

HR 4772

Private Property Rights Implementation Act of 2006

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Law

Introduced: Feb 16, 2006

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

Latest Action: Read twice and referred to the Committee on the Judiciary. (Nov 13, 2006)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/4772>

Sponsor

Name: Rep. Chabot, Steve [R-OH-1]

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

Cosponsors (36 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Boyd, Allen [D-FL-2]	D · FL		Feb 16, 2006
Rep. Feeney, Tom [R-FL-24]	R · FL		Feb 16, 2006
Rep. Flake, Jeff [R-AZ-6]	R · AZ		Feb 16, 2006
Rep. Gallegly, Elton [R-CA-24]	R · CA		Feb 16, 2006
Rep. Gordon, Bart [D-TN-6]	D · TN		Feb 16, 2006
Rep. Pombo, Richard W. [R-CA-11]	R · CA		Feb 16, 2006
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Feb 16, 2006
Rep. Neugebauer, Randy [R-TX-19]	R · TX		Feb 28, 2006
Rep. Keller, Ric [R-FL-8]	R · FL		Mar 9, 2006
Rep. Herger, Wally [R-CA-2]	R · CA		Mar 14, 2006
Rep. Smith, Lamar [R-TX-21]	R · TX		Mar 14, 2006
Rep. Calvert, Ken [R-CA-44]	R · CA		Mar 28, 2006
Rep. Brown, Henry E., Jr. [R-SC-1]	R · SC		Apr 25, 2006
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		May 3, 2006
Rep. Foxx, Virginia [R-NC-5]	R · NC		May 10, 2006
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		May 10, 2006
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		May 18, 2006
Rep. Conaway, K. Michael [R-TX-11]	R · TX		May 19, 2006
Rep. Poe, Ted [R-TX-2]	R · TX		May 19, 2006
Rep. Wilson, Joe [R-SC-2]	R · SC		Jun 9, 2006
Rep. Akin, W. Todd [R-MO-2]	R · MO		Jun 16, 2006
Rep. Bartlett, Roscoe G. [R-MD-6]	R · MD		Jun 16, 2006
Rep. Carter, John R. [R-TX-31]	R · TX		Jun 16, 2006
Rep. Cole, Tom [R-OK-4]	R · OK		Jun 16, 2006
Rep. Goode, Virgil H., Jr. [R-VA-5]	R · VA		Jun 16, 2006
Rep. Gutknecht, Gil [R-MN-1]	R · MN		Jun 16, 2006
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Jun 16, 2006
Rep. Marchant, Kenny [R-TX-24]	R · TX		Jun 16, 2006
Rep. Rohrabacher, Dana [R-CA-46]	R · CA		Jun 16, 2006
Rep. Bachus, Spencer [R-AL-6]	R · AL		Jun 28, 2006
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Jun 29, 2006
Rep. Etheridge, Bob [D-NC-2]	D · NC		Jun 29, 2006
Rep. Kline, John [R-MN-2]	R · MN		Jun 29, 2006
Rep. Cannon, Chris [R-UT-3]	R · UT		Jul 11, 2006
Rep. Holden, Tim [D-PA-17]	D · PA		Jul 12, 2006
Rep. Davis, Geoff [R-KY-4]	R · KY		Jul 28, 2006

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Discharged from	Jul 7, 2006
Judiciary Committee	Senate	Referred To	Nov 13, 2006

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
109 HRES 1047	Procedurally related	Dec 7, 2006: Pursuant to the provisions of H. Res. 1096, H. Res. 1047 is laid on the table.
109 HRES 1054	Related bill	Sep 29, 2006: Motion to reconsider laid on the table Agreed to without objection.

(This measure has not been amended since it was reported to the House on September 14, 2006. The summary of that version is repeated here.)

Private Property Rights Implementation Act of 2006 - (Sec. 2) Amends the federal judicial code to provide that, whenever a district court exercises jurisdiction in civil rights cases in which the operative facts concern the uses of real property, it shall not abstain from exercising such jurisdiction, or relinquish it to a state court, if the party seeking redress does not allege a violation of a state law, right, or privilege, and no parallel proceeding is pending in state court, at the time the action is filed in the district court, that arises out of the same operative facts as the district court proceeding.

Declares that in an action in which operative facts concern the uses of real property, the district court shall exercise jurisdiction even if the party seeking redress does not pursue judicial remedies provided by a state or territory. Provides for referral of an unsettled question of state law to the state's highest appellate court. Prohibits the district court from certifying a question of state law unless it is necessary to resolve the merits of the injured party's federal claim, and such question is patently unclear.

