

**Amendment in the Nature of a Substitute
To H.R. 3405**

**Offered by Mr. Goodlatte, Mr. Peterson of MN, Mr. Pombo,
and Ms. Herseth**

October 7, 2005

Strike all after the enacting clause and insert the following:

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.—**

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



1 relevant entity during the period described in para-
2 graph (3).

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

6 (A) the entity engaging in the conduct de-
7 scribed in subsection (b), if that entity is a
8 State or a unit of general local government of
9 a State; and

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

13 (3) DURATION OF PROHIBITION.—The period
14 referred to in paragraph (1) is the period that be-
15 gins on the date the officer or employee of the Fed-
16 eral Government having responsibility over Federal
17 financial assistance under the Federal economic de-
18 velopment program determines that the relevant en-
19 tity has engaged in the conduct described in sub-
20 section (b) and ends with the earlier of—

21 (A) the day that is two years after the date
22 the period began; or

23 (B) the day that the property is returned
24 to the entity from whom the property was
25 taken.



1 (b) CONDUCT RESULTING IN PROHIBITION OF AS-
2 SISTANCE.—The conduct described in this subsection is
3 the following:

4 (1) Any use of the power of eminent domain to
5 take property from a private entity and transfer the
6 ownership of, or a leasehold interest, in the property
7 (or a portion thereof) to another private entity, ex-
8 cept for a transfer—

9 (A) for use by a public utility;

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

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

15 (D) for a prison or hospital; or

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

19 (2) FAILURE TO PROVIDE RELOCATION ASSIST-
20 ANCE FOR PERSONS DISPLACED BY USE OF EMI-
21 NENT DOMAIN FOR ECONOMIC DEVELOPMENT.—
22 Failing to provide, to any person displaced from
23 property by the use of the power of eminent domain
24 for any economic development purpose, relocation
25 assistance under the Uniform Relocation Assistance



1 and Real Property Acquisition Policies Act of 1970
2 (42 U.S.C. 4601 et seq.) in the same manner and
3 to the same extent as relocation assistance would be
4 required under such Act to be provided by a Federal
5 agency that undertakes a program or project that
6 results in displacement of the person.

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

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

12 **SEC. 4. DEFINITIONS.**

13 In this Act:

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

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

18 (i) **FOREST SERVICE.**—

19 (I) Programs under the National
20 Forest-Dependent Rural Communities
21 Economic Diversification Act of 1990
22 (7 U.S.C. 6611 et seq.).

23 (II) The rural development
24 through forestry program authorized
25 by the Department of the Interior and



1 Related Agencies Appropriations Act,
2 2006 (Public Law 109-54; 119 Stat.
3 538), and subsequent appropriations
4 laws.

5 (ii) RURAL BUSINESS-COOPERATIVE
6 SERVICE.—

7 (I) The intermediary relending
8 program under section 1323 of the
9 Food Security Act of 1985 (7 U.S.C.
10 1932 note).

11 (II) The rural business opportu-
12 nities grant program under section
13 306(a)(11) of the Consolidated Farm
14 and Rural Development Act (7 U.S.C.
15 1926(a)(11)).

16 (III) The program for assistance
17 to cooperatives for economic develop-
18 ment under the Act of July 2, 1926
19 (7 U.S.C. 451 et seq.) and subtitle A
20 of the Agricultural Marketing Act of
21 1946 (7 U.S.C. 1621 et seq.).

22 (IV) The rural business enter-
23 prise grants program under section
24 310B(c) of the Consolidated Farm



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and Rural Development Act (7 U.S.C. 1932(c)).

(V) The rural economic development loans and grants program under title III of the Rural Electrification Act of 1936 (7 U.S.C. 930 et seq.).

(iii) RURAL UTILITIES SERVICE.—

(I) The program for grants, direct loans, and guaranteed loans for water and waste disposal systems for rural communities under paragraphs (1) and (2) of section 306(a) of the Consolidated Farm and Rural Development 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



1 (Public Law 106-387; 114 Stat.
2 1549A-17) and the Agriculture, Rural
3 Development, Food and Drug Admin-
4 istration, and Related Agencies Ap-
5 propriations Act, 2005 (Public Law
6 108-447; 118 Stat. 2826).

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

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

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

22 (B) DEPARTMENT OF COMMERCE—ECO-
23 NOMIC DEVELOPMENT ADMINISTRATION.—Any
24 program for financial assistance under the Pub-



1 lic Works and Economic Development Act of
2 1965 (42 U.S.C. 3121 et seq.).

3 (C) DEPARTMENT OF HOUSING AND
4 URBAN DEVELOPMENT.—

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

13 (ii) The brownfields economic develop-
14 ment initiative under section 108(q) of the
15 Housing and Community Development Act
16 of 1974 (42 U.S.C. 5308(q)).

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



1 and Urban Development, and Independent
 2 Agencies Appropriations Act, 1999 (Public
 3 Law 105-276; 112 Stat. 2475).

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

8 (D) DEPARTMENT OF THE INTERIOR—
 9 BUREAU OF INDIAN AFFAIRS.—The programs
 10 for grants, loans, and loan guarantees for In-
 11 dian economic development of the Office of Eco-
 12 nomic Development, Bureau of Indian Affairs
 13 of the Department of the Interior.

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

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

24 (G) NATIONAL CREDIT UNION ADMINIS-
 25 TRATION.—The community development revolv-



1 ing loan fund program for credit unions under
2 the Community Development Credit Union Re-
3 volving Loan Fund Transfer Act (42 U.S.C.
4 9822 note).

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

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

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

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

22 (3) STATE.—The term “State” means any of
23 the States of the United States, the District of Co-
24 lumbia, the Commonwealth of Puerto Rico, the Com-
25 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 **SEC. 5. SEVERABILITY.**

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

