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Statement of Representative Rush D. Holt of New Jersey on The Private Property Rights Protection Act

I rise today in support of The Private Property Rights Protection Act, H.R. 4128. I have heard from a number of my constituents in New Jersey. They have come to my town hall meetings, sent me emails and called me on the phone, to express their concern about the potential for abuse of the power of eminent domain. I have heard their concerns and I share their concerns. That is why I support this legislation to make clear that local authorities may not use the power of eminent domain solely to increase the tax revenue for the town.

H.R. 4128 is a bipartisan bill that responds to the Supreme Court ruling in Kelo v. City of New London. Most troubling about the decision was that the Court upheld the right of New London to take private property and transfer it to another private individual for the purpose of increasing the tax revenue of the city. I am glad we are acting today to prevent this from becoming a regular practice.

The rights of property owners were so important to our nation's founders that they enshrined property rights in our Constitution. They knew that towns and municipalities would need to look after the greater public good and occasionally acquire property with just compensation to the owners in order to use that property for public good. The power eminent domain has enabled us to make many advances over the years. It was used to create the national railroad system, the interstate highway system, and make telephone, electric, sewer, and water lines available to all our communities. Eminent domain, when used properly, is a critical power of government that has benefited people in New Jersey and across America.

When used improperly, however, eminent domain is a fearsome power. Transfer of a person's property—particularly their home—to another private interest solely on the basis of tax revenue is an unwise and dangerous authority. With this bill, Congress is rightly acting to protect private property rights and ensure that property owners will not have their house taken from them by an over zealous town council seeking to increase its tax coffers.

Mr. Speaker, while eminent domain is used across America for beneficial and important reasons that support the public good, we need to ensure that towns do not overstep their powers. H.R. 4128 helps define the boundary lines.