

109TH CONGRESS
1ST SESSION

H. R. 3135

To protect private property rights.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. DELAY, Mr. BLUNT, Ms. WATERS, Mr. COBLE, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. GOODLATTE, Mr. CHABOT, Mr. DANIEL E. LUNGREN of California, Mr. JENKINS, Mr. CANNON, Mr. BACHUS, Mr. HOSTETTLER, Mr. FLAKE, Mr. PENCE, Mr. FORBES, Mr. KING of Iowa, Mr. FEENEY, Mr. ISSA, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. ADERHOLT, Mr. ALEXANDER, Mrs. BIGGERT, Mr. BOEHNER, Mr. BONILLA, Mrs. BONO, Mr. BRADLEY of New Hampshire, Mr. BUYER, Mr. DAVIS of Tennessee, Mr. DEFAZIO, Mr. DOOLITTLE, Mrs. DRAKE, Mrs. EMERSON, Mr. FOSSELLA, Ms. FOXX, Mr. GIBBONS, Mr. GRAVES, Ms. HARRIS, Mr. HAYWORTH, Mr. HERGER, Ms. HERSETH, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. KIRK, Mr. KLINE, Mr. MACK, Mr. MCCAUL of Texas, Mr. MCCOTTER, Miss MCMORRIS, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. POMBO, Mr. RAMSTAD, Mr. RYUN of Kansas, Mr. SIMPSON, Mr. TAYLOR of North Carolina, Mr. TIAHRT, Mr. WALDEN of Oregon, Mr. CRENSHAW, Mr. BURGESS, Mr. BONNER, Mr. POE, Mr. HEFLEY, Mr. KENNEDY of Minnesota, Mr. RADANOVICH, Mrs. MILLER of Michigan, Mr. SHIMKUS, Mr. FILNER, Mr. GINGREY, Mr. DUNCAN, Mr. REICHERT, Ms. JACKSON-LEE of Texas, Mr. BROWN of South Carolina, Mr. WESTMORELAND, Mr. SODREL, Ms. GINNY BROWN-WAITE of Florida, Mr. GILLMOR, Mr. CUNNINGHAM, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. OSBORNE, Mr. PEARCE, Mrs. JO ANN DAVIS of Virginia, Mrs. BLACKBURN, and Mr. PRICE of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect private property rights.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Private Property
5 Rights Protection Act of 2005”.

6 **SEC. 2. PROHIBITION ON EMINENT DOMAIN ABUSE BY**
7 **STATES.**

8 (a) IN GENERAL.—No State or any political subdivi-
9 sion of a State shall use economic development as a reason
10 for exercising its power of eminent domain if Federal
11 funds would contribute in any way to—

12 (1) the project for which the State’s or political
13 subdivision’s power of eminent domain is exercised;
14 or

15 (2) the exercise and enforcement of the eminent
16 domain power over that project.

17 (b) INELIGIBILITY FOR FEDERAL FUNDS.—A viola-
18 tion of subsection (a) renders such State or political sub-
19 division ineligible for any Federal funds described in that
20 subsection and any Federal agency charged with distrib-
21 uting those funds shall withhold them.

1 **SEC. 3. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE**
2 **FEDERAL GOVERNMENT.**

3 The Federal Government or any authority of the Fed-
4 eral Government shall not use economic development as
5 a reason for exercising its power of eminent domain.

6 **SEC. 4. DEFINITIONS.**

7 In this Act the following definitions apply:

8 (1) **ECONOMIC DEVELOPMENT.**—The term
9 “economic development” means any activity, includ-
10 ing increasing tax revenue, other than making pri-
11 vate property available in substantial part for use by
12 the general public or by an entity that makes the
13 property available for use by the general public, or
14 as a public facility, or to remove harmful effects.

15 (2) **STATE.**—The term “State” means each of
16 the several States, the District of Columbia, the
17 Commonwealth of Puerto Rico, or any other terri-
18 tory or possession of the United States.

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