Declares that any claim or action to redress the deprivation of a property right or privilege secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any law, regulation, custom, or usage of any state or U.S. territory that causes actual and concrete injury to the party seeking redress.

(Sec. 3) Declares that any claim founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States which causes actual and concrete injury to the party seeking redress.

(Sec. 5) Amends the Revised Statutes of the United States with respect to certain Constitutional property rights claims.

(Sec. 6) Provides for the liability of the United States for certain claims, brought under U.S. district court jurisdiction or Court of Federal Claims jurisdiction, where the claim is founded upon a property right or privilege secured by the Constitution.

Makes the United States liable for a claim where an executive agency has permitted or authorized uses of real property subject to conditions or exactions, if any such condition or exaction, whether legislative or adjudicatory in nature, including the payment of a monetary fee or a dedication of real property from the injured party, is unconstitutional.

Declares that whenever a claim against an executive agency concerns a subdivision of real property pursuant to any state or territorial law, regulation, custom, or usage, then it shall be decided with reference to each subdivided lot, regardless of ownership, if such a lot is taxed, or otherwise treated and recognized by the state or territory, as an individual property unit.

States that, if a claim alleges deprivation of substantive due process, the United States shall be judged as to whether its action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

(Sec. 7) Requires a federal agency, whenever it takes action limiting the use of private property that may be affected by the amendments made by this Act, to give notice to the owners of that property explaining their rights and the procedures for obtaining any compensation that may be due to them under such amendments.

Actions Timeline

- **Nov 13, 2006:** Read twice and referred to the Committee on the Judiciary.
- **Sep 30, 2006:** Received in the Senate.
- **Sep 29, 2006:** Considered under the provisions of rule H. Res. 1047. (consideration: CR H7916-7925, H7990-7991)
- **Sep 29, 2006:** Rule provides for consideration of H.R. 4772 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted.
- **Sep 29, 2006:** DEBATE - The House proceeded with one hour of debate on H.R. 4772.
- **Sep 29, 2006:** DEBATE - The House resumed debate on H.R. 4772.
- **Sep 29, 2006:** The previous question was ordered pursuant to the rule. (consideration: CR H7925)
- **Sep 29, 2006:** POSTPONED PROCEEDINGS - The Chair put the question on adoption of the bill H.R. 4772 and announced that by voice vote, the ayes had prevailed. Mr. Nadler demanded the yeas and nays and the Chair postponed further proceedings on the question of adoption of H.R. 4772 until later in the legislative day.
- **Sep 29, 2006:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 231 - 181 (Roll no. 511).(text: CR H7916-7917)
- **Sep 29, 2006:** On passage Passed by the Yeas and Nays: 231 - 181 (Roll no. 511). (text: CR H7916-7917)
- **Sep 29, 2006:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 27, 2006:** Rules Committee Resolution H. Res. 1047 Reported to House. Rule provides for consideration of H.R. 4772 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted.
- **Sep 26, 2006:** Considered as unfinished business. (consideration: CR H7370)
- **Sep 26, 2006:** Failed of passage/not agreed to in House: On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 234 - 172 (Roll no. 477).
- **Sep 26, 2006:** On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 234 - 172 (Roll no. 477).
- **Sep 26, 2006:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 25, 2006:** Mr. Sensenbrenner moved to suspend the rules and pass the bill, as amended.
- **Sep 25, 2006:** Considered under suspension of the rules. (consideration: CR H6965-6971, H6993; text of measure as introduced: CR H6965-6966)
- **Sep 25, 2006:** DEBATE - The House proceeded with forty minutes of debate on H.R. 4772.
- **Sep 25, 2006:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Sep 14, 2006:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-658.
- **Sep 14, 2006:** Placed on the Union Calendar, Calendar No. 391.
- **Jul 12, 2006:** Committee Consideration and Mark-up Session Held.
- **Jul 12, 2006:** Ordered to be Reported (Amended) by Voice Vote.
- **Jul 7, 2006:** Subcommittee on the Constitution Discharged.
- **Jun 8, 2006:** Subcommittee Hearings Held.
- **May 23, 2006:** Referred to the Subcommittee on the Constitution.
- **Feb 16, 2006:** Introduced in House
- **Feb 16, 2006:** Referred to the House Committee on the Judiciary.

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