

*Withdrawn*

**AMENDMENT TO H.R. 1433**  
**OFFERED BY Mr. Nadler**

On the first page, line 8, strike “(a) IN GENERAL.—

Page 2, line 5, strike “, if that State” and all that follows through the end of line 3 on page 3 and insert “in any project receiving Federal economic development funds.”.

Page 3, strike line 10 and all that follows through the end of line 9 on page 4 and insert the following:

- 1       (a) CAUSE OF ACTION.—Any—  
2               (1) owner of private property who has received  
3               notice of a final determination that an action to take  
4               such owner’s property by eminent domain in viola-  
5               tion of section 2 will proceed; or  
6               (2) any tenant of such property;  
7       may in a civil action obtain appropriate declaratory, in-  
8       junctive, or monetary relief to enforce any provision of this  
9       Act.  
10       (b) WAIVER OF STATE SOVEREIGN IMMUNITY.—A  
11       State shall not be immune under the 11th Amendment

1 to the Constitution of the United States from a civil action  
2 under this section.

3 (c) BURDEN OF PROOF.—In a civil action under this  
4 section, the defendant has the burden to show by clear  
5 and convincing evidence that the taking is not in violation  
6 of this Act.

7 (d) LIMITATION ON BRINGING ACTION.—An action  
8 under this section may not be commenced later than 7  
9 years after date of the notification described in subsection  
10 (a).

Page 4, line 18, strike all after the one-em dash  
though line 2 on page 5 and insert “Any owner of private  
property or tenant of such private property described in  
section 4(a) may report a violation by the Federal Gov-  
ernment, any authority of the Federal Government,  
State, or political subdivision of a State or instrumen-  
tality thereof to the Attorney General.”.

Page 5, line 17, strike all after “(2)” though line 21  
and insert the following: “that a court has entered a final  
order in an action brought by a property owner or tenant  
under this Act.”.

Page 6, line 16, strike “seek” and all that follows through line 18 and insert “obtain appropriate declaratory, injunctive, or monetary relief.”.

