

HR 4128

Private Property Rights Protection Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Civil Rights and Liberties, Minority Issues

Introduced: Oct 25, 2005

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Nov 4, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/4128>

Sponsor

Name: Rep. Sensenbrenner, F. James, Jr. [R-WI-5]

Party: Republican • **State:** WI • **Chamber:** House

Cosponsors (97 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Blunt, Roy [R-MO-7]	R · MO		Oct 25, 2005
Rep. Bonilla, Henry [R-TX-23]	R · TX		Oct 25, 2005
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Oct 25, 2005
Rep. DeLay, Tom [R-TX-22]	R · TX		Oct 25, 2005
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Oct 25, 2005
Rep. Herseth, Stephanie [D-SD-At Large]	D · SD		Oct 25, 2005
Rep. Waters, Maxine [D-CA-35]	D · CA		Oct 25, 2005
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Oct 28, 2005
Rep. Akin, W. Todd [R-MO-2]	R · MO		Oct 28, 2005
Rep. Bachus, Spencer [R-AL-6]	R · AL		Oct 28, 2005
Rep. Baker, Richard H. [R-LA-6]	R · LA		Oct 28, 2005
Rep. Barrow, John [D-GA-12]	D · GA		Oct 28, 2005
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Oct 28, 2005
Rep. Boehner, John A. [R-OH-8]	R · OH		Oct 28, 2005
Rep. Bonner, Jo [R-AL-1]	R · AL		Oct 28, 2005
Rep. Bradley, Jeb [R-NH-1]	R · NH		Oct 28, 2005
Rep. Brady, Kevin [R-TX-8]	R · TX		Oct 28, 2005
Rep. Brown-Waite, Ginny [R-FL-5]	R · FL		Oct 28, 2005
Rep. Burton, Dan [R-IN-5]	R · IN		Oct 28, 2005
Rep. Camp, Dave [R-MI-4]	R · MI		Oct 28, 2005
Rep. Cannon, Chris [R-UT-3]	R · UT		Oct 28, 2005
Rep. Carter, John R. [R-TX-31]	R · TX		Oct 28, 2005
Rep. Cubin, Barbara [R-WY-At Large]	R · WY		Oct 28, 2005
Rep. Davis, Jo Ann [R-VA-1]	R · VA		Oct 28, 2005
Rep. Doolittle, John T. [R-CA-4]	R · CA		Oct 28, 2005
Rep. Drake, Thelma D. [R-VA-2]	R · VA		Oct 28, 2005
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Oct 28, 2005
Rep. Franks, Trent [R-AZ-2]	R · AZ		Oct 28, 2005
Rep. Gibbons, Jim [R-NV-2]	R · NV		Oct 28, 2005
Rep. Gingrey, Phil [R-GA-11]	R · GA		Oct 28, 2005
Rep. Graves, Sam [R-MO-6]	R · MO		Oct 28, 2005
Rep. Green, Gene [D-TX-29]	D · TX		Oct 28, 2005
Rep. Harris, Katherine [R-FL-13]	R · FL		Oct 28, 2005
Rep. Herger, Wally [R-CA-2]	R · CA		Oct 28, 2005
Rep. Jenkins, William L. [R-TN-1]	R · TN		Oct 28, 2005
Rep. Johnson, Sam [R-TX-3]	R · TX		Oct 28, 2005
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Oct 28, 2005
Rep. King, Steve [R-IA-5]	R · IA		Oct 28, 2005
Rep. Kline, John [R-MN-2]	R · MN		Oct 28, 2005
Rep. LoBiondo, Frank A. [R-NJ-2]	R · NJ		Oct 28, 2005
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Oct 28, 2005

