

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

1 (or a portion thereof) to another private entity, ex-
2 cept for a transfer—

3 (A) for use by a public utility;

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

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

9 (D) for a prison or hospital; or

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

13 (2) FAILURE TO PROVIDE RELOCATION ASSIST-
14 ANCE FOR PERSONS DISPLACED BY USE OF EMI-
15 NENT DOMAIN FOR ECONOMIC DEVELOPMENT.—

16 Failing to provide, to any person displaced from
17 property by the use of the power of eminent domain
18 for any economic development purpose, relocation
19 assistance under the Uniform Relocation Assistance
20 and Real Property Acquisition Policies Act of 1970
21 (42 U.S.C. 4601 et seq.) in the same manner and
22 to the same extent as relocation assistance would be
23 required under such Act to be provided by a Federal
24 agency that undertakes a program or project that
25 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(e)).

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-

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

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

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

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

19 (G) NATIONAL CREDIT UNION ADMINIS-
20 TRATION.—The community development revol-
21 ving loan fund program for credit unions under
22 the Community Development Credit Union Re-
23 volving Loan Fund Transfer Act (42 U.S.C.
24 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.

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