

judgment. If the agency action resulted from a requirement imposed by another agency, then the agency making the payment or satisfying the judgment may seek partial or complete reimbursement from the appropriated funds of the other agency. For this purpose the head of the agency concerned may transfer or reprogram any appropriated funds available to the agency. If insufficient funds exist for the payment or to satisfy the judgment, it shall be the duty of the head of the agency to seek the appropriation of such funds for the next fiscal year.

#### SEC. 7. LIMITATION.

Notwithstanding any other provision of law, any obligation of the United States to make any payment under this Act shall be subject to the availability of appropriations.

#### SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to limit any right to compensation that exists under the Constitution or under other laws of the United States.

#### SEC. 9. DEFINITIONS.

For the purposes of this Act—

- (1) the term "property" means land and includes the right to use or receive water;
- (2) a use of property is limited by an agency action if a particular legal right to use that property no longer exists because of the action;
- (3) the term "agency action" has the meaning given that term in section 551 of title 5, United States Code, but also includes the making of a grant to a public authority conditioned upon an action by the recipient that would constitute a limitation if done directly by the agency;
- (4) the term "agency" has the meaning given that term in section 551 of title 5, United States Code;
- (5) the term "State" includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States; and
- (6) the term "law of the State" includes the law of a political subdivision of a State.

H.R. 925

OFFERED BY: MR. TAUZIN

AMENDMENT No. 7: In section 3(a) after "agency action" the first place it appears insert ", under a specified regulatory law".

Add at the end of section 3(a) "If the diminution in value of a portion of that property is greater than 50 percent, at the option of the owner, the Federal Government shall buy that portion of the property for its fair market value."

In section 4, strike the first sentence and amend the second sentence to read "If a use is a nuisance as defined by the law of a State or is already prohibited under a local zoning ordinance, no compensation shall be made under this Act with respect to a limitation on that use."

In the heading for section 8, strike "Rule" and insert "Rules".

At the beginning of section 8, strike "Nothing" and insert

(a) EFFECT ON CONSTITUTIONAL RIGHT TO COMPENSATION.—Nothing

At the end of section 8, insert the following:

(b) EFFECT OF PAYMENT.—Payment of compensation under this act (other than when the property is bought by the Federal Government at the option of the owner) shall not confer any rights on the Federal Government other than the limitation on use resulting from the agency action.

In section 9, after paragraph (4) insert the following:

(5) the term "specified regulatory law" means—

(A) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(B) the Endangered Species Act of 1979 (16 U.S.C. 1531 et seq.);

(C) title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.); or

(D) with respect to an owner's right to use or receive water only—

(i) the Act of June 17, 1902, and all Acts amendatory thereof or supplementary there-

to, popularly called the "Reclamation Acts" (43 U.S.C. 371 et seq.);

(ii) the Federal Land Policy Management Act (43 U.S.C. 1701 et seq.); or

(iii) section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604);

Redesignate succeeding paragraphs accordingly.

H.R. 925

OFFERED BY: MR. CONYERS

AMENDMENT No. 8: Page 3, after line 11, insert the following:

(c) AMERICANS WITH DISABILITIES ACT OF 1990.—No compensation shall be made under this Act with respect to an agency action pursuant to the Americans With Disabilities Act of 1990 (42 U.S.C. 1201 et seq.).

H.R. 926

OFFERED BY: MR. EWING

AMENDMENT No. 5: Page 2, line 11, strike "180 days" and insert "one year notwithstanding any other provision of law", in line 24, strike "(2)(A)" and all that follows through "(B)" in line 4 on page 3, and beginning in line 7 strike the dash and all that follows through line 13 and insert "one year notwithstanding any other provision of law".

H.R. 926

OFFERED BY: MR. FRANKS OF NEW JERSEY

AMENDMENT No. 6: Page 13, line 10, before the period insert the following: ", and a statement of whether the rule will require persons to obtain licenses, permits, or other certifications including specification of any associated fees or fines".

H.R. 926

OFFERED BY: MR. HEFLEY

AMENDMENT No. 7: Page 2, line 15, strike "small entities" and insert "entities", in line 18, strike "small entity" and insert "entity", on page 3, strike lines 15 through 17 and redesignate the succeeding paragraphs accordingly, and in line 24 on page 3, strike "small entities" and insert "entities".