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U.S. Rep. Sensenbrenner: House passes Sensenbrenner bill to protect private property rights

Washington, D.C.—Today, the House unanimously passed **Congressman Jim Sensenbrenner's** (WI-05) [Private Property Rights Protection Act](#) (H.R. 1689).

The bill addresses the controversial Supreme Court decision in the 2005 case *Kelo v. City of New London*, which expanded the eminent domain power granted by the Fifth Amendment of the Constitution. In *Kelo*, the Court ruled that “economic development” can be justified as a “public use” under the Constitution’s Takings Clause.

To combat this expansion of power, H.R. 1689 would make any state or locality that uses the economic development justification for eminent domain ineligible from receiving federal economic development funds for two years. This creates a major incentive for governments to respect the private property rights of its citizens.

Additionally, the legislation bars the federal government from exercising eminent domain powers for the purposes of economic development.

Rep. Sensenbrenner: *“This bipartisan legislation restores the individual private property rights guaranteed in the Fifth Amendment. The framers of the Constitution would be horrified by the paradigm created by Kelo: a government free to seize and transfer private property from individuals with fewer resources to private entities with more. I’m grateful to my colleagues for their support of this bill and urge the Senate to immediately send it to the President’s desk.”*

Congressman Sensenbrenner offered the follow [remarks](#) on the House floor:

“Mr. Speaker,

I am pleased that the House is considering H.R. 1689, the Private Property Rights Protection Act. My bill aims to restore the property rights of all Americans that the Supreme Court took away in 2005.

The Founders of our country recognized the importance of an individual’s right to personal property when they drafted the Constitution. The Fifth Amendment states “nor shall private property be taken for public use, without just compensation.” In Kelo v. the City of New London, the Supreme Court decided that “economic development” could be a “public use” under the Fifth Amendment’s Takings Clause. In a 5-4 decision, the Court held that the government could take private property from an owner, in this case Susette Kelo, to help a corporation or private developer, in this case Pfizer.

The now infamous Kelo decision created a massive backlash. As former Justice O’Connor stated, “The government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.” Even in the 13 years since Kelo, polls show that Americans overwhelmingly oppose property being taken and transferred to another private owner, even if it is for the public economic good.

The Private Property Rights Protection Act is needed to restore to all Americans the property rights the Supreme Court invalidated. Although several states have since passed legislation to limit their power to eminent domain, and a number of supreme courts have barred the practice under their state constitutions, these laws exist on a varying degree. H.R. 1689 would prohibit state and local governments that receive federal economic development funds from using economic development as a justification for taking property from one person and giving to another private entity. Any state or local government that violates this prohibition will be ineligible to receive federal economic development funds for two years.

The protection of property rights is one of the most important tenets of our government. I am mindful of the long history of eminent domain abuses, particularly in low-income and often predominantly minority neighborhoods, and the need to stop it. I am also mindful of the reasons we should allow the government to take the lead when the way in which the land is being used constitutes an immediate threat to public health and safety. I believe this bill accomplishes both goals.

I urge my colleagues to join me in protecting private property rights for all Americans and limiting the dangerous effects of the Kelo decision on the most vulnerable in society. I reserve the balance of my time.”