financial institutions*
 25 *fund program under subtitle A of title I of the*

1 *Riegle Community Development and Regulatory*
2 *Improvement Act of 1994 (12 U.S.C. 4701 et*
3 *seq.).*

4 (F) *APPALACHIAN REGIONAL COMMIS-*
5 *SION.—Any program for assistance for Appa-*
6 *lachian regional development under subtitle IV*
7 *of title 40, United States Code.*

8 (G) *NATIONAL CREDIT UNION ADMINISTRA-*
9 *TION.—The community development revolving*
10 *loan fund program for credit unions under the*
11 *Community Development Credit Union Revolv-*
12 *ing Loan Fund Transfer Act (42 U.S.C. 9822*
13 *note).*

14 (H) *DENALI COMMISSION.—The Denali*
15 *Commission program under the Denali Commis-*
16 *sion Act of 1998 (42 U.S.C. 2131 et seq.).*

17 (I) *DELTA REGIONAL AUTHORITY.—The*
18 *program for Delta regional development under*
19 *subtitle F of the Consolidated Farm and Rural*
20 *Development Act (7 U.S.C. 2009aa et seq.).*

21 (J) *DEPARTMENT OF HEALTH AND HUMAN*
22 *SERVICES.—The discretionary award program*
23 *relating to local community economic develop-*
24 *ment under section 680 of the Community Serv-*
25 *ices Block Grant Act (42 U.S.C. 9921).*

1 (2) *FEDERAL FINANCIAL ASSISTANCE*.—*The term*
2 *“Federal financial assistance” has the meaning given*
3 *such term in section 101 of the Uniform Relocation*
4 *Assistance and Real Property Acquisition Policies Act*
5 *of 1970 (42 U.S.C. 4601).*

6 (3) *STATE*.—*The term “State” means any of the*
7 *States of the United States, the District of Columbia,*
8 *the Commonwealth of Puerto Rico, the Commonwealth*
9 *of the Northern Mariana Islands, Guam, the Virgin*
10 *Islands, American Samoa, and any other territory or*
11 *possession of the United States.*

12 ***SEC. 5. SEVERABILITY.***

13 *If any provision of this Act, or the application thereof,*
14 *is held invalid, the validity of the remainder of this Act*
15 *and the application of such provision to other persons and*
16 *circumstances shall not be affected thereby.*

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