Cosponsor	Party / State	Role	Date Joined
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Oct 28, 2005
Rep. Musgrave, Marilyn N. [R-CO-4]	R · CO		Oct 28, 2005
Rep. Norwood, Charles W. [R-GA-9]	R · GA		Oct 28, 2005
Rep. Otter, C. L. (Butch) [R-ID-1]	R · ID		Oct 28, 2005
Rep. Pence, Mike [R-IN-6]	R · IN		Oct 28, 2005
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Oct 28, 2005
Rep. Poe, Ted [R-TX-2]	R · TX		Oct 28, 2005
Rep. Pombo, Richard W. [R-CA-11]	R · CA		Oct 28, 2005
Rep. Ramstad, Jim [R-MN-3]	R · MN		Oct 28, 2005
Rep. Ryan, Paul [R-WI-1]	R · WI		Oct 28, 2005
Rep. Ryun, Jim [R-KS-2]	R · KS		Oct 28, 2005
Rep. Scott, David [D-GA-13]	D · GA		Oct 28, 2005
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Oct 28, 2005
Rep. Sodrel, Michael E. [R-IN-9]	R · IN		Oct 28, 2005
Rep. Stearns, Cliff [R-FL-6]	R · FL		Oct 28, 2005
Rep. Wamp, Zach [R-TN-3]	R · TN		Oct 28, 2005
Rep. Westmoreland, Lynn A. [R-GA-8]	R · GA		Oct 28, 2005
Rep. Buyer, Steve [R-IN-4]	R · IN		Oct 31, 2005
Rep. Calvert, Ken [R-CA-44]	R · CA		Oct 31, 2005
Rep. Davis, Geoff [R-KY-4]	R · KY		Oct 31, 2005
Rep. Davis, Lincoln [D-TN-4]	D · TN		Oct 31, 2005
Rep. DeFazio, Peter A. [D-OR-4]	D · OR		Oct 31, 2005
Rep. Flake, Jeff [R-AZ-6]	R · AZ		Oct 31, 2005
Rep. Foxx, Virginia [R-NC-5]	R · NC		Oct 31, 2005
Rep. Gallegly, Elton [R-CA-24]	R · CA		Oct 31, 2005
Rep. Gillmor, Paul E. [R-OH-5]	R · OH		Oct 31, 2005
Rep. Hall, Ralph M. [R-TX-4]	R · TX		Oct 31, 2005
Rep. Hayes, Robin [R-NC-8]	R · NC		Oct 31, 2005
Rep. Hefley, Joel [R-CO-5]	R · CO		Oct 31, 2005
Rep. Hensarling, Jeb [R-TX-5]	R · TX		Oct 31, 2005
Rep. Hostettler, John N. [R-IN-8]	R · IN		Oct 31, 2005
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Oct 31, 2005
Rep. Kolbe, Jim [R-AZ-8]	R · AZ		Oct 31, 2005
Rep. Mack, Connie [R-FL-14]	R · FL		Oct 31, 2005
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		Oct 31, 2005
Rep. Marchant, Kenny [R-TX-24]	R · TX		Oct 31, 2005
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		Oct 31, 2005
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		Oct 31, 2005
Rep. McMorris, Cathy [R-WA-5]	R · WA		Oct 31, 2005
Rep. Miller, Candice S. [R-MI-10]	R · MI		Oct 31, 2005
Rep. Murphy, Tim [R-PA-18]	R · PA		Oct 31, 2005
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Oct 31, 2005

Cosponsor	Party / State	Role	Date Joined
Rep. Neugebauer, Randy [R-TX-19]	R · TX		Oct 31, 2005
Rep. Price, Tom [R-GA-6]	R · GA		Oct 31, 2005
Rep. Reichert, David G. [R-WA-8]	R · WA		Oct 31, 2005
Rep. Renzi, Rick [R-AZ-1]	R · AZ		Oct 31, 2005
Rep. Salazar, John T. [D-CO-3]	D · CO		Oct 31, 2005
Rep. Schmidt, Jean [R-OH-2]	R · OH		Oct 31, 2005
Rep. Sessions, Pete [R-TX-32]	R · TX		Oct 31, 2005
Rep. Shimkus, John [R-IL-19]	R · IL		Oct 31, 2005
Rep. Shuster, Bill [R-PA-9]	R · PA		Oct 31, 2005
Rep. Sullivan, John [R-OK-1]	R · OK		Oct 31, 2005
Rep. Walden, Greg [R-OR-2]	R · OR		Oct 31, 2005
Rep. Wicker, Roger F. [R-MS-1]	R · MS		Oct 31, 2005
Rep. Wilson, Heather [R-NM-1]	R · NM		Oct 31, 2005
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Oct 31, 2005

