

## HR 1433

Private Property Rights Protection Act of 2012

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Civil Rights and Liberties, Minority Issues

**Introduced:** Apr 7, 2011

**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. (Feb 29, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/1433>

### Sponsor

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

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

Cosponsors (28 total)

| Cosponsor                           | Party / State | Role | Date Joined  |
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| Rep. Bono Mack, Mary [R-CA-45]      | R · CA        |      | Apr 7, 2011  |
| Rep. Broun, Paul C. [R-GA-10]       | R · GA        |      | Apr 7, 2011  |
| Rep. Coble, Howard [R-NC-6]         | R · NC        |      | Apr 7, 2011  |
| Rep. Duncan, John J., Jr. [R-TN-2]  | R · TN        |      | Apr 7, 2011  |
| Rep. Franks, Trent [R-AZ-2]         | R · AZ        |      | Apr 7, 2011  |
| Rep. Goodlatte, Bob [R-VA-6]        | R · VA        |      | Apr 7, 2011  |
| Rep. Gowdy, Trey [R-SC-4]           | R · SC        |      | Apr 7, 2011  |
| Rep. Griffin, Tim [R-AR-2]          | R · AR        |      | Apr 7, 2011  |
| Rep. Grimm, Michael G. [R-NY-13]    | R · NY        |      | Apr 7, 2011  |
| Rep. Jones, Walter B., Jr. [R-NC-3] | R · NC        |      | Apr 7, 2011  |
| Rep. Long, Billy [R-MO-7]           | R · MO        |      | Apr 7, 2011  |
| Rep. Ross, Dennis A. [R-FL-12]      | R · FL        |      | Apr 7, 2011  |
| Rep. Simpson, Michael K. [R-ID-2]   | R · ID        |      | Apr 7, 2011  |
| Rep. Smith, Lamar [R-TX-21]         | R · TX        |      | Apr 7, 2011  |
| Rep. Thompson, Glenn [R-PA-5]       | R · PA        |      | Apr 7, 2011  |
| Rep. Waters, Maxine [D-CA-35]       | D · CA        |      | Apr 7, 2011  |
| Rep. Westmoreland, Lynn A. [R-GA-3] | R · GA        |      | Apr 7, 2011  |
| Rep. Forbes, J. Randy [R-VA-4]      | R · VA        |      | Apr 13, 2011 |
| Rep. Myrick, Sue Wilkins [R-NC-9]   | R · NC        |      | Apr 13, 2011 |
| Rep. Roe, David P. [R-TN-1]         | R · TN        |      | Apr 13, 2011 |
| Rep. Posey, Bill [R-FL-15]          | R · FL        |      | Apr 15, 2011 |
| Rep. Cohen, Steve [D-TN-9]          | D · TN        |      | May 4, 2011  |
| Rep. Green, Gene [D-TX-29]          | D · TX        |      | May 4, 2011  |
| Rep. Pence, Mike [R-IN-6]           | R · IN        |      | May 4, 2011  |
| Rep. Poe, Ted [R-TX-2]              | R · TX        |      | Nov 30, 2011 |
| Rep. King, Steve [R-IA-5]           | R · IA        |      | Dec 1, 2011  |
| Rep. Amodei, Mark E. [R-NV-2]       | R · NV        |      | Jan 23, 2012 |
| Rep. McClintock, Tom [R-CA-4]       | R · CA        |      | Feb 1, 2012  |

Committee Activity

| Committee           | Chamber | Activity        | Date         |
|---------------------|---------|-----------------|--------------|
| Judiciary Committee | House   | Discharged from | Jul 27, 2011 |
| Judiciary Committee | Senate  | Referred To     | Feb 29, 2012 |

Subjects & Policy Tags

Policy Area:

Civil Rights and Liberties, Minority Issues

Related Bills

No related bills are listed.

Private Property Rights Protection Act of 2012 - (Sec. 2) Prohibits a state or political subdivision from exercising its power of eminent domain, or allowing the exercise of such power by delegation, over property to be used for economic development or over property that is used for economic development within seven years after that exercise, if the state or political subdivision receives federal economic development funds during any fiscal year in which the property is so used or intended to be used.

Defines "economic development," generally, as the taking of private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another for commercial enterprise. Sets forth exclusions from such definition, including: (1) conveying private property for specified public uses, (2) leasing property to a private person or entity that occupies an incidental part of public property or facility, (3) acquiring abandoned property, (4) taking private property for use by a public utility (including a utility providing electric, natural gas, telecommunications, water, and wastewater services directly to the public or indirectly through provision of such services at the wholesale level for resale to the public), and (5) redevelopment of a brownfield site.

