

111TH CONGRESS  
1ST SESSION

# H. R. 4288

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

DECEMBER 11, 2009

Ms. HERSETH SANDLIN (for herself, Mr. GOODLATTE, Mr. BOYD, Mr. SMITH of Texas, Mr. DEFazio, Mr. SENSENBRENNER, and Mr. LUCAS) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, Financial Services, Natural Resources, and Education and Labor, 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 2009” or the  
4 “STOPP Act of 2009”.

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 en-  
10 actment of this Act, an entity using the power of a  
11 State engages in any conduct described in subsection  
12 (b), no officer or employee of the Federal Govern-  
13 ment having responsibility over Federal financial as-  
14 sistance under any Federal economic development  
15 program shall make such assistance available to the  
16 relevant entity during the period described in para-  
17 graph (3).

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

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

1 (B) the State or unit of general local gov-  
2 ernment that gave authority for the entity to  
3 engage in that conduct, in any other case.

4 (3) DURATION OF PROHIBITION.—The period  
5 referred to in paragraph (1) is the period that be-  
6 gins on the date the officer or employee of the Fed-  
7 eral Government having responsibility over Federal  
8 financial assistance under the Federal economic de-  
9 velopment program determines that the relevant en-  
10 tity has engaged in the conduct described in sub-  
11 section (b) and ends with the earlier of—

12 (A) the day that is two years after the date  
13 the period began; or

14 (B) the day that the property is returned  
15 to the entity from whom the property was  
16 taken.

17 (b) CONDUCT RESULTING IN PROHIBITION OF AS-  
18 SISTANCE.—The conduct referred to in subsection (a) is  
19 the following:

20 (1) USE OF EMINENT DOMAIN TO TAKE PRI-  
21 VATE PROPERTY AND TRANSFER TO A PRIVATE EN-  
22 TITY.—Any use of the power of eminent domain to  
23 take property from a private entity and transfer the  
24 ownership of, or a leasehold interest, in the property

(or a portion thereof) to another private entity, except for a transfer—

(A) for use by a public utility;

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

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

(D) for a prison or hospital; or

(E) for any use during and in relation to a national emergency or national disaster declared by the President under other law.

(2) FAILURE TO PROVIDE RELOCATION ASSISTANCE FOR PERSONS DISPLACED BY USE OF EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT.—

Failing to provide, to any person displaced from property by the use of the power of eminent domain for any economic development purpose, relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) in the same manner and to the same extent as relocation assistance would be required under such Act to be provided by a Federal agency that undertakes a program or project that results in displacement of the person.

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

2       The owner of any real property taken by conduct re-  
3 sulting in the prohibition by this Act of assistance may,  
4 in a civil action, obtain injunctive and declaratory relief  
5 to require the enforcement of that prohibition.

6 **SEC. 4. DEFINITIONS.**

7       In this Act:

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

11           (A) **DEPARTMENT OF AGRICULTURE.**—

12           (i) **FOREST SERVICE.**—

13                   (I) Programs under the National  
14 Forest-Dependent Rural Communities  
15 Economic Diversification Act of 1990  
16 (7 U.S.C. 6611 et seq.).

17                   (II) The rural development  
18 through forestry program authorized  
19 by the Department of the Interior and  
20 Related Agencies Appropriations Act,  
21 2006 (Public Law 109–54; 119 Stat.  
22 538), and subsequent appropriations  
23 laws.

24           (ii) **RURAL BUSINESS—COOPERATIVE**  
25 **SERVICE.**—

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

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

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

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

21 (V) The rural economic develop-  
22 ment loans and grants program under  
23 title III of the Rural Electrification  
24 Act of 1936 (7 U.S.C. 930 et seq.).

25 (iii) RURAL UTILITIES SERVICE.—

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

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

13 (iv) RURAL HOUSING SERVICE.—

14 (I) The rural community develop-  
15 ment initiative pursuant to the Agri-  
16 culture, Rural Development, Food and  
17 Drug Administration, and Related  
18 Agencies Appropriations Act, 2001  
19 (Public Law 106–387; 114 Stat.  
20 1549A–17) and the Agriculture, Rural  
21 Development, Food and Drug Admin-  
22 istration, and Related Agencies Ap-  
23 propriations Act, 2006 (Public Law  
24 109–97; 119 Stat. 2136).

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

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

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

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

21 (C) DEPARTMENT OF HOUSING AND  
22 URBAN DEVELOPMENT.—

23 (i) The community development block  
24 grant programs under title I of the Hous-  
25 ing and Community Development Act of



1 1974 (42 U.S.C. 5301 et seq.), including  
2 the entitlement grants, small cities, special  
3 purpose and insular areas grants, States,  
4 Indian tribe grants, and loan guarantee  
5 programs.

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

10 (iii) The rural housing and economic  
11 development program of the Department of  
12 Housing and Urban Development pursuant  
13 to the Transportation, Treasury, Housing  
14 and Urban Development, the Judiciary,  
15 the District of Columbia, and Independent  
16 Agencies Appropriations Act, 2006 (Public  
17 Law 109–115; 119 Stat. 2446) and title II  
18 of the Departments of Veterans Affairs  
19 and Housing and Urban Development, and  
20 Independent Agencies Appropriations Act,  
21 1999 (Public Law 105–276; 112 Stat.  
22 2475).

23 (iv) The Indian housing block grant  
24 program under the Native American Hous-

ing Assistance and Self-Determination Act  
of 1996 (25 U.S.C. 4101 et seq.).

(D) DEPARTMENT OF THE INTERIOR—BU-  
REAU OF INDIAN AFFAIRS.—The programs for  
grants, loans, and loan guarantees for Indian  
economic development of the Office of Eco-  
nomic Development, Bureau of Indian Affairs  
of the Department of the Interior.

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

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

(G) NATIONAL CREDIT UNION ADMINIS-  
TRATION.—The community development revol-  
ving loan fund program for credit unions under  
the Community Development Credit Union Re-  
volving Loan Fund Transfer Act (42 U.S.C.  
9822 note).

1           (H) DENALI COMMISSION.—The Denali  
2           Commission program under the Denali Com-  
3           mission Act of 1998 (42 U.S.C. 2131 et seq.).

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

8           (J) DEPARTMENT OF HEALTH AND HUMAN  
9           SERVICES.—The discretionary award program  
10          relating to local community economic develop-  
11          ment under section 680 of the Community  
12          Services Block Grant Act (42 U.S.C. 9921).

13          (2) FEDERAL FINANCIAL ASSISTANCE.—The  
14          term “Federal financial assistance” has the meaning  
15          given such term in section 101 of the Uniform Relo-  
16          cation Assistance and Real Property Acquisition  
17          Policies Act of 1970 (42 U.S.C. 4601).

18          (3) STATE.—The term “State” means any of  
19          the States of the United States, the District of Co-  
20          lumbia, the Commonwealth of Puerto Rico, the Com-  
21          monwealth of the Northern Mariana Islands, Guam,  
22          the Virgin Islands, American Samoa, and any other  
23          territory or possession of the United States.

1 **SEC. 5. SEVERABILITY.**

2       If any provision of this Act, or the application there-  
3 of, is held invalid, the validity of the remainder of this  
4 Act and the application of such provision to other persons  
5 and circumstances shall not be affected thereby.

○