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Nov 3, 2005
Judiciary Committee	Senate	Referred To	Nov 4, 2005

Subjects & Policy Tags

Policy Area:

Civil Rights and Liberties, Minority Issues

Related Bills

Bill	Relationship	Last Action
109 S 3873	Related bill	Sep 8, 2006: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 596.
109 HRES 527	Procedurally related	Nov 3, 2005: Motion to reconsider laid on the table Agreed to without objection.
109 HR 3135	Related bill	Oct 21, 2005: Subcommittee on the Constitution Discharged.

Private Property Rights Protection Act of 2005 - (Sec. 2) Prohibits any state or political subdivision from exercising its power of eminent domain for economic development if that state or political subdivision receives federal economic development funds during the fiscal year. (Defines "economic development" as taking private property and conveying or leasing it to a private entity for commercial enterprise carried on for profit or to increase tax revenue, the tax base, employment, or general economic health.) Makes a state or political subdivision that violates such prohibition ineligible for any such funds for two fiscal years. Provides that such a state or political subdivision is not ineligible for such funds if it returns all real property that was improperly taken and replaces or repairs any property that was destroyed or damaged.

(Sec. 3) Prohibits the federal government from exercising its power of eminent domain for economic development.

(Sec. 4) Establishes a private cause of action for any private property owner who suffers injury as a result of a violation of this Act. Provides that a state is not immune from any such action in a federal or state court. Places the burden on the defendant to show by clear and convincing evidence that the taking is not for economic development. Sets the statute of limitations for such an action at seven years. Allows the prevailing plaintiff's attorney to obtain reasonable attorney's fees and expert fees.

(Sec. 5) Requires the Attorney General to: (1) compile a list of the federal laws under which federal economic development funds are distributed; (2) provide to each state and publish on a Department of Justice website the text of this Act, a description of the rights of property owners under this Act, and the compiled list of relevant federal laws; and (3) publish such text and description in the Federal Register.

(Sec. 6) Requires the Attorney General to submit an annual report to the House and Senate Judiciary Committees identifying states or political subdivisions that have used eminent domain in violation of this Act, that have lost federal economic developments funds as a result, and/or that returned property to cure a violation.

(Sec. 7) Expresses the sense of Congress that: (1) the use of eminent domain for economic development is a threat to agricultural and other property in rural America; and (2) it is the policy of the United States to promote the private ownership of property and to protect the legal rights of private property owners.

(Sec. 13) Prohibits a state or political subdivision from exercising its power of eminent domain over property of a religious or other nonprofit organization because of the organization's nonprofit or tax-exempt status or any related quality if that state or political subdivision receives federal economic development funds during the fiscal year. Makes a state or political subdivision that violates such prohibition ineligible for any such funds for two fiscal years.

Prohibits the federal government from exercising its power of eminent domain over property of a religious or other nonprofit organization because of the organization's nonprofit or tax-exempt status or any related quality.

(Sec. 14) Requires the head of each executive department and agency to review all rules, regulations, and procedures and report to the Attorney General on their activities to comply with this Act.

(Sec. 15) Expresses the sense of Congress that all precautions should be taken to avoid the unfair or unreasonable taking of property from survivors of Hurricane Katrina for economic development or other private use.