Renders a state or political subdivision ineligible for any federal economic development funds for a period of two fiscal years following a final judgment by a court that it has violated such prohibition.

Declares that a state or political subdivision shall not be ineligible if it returns all real property constituting a violation, replaces any property destroyed, and repairs any other property damaged as a result of the violation. Requires a state to pay applicable penalties and interest to reattain eligibility.

(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 or tenant who suffers injury as a result of a violation of this Act. Prohibits state immunity in federal or state court. Sets the statute of limitations at seven years.

(Sec. 5) Allows any owner of private property whose property is subject to eminent domain who suffers injury as a result of a violation of this Act, or any tenant of property subject to eminent domain who suffers injury as a result of such a violation, to report a violation by the federal government, any authority of the federal government, state, or political subdivision of a state to the Attorney General (DOJ).

Directs the Attorney General to investigate such reports and notify the federal government, authority of the federal government, state, or political subdivision of a state if the Attorney General determines that a violation exists. Requires that the notification provide 90 days for any such government entity to demonstrate that it is not in violation of this Act or that it has cured the violation by returning, replacing, and repairing all the applicable real property.

Establishes an enforcement process under which the Attorney General, if the violation is still occurring or has not been cured within 90 days, will bring an action to enforce this Act unless the property owner or tenant who reported the violation has already brought an action. Requires the Attorney General to intervene in any such property owner or tenant action if intervention is necessary to enforce this Act.

Places the burden on the defendant to show by clear and convincing evidence that the taking is not for economic development. Prohibits state immunity in federal or state court.

Allows the Attorney General to bring an action under this Act if the property is used for economic development following

the conclusion of any condemnation proceedings condemning the property of an owner or tenant who reports a violation, but prohibits an action brought later than seven years following the conclusion of any such proceedings.

(Sec. 6) Requires the Attorney General to disseminate information on: (1) the rights of property owners and tenants under this Act, and (2) the federal laws under which federal economic development funds are distributed.

(Sec. 7) Directs the Attorney General to transmit an annual report to Congress identifying states or political subdivisions that have used eminent domain in violation of this Act. Requires that the report include the percentage of minority residents and median incomes of those impacted by such violations.

(Sec. 8) 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; (2) the taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects; and (3) the taking of rural private property for private commercial uses will force increasing numbers of activities from private property onto public lands and overburden national forests, parks, and wildlife refuges.

(Sec. 10) Prohibits this Act from being applied to any project for which condemnation proceedings have been initiated prior to its enactment.

(Sec. 11) Expresses the sense of Congress that it is U.S. policy to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the federal government.

(Sec. 13) Prohibits this Act from being construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(Sec. 14) 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 any fiscal year.

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. 15) Directs the head of each executive agency to review all rules, regulations, and procedures and to report to the Attorney General on its activities to bring itself into compliance with this Act.

(Sec. 16) Expresses the sense of Congress that any and all precautions be taken by the government to avoid the unfair or unreasonable taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property for economic development purposes or for the private use of others.

(Sec. 17) Directs the Attorney General to use reasonable efforts to locate and inform former owners and tenants of any violations and remedies they may have if a violation of this Act has a disproportionately high impact on the poor or minorities.

## Actions Timeline

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- **Feb 29, 2012:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Feb 28, 2012:** Mr. Smith (TX) moved to suspend the rules and pass the bill, as amended.
- **Feb 28, 2012:** Considered under suspension of the rules. (consideration: CR H997-1003)
- **Feb 28, 2012:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1433.
- **Feb 28, 2012:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H997-999)
- **Feb 28, 2012:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H997-999)
- **Feb 28, 2012:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 17, 2012:** Reported (Amended) by the Committee on Judiciary. H. Rept. 112-401.
- **Feb 17, 2012:** Placed on the Union Calendar, Calendar No. 278.
- **Jan 24, 2012:** Committee Consideration and Mark-up Session Held.
- **Jan 24, 2012:** Ordered to be Reported (Amended) by the Yeas and Nays: 23 - 5.
- **Dec 1, 2011:** Committee Consideration and Mark-up Session Held.
- **Jul 28, 2011:** Committee Consideration and Mark-up Session Held.
- **Jul 27, 2011:** Subcommittee on the Constitution Discharged.
- **Apr 11, 2011:** Referred to the Subcommittee on the Constitution.
- **Apr 7, 2011:** Introduced in House
- **Apr 7, 2011:** Referred to the House Committee on the Judiciary.