

ENVIRONMENT & ENERGY DAILY



9. PROPERTY RIGHTS: House committee to vote on eminent domain bill

(08/01/2011)

Lawrence Hurley, E&E reporter

Lawmakers on the House Judiciary Committee are scheduled to vote today on a bill that would limit the government's use of eminent domain powers in order to seize private property.

At a hearing in April on the proposal, Republicans voiced support for the legislation, dubbed the "Private Property Rights Protection Act," while Democrats were skeptical ([E&E Daily](#), April 13).

The bill, supported by property rights advocates, is the latest attempt to respond legislatively to the Supreme Court's 2005 decision in *Kelo v. City of New London*.

The court ruled that government entities could use eminent domain powers for economic development projects primarily intended to increase tax revenues.

The full committee began its consideration of the bill at the tail-end of a markup meeting Thursday but only had time for opening statements.

Rep. Trent Franks (R-Ariz.), one of the bill's supporters, said Congress should "restore the property rights protections that were erased from the Constitution by the *Kelo* decision."

Rep. Jerrold Nadler (D-N.Y.), who has expressed reservations about the legislation, said the issue of whether the bill struck the right balance between property rights and economic development was "one of the questions we really need to consider" during the discussion.

The legislation would place limits on the use of eminent domain by any recipient of federal funding and prevent the federal government from using eminent domain for economic development purposes.

The bill, [H.R. 1433](#), was introduced in April by Rep. James Sensenbrenner (R-Wis.). It has 24 co-sponsors.

Currently, there is no companion bill in the Senate.

Schedule: The markup will be today at 10 a.m. in 2141 Rayburn.

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