

value of the property before the limitation on use was imposed shall exclude any component of that fair market value attributable to Federal agency action, including any Federal financial assistance. The value of the entire parcel of the property shall be the value to which any percentage threshold requirements under this Act are applied.

H.R. 925

OFFERED BY: MR. PORTER

AMENDMENT NO. 17: Page 3, after line 11, insert the following:

SEC. 6. EFFECT OF PRIVATE PROPERTY IMPACT ANALYSIS.

(a) IN GENERAL.—No compensation shall be made under this Act with respect to any agency action for which the agency has completed a private property impact analysis before taking that agency action.

(b) CONTENT.—For the purposes of this section, a private property impact analysis is a written statement that includes.—

(1) the specific purpose of the agency action;

(2) an assessment of the likelihood that a taking of private property will occur under such action; and

(3) alternatives to the agency action, if any, that would achieve the intended purpose and lessen the likelihood of a taking of private property.

(c) PRECLUSION OF JUDICIAL REVIEW.—Neither the sufficiency nor any other aspect of a private property impact analysis made under this section is subject to judicial review.

(d) EFFECT ON OTHER RIGHTS.—The fact that compensation may not be made under this Act by reason of this section does not affect the right to compensation for takings of private property for public use under the fifth article of amendment to the Constitution.

(e) DEFINITION.—As used in this section, the term “taking of private property” means an action whereby property is taken in such a way as to require compensation under the fifth article of amendment to the Constitution.

Redesignated succeeding sections accordingly.

H.R. 925

OFFERED BY: MR. PORTER

AMENDMENT NO. 18: Page 3, after line 11, insert the following:

SEC. 5. EFFECT OF PRIVATE PROPERTY IMPACT ANALYSIS.

(a) IN GENERAL.—No compensation shall be made under this Act with respect to any agency action for which the agency has completed a private property impact analysis before taking that agency action.

(b) CONTENT.—For the purposes of this section, a private property impact analysis is a written statement that includes.—

(1) the specific purpose of the agency action;

(2) an assessment of the likelihood that a taking of private property will occur under such action; and

(3) alternatives to the agency action, if any, that would achieve the intended purpose and lessen the likelihood of a taking of private property.

(c) PRECLUSION OF JUDICIAL REVIEW.—Neither the sufficiency nor any other aspect of a private property impact analysis made under this section is subject to judicial review.

(d) EFFECT ON OTHER RIGHTS.—The fact that compensation may not be made under this Act by reason of this section does not affect the right to compensation for takings of private property for public use under the fifth article of amendment to the Constitution.

(e) DEFINITION.—As used in this section, the term “taking of private property” means an action whereby property is taken in such a way as to require compensation under the fifth article of amendment to the Constitution.

Redesignated succeeding sections accordingly.

H.R. 925

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 19: Page 2, line 8, after the period, insert “The amount of compensation made under this Act shall be decreased by an amount equal to any increase in value of the property that resulted from any agency action.”.

H.R. 925

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 20: At the end of section 3(a) insert “The amount of compensation made under this Act shall be decreased by an amount equal to any increase in value of the property that resulted from any agency action.”.

H.R. 925

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 21: Page 3, lines 2 and 3, change the heading to read:

“(a) CIRCUMSTANCES IN WHICH NO COMPENSATION SHALL BE AWARDED.—”

Page 3, after line 8, add the following:

“No compensation shall be made under this Act with respect to an agency action which is reasonably related to or in furtherance of the purposes of any law enacted by Congress, unless such law is determined to be in violation of the United States Constitution.”

Page 4, strike lines 19–25 and page 5, strike lines 1–8.

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OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 22: Page 4, strike lines 19–25 and page 5, strike lines 1–8.

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OFFERED BY: MR. WYDEN

AMENDMENT NO. 23: Page 5, after line 8, insert the following:

SEC. 6. HOMEOWNER PROPERTY IMPACT ANALYSIS.

(a) IN GENERAL.—No compensation shall be made under this Act with respect to any agency action if the agency has completed a homeowner property impact analysis of such action before taking that agency action and if the analysis indicates that the agency action would prevent or restrict any activity likely to diminish the fair market value of private homes.

(b) CONTENT.—For the purposes of this section, a homeowner property impact analysis is a written statement that includes.—

(1) the specific purpose of the agency action;

(2) an assessment of the likelihood that the agency action would prevent or restrict any activity likely to diminish the fair market value of a private home; and

(3) alternatives to the agency action, if any, that would achieve the intended purpose and lessen the likelihood of reductions in the value of private homes.

(c) PRECLUSION OF JUDICIAL REVIEW.—Neither the sufficiency nor any other aspect of a homeowner property impact analysis made under this section is subject to judicial review.

(d) DEFINITIONS.—As used in this section—

(1) The term “homeowner” means the owner of a private home.

(2) The term “private home” means any owner occupied dwelling, including any multi-family dwelling and any condominium.

Redesignate section 6 as section 7.

H.R. 925

OFFERED BY: MR. WYDEN

AMENDMENT NO. 24: Page 3, line 8, strike the period and insert “, or”.

Page 3, after line 8, insert:

with respect to an agency action that would prevent or restrict any activity likely to diminish the fair market value of any private homes.

Page 5, after line 24, insert the following new paragraph and redesignate paragraphs (5) and (6) on page 6 as (6) and (7):

(5) the term “private home” means any owner occupied dwelling, including any multi-family dwelling and any condominium.