

S 1895

Private Property Rights Protection Act

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Public Lands and Natural Resources

Introduced: Oct 19, 2005

Current Status: Read twice and referred to the Committee on Finance.

Latest Action: Read twice and referred to the Committee on Finance. (Oct 19, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/senate-bill/1895>

Sponsor

Name: Sen. Ensign, John [R-NV]

Party: Republican • State: NV • Chamber: Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. DeMint, Jim [R-SC]	R · SC		Oct 19, 2005
Sen. Inhofe, James M. [R-OK]	R · OK		Oct 19, 2005

Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Referred To	Oct 19, 2005

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

No related bills are listed.

Private Property Rights Protection Act - Makes ineligible for federal funds any condemning authority or acquiring party that engages or participates in a taking or condemnation of any real property interest not for a public use or public purpose using the power of eminent domain, without the owner's consent. Requires any entity applying for federal funds to certify eligibility. Allows the Commissioner of the Internal Revenue Service (IRS) to audit any condemning authority or acquiring party that has made such a certification.

Allows a property owner who is notified that his or her property will be taken to file for and attach a Fifth Amendment property protection statement (PPS) indicating that the condemning entity is exceeding its authority, which shall prohibit any acquiring party from claiming any benefit, deduction, or tax credit related to any activities conducted within the geographical boundaries comprising the jurisdiction of the condemning authority. Allows the condemning entity to seek a judicial determination of the statement's validity and an order releasing the PPS if not valid.

Prohibits any government from engaging or participating in a taking or condemnation of any private real property interest under the power of eminent domain for any purpose that is not for a public purpose or a public use. Applies such prohibition to an exercise of eminent domain: (1) by the federal government; (2) related to a program or activity receiving federal financial assistance; or (3) that would affect commerce with foreign nations, among the states, or with Indian tribes.

Allows a person to assert a violation of this act as a claim or defense in a judicial proceeding.

Allows the United States to bring an action for injunctive or declaratory relief to enforce compliance with this Act.

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### **Actions Timeline**

- **Oct 19, 2005:** Introduced in Senate
- **Oct 19, 2005:** Sponsor introductory remarks on measure. (CR S11568)
- **Oct 19, 2005:** Read twice and referred to the Committee on Finance.