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AMENDMENT TO H.R. 1433
OFFERED BY MR. NADLER

Page 2, strike line 8 and all that follows through the end of line 3 on page 3.

Page 3, strike line 10 and all that follows through the end of line 14 on page 4 and insert the following:

- 1 (a) CAUSE OF ACTION.—Any owner or tenant of pri-
- 2 vate property —
- 3 (1) who has received notice of a final deter-
- 4 mination that an action to take such owner’s prop-
- 5 erty by eminent domain in violation of section 2 will
- 6 proceed; or
- 7 (2) if the property is used for economic develop-
- 8 ment in violation of section 2 following the taking of
- 9 that property by eminent domain;
- 10 may in a civil action brought in a Federal or State court
- 11 of competent jurisdiction obtain appropriate declaratory,
- 12 injunctive, or monetary relief to enforce any provision of
- 13 this Act.
- 14 (b) WAIVER OF STATE SOVEREIGN IMMUNITY.—A
- 15 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 the later of—

10 (1) date of the notification described in sub-
11 section (a); and

12 (2) the taking of the property by eminent do-
13 main.

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

Page 6, line 21, insert “if the owner of the property
has received notice of a final determination that an ac-
tion to take such owner’s property by eminent domain in
violation of section 2, or” after “brought”.