Actions Timeline

- **Nov 4, 2005:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Nov 3, 2005:** Rule H. Res. 527 passed House.
- **Nov 3, 2005:** PERMISSION TO FILE REPORT - Mr. Sensenbrenner asked unanimous consent that the Committee on the Judiciary be permitted to file a supplemental report on H.R. 4128 prior to the completion of its consideration. Agreed to without objection.
- **Nov 3, 2005:** Supplemental report filed by the Committee on Judiciary, H. Rept. 109-262, Part II.
- **Nov 3, 2005:** Supplemental report filed by the Committee on Judiciary, H. Rept. 109-262, Part II.
- **Nov 3, 2005:** Considered under the provisions of rule H. Res. 527. (consideration: CR H9569-9605)
- **Nov 3, 2005:** Rule provides for consideration of H.R. 4128 with 1 hour and 30 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Measure will be considered read. Specified amendments are in order.
- **Nov 3, 2005:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 527 and Rule XVIII.
- **Nov 3, 2005:** The Speaker designated the Honorable John Kline to act as Chairman of the Committee.
- **Nov 3, 2005:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour and 30 minutes of general debate on H.R. 4128.
- **Nov 3, 2005:** DEBATE - Pursuant to the provisions of H. Res. 527, the Committee of the Whole proceeded with 10 minutes of debate on the Sensenbrenner amendment.
- **Nov 3, 2005:** DEBATE - Pursuant to the provisions of H. Res. 527, the Committee of the Whole proceeded with 10 minutes of debate on the Nadler amendment.
- **Nov 3, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Nadler amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Sensenbrenner demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the Nadler amendment until later in the legislative day.
- **Nov 3, 2005:** DEBATE - Pursuant to the provisions of H. Res. 527, the Committee of the Whole proceeded with 10 minutes of debate on the Sodrel amendment.
- **Nov 3, 2005:** DEBATE - Pursuant to the provisions of H. Res. 527, the Committee of the Whole proceeded with 10 minutes of debate on the Moran (VA) amendment.
- **Nov 3, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Moran (VA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Sensenbrenner demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the Moran (VA) amendment until later in the legislative day.
- **Nov 3, 2005:** DEBATE - Pursuant to the provisions of H. Res. 527, the Committee of the Whole proceeded with 10 minutes of debate on the Turner amendment.
- **Nov 3, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Turner amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Turner demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the Turner amendment until later in the legislative day.
- **Nov 3, 2005:** DEBATE - Pursuant to the provisions of H. Res. 527, the Committee of the Whole proceeded with 10 minutes of debate on the Gary Miller amendment.
- **Nov 3, 2005:** DEBATE - Pursuant to the provisions of H. Res. 527, the Committee of the Whole proceeded with 10 minutes of debate on the Gingrey amendment.
- **Nov 3, 2005:** DEBATE - Pursuant to the provisions of H. Res. 527, the Committee of the Whole proceeded with 10 minutes of debate on the Cuellar amendment.
- **Nov 3, 2005:** DEBATE - Pursuant to the provisions of H. Res. 527, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson-Lee amendment.
- **Nov 3, 2005:** DEBATE - Pursuant to the provisions of H. Res. 527, the Committee of the Whole proceeded with 10 minutes of debate on the Watt amendment.
- **Nov 3, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Watt amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Watt demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the Watt

amendment until later in the legislative day.

- **Nov 3, 2005:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Nov 3, 2005:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 4128.
- **Nov 3, 2005:** The previous question was ordered pursuant to the rule. (consideration: CR H9604)
- **Nov 3, 2005:** The House adopted the amendment as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H9589-9590)
- **Nov 3, 2005:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 376 - 38 (Roll no. 568).
- **Nov 3, 2005:** On passage Passed by the Yeas and Nays: 376 - 38 (Roll no. 568).
- **Nov 3, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 2, 2005:** Rules Committee Resolution H. Res. 527 Reported to House. Rule provides for consideration of H.R. 4128 with 1 hour and 30 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Measure will be considered read. Specified amendments are in order.
- **Oct 31, 2005:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-262.
- **Oct 31, 2005:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-262.
- **Oct 31, 2005:** Placed on the Union Calendar, Calendar No. 143.
- **Oct 27, 2005:** Committee Consideration and Mark-up Session Held.
- **Oct 27, 2005:** Ordered to be Reported (Amended) by the Yeas and Nays: 27 - 3.
- **Oct 25, 2005:** Introduced in House
- **Oct 25, 2005:** Introduced in House
- **Oct 25, 2005:** Referred to the House Committee on the Judiciary.