can all agree that this would be a blow to the U.S. economy.

Please consider the following facts:

China's consumption of crude oil is expected to double within the next two decades.

World production of oil exceeds capacity by the smallest margin in decades.

China's need for energy is so great that electricity has been rationed to some factories, and the Chinese are reported to be investing in technology to ''cook'' low-quality coal into gasoline. This is costly, inefficient and has environmental problems.

China is the world's largest economy without a meaningful strategic petroleum reserve.

The U.S.-China Commission's 2004 Report to Congress indicated that China's strategy for securing oil supplies ''is still focused on owning the import oil at the production point . . . The Chinese policy is to own the barrel that they import . . . to gain control of the oil at the source. Geopolitically, this could soon bring the United States and Chinese energy interests into conflict.'' The United States, in contrast, has a free market strategy ''based on global market supply and pricing.''

The same report indicates that China ''plans to expand its strategic reserve to fifty to fifty-five days worth of oil imports by 2005 and sixty-eight to seventy days by 2010.''

So, as today's Washington Post points out, it makes perfect sense that a majority-owned Chinese oil company seeks to acquire control of oil and gas production and reserves.

Make no mistake about it, Mr. Speaker, this offer comes from the Chinese government. CNOOC is 70 percent owned by the Chinese government. One quarter of the funding for its cash offer comes at no or minimal interest rates. If that is not a subsidy, Mr. Chairman, I do not know what a subsidy is. News reports indicate that more than $5 billion of the Unocal offer is available at no interest—more than $2 billion of the bid—or at 3.5 percent interest. These are not market rates.

I absolutely agree with a spokesman for China's Foreign Ministry, who is quoted in the Post article as saying: ''We think that these commercial activities should not be interfered in or disturbed by political elements.'' By that I mean: without a Chinese government subsidy.

Mr. Speaker, I would like to add that I doubt whether the CNOOC proposal will result in a deal which would trigger CFIUS review. The Chevron offer will go to Unocal shareholders August 10. The Chevron offer now has all of the appropriate regulatory approval. The CNOOC offer comes late in the process and has not received any regulatory approvals to date. It is far from clear, even with the Chinese government subsidies, that the CNOOC bid would be competitive with the Chevron bid . . . but that is a decision for Unocal shareholders to make, not us.

Mr. Speaker, I urge immediate approval of this resolution and immediate review of any accepted CNOOC offer for Unocal.

As well, Mr. Speaker, I urge swift convening of a conference committee on a comprehensive energy bill for the United States, an adoption of the President's comprehensive energy program for the U.S. and swift adoption of the conference report.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 344.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. NEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 344.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EXPRESSING THE GRAVE DISAPPROVAL OF THE HOUSE REGARDING MAJORITY OPINION OF SUPREME COURT IN KELO V. CITY OF NEW LONDON

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 340) expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London et al. that nullifies the protections afforded private property owners in the Takings Clause of the Fifth Amendment.

The Clerk read as follows:

H. RES. 340

Whereas the takings clause of the fifth amendment states ''nor shall private property be taken for public use, without just compensation'';

Whereas upon adoption, the 14th amendment extended the application of the fifth amendment to each and every State and local government;

Whereas the takings clause of the 5th amendment has historically been interpreted and applied by the Supreme Court to be conditioned upon the necessity that Government assumption of private property through eminent domain must be for the public use and requires just compensation;

Whereas the opinion of the majority in Kelo et al. v. City of New London et al. renders the public use provision in the Takings Clause of the fifth amendment without meaning;

Whereas the opinion of the majority in Kelo et al. v. City of New London et al. justifies the forfeiture of a person's private property through eminent domain for the sole benefit of another private person;

Whereas the dissenting opinion upholds the historical interpretation of the takings clause and affirms that ''the public use requirement imposes a more basic limitation upon government, circumscribing the very scope of the eminent domain power: Government may compel an individual to forfeit her property for the public's use, but not for the benefit of another private person'';

Whereas the dissenting opinion in Kelo et al. v. City of New London et al. holds that the ''standard this Court has adopted for the Public Use Clause is therefore deeply perverse'' and the beneficiaries of this decision are ''likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms'' and ''the government now has license to transfer property from those with fewer resources to those with more''; and

Whereas all levels of government have a Constitutional responsibility and a moral obligation to always defend the property rights of individuals and to only execute its power of eminent domain for the good of public use and contingent upon the just compensation to the individual property owner: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) disagrees with the majority opinion in Kelo et al. v. City of New London et al. and its holdings that effectively negate the public use requirement of the takings clause; and

(B) agrees with the dissenting opinion in Kelo et al. v. City of New London et al. in its upholding of the historical interpretation of the takings clause and its deference to the rights of individuals and their property; and

(2) it is the sense of the House of Representatives that—

(A) State and local governments should only execute the power of eminent domain for those purposes that serve the public good in accordance with the fifth amendment;

(B) State and local governments must always justly compensate those individuals whose property is assumed through eminent domain in accordance with the fifth amendment;

(C) any execution of eminent domain by State and local government that does not comply with subparagraphs (A) and (B) constitutes an abuse of government power and an usurpation of the individual property rights as defined in the fifth amendment;

(D) eminent domain should never be used to advantage one private party over another;

(E) no State nor local government should construe the holdings of Kelo et al. v. City of New London et al. as justification to abuse the power of eminent domain; and

(F) Congress maintains the prerogative and reserves the right to address through legislation any abuses of eminent domain by State and local government in light of the ruling in Kelo et al. v. City of New London et al.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 340.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 340, a resolution introduced by the gentleman from Georgia (Mr. GINGREY) strongly condemning the Supreme Court's 5–4 decision in Kelo v. City of New London. In this case, handed down on June 23, the Supreme Court transformed the public use doctrine under the fifth amendment's takings clause to allow the government to take property for economic development.

The fifth amendment of the U.S. Constitution specifically provides that private property shall not be taken for public use without just compensation. This decision insults the constitutional rights of all Americans and unsettles decades of judicial precedent.

As the dissent in this case pointed out, under the majority's opinion, ''Any property may now be taken for the benefit of another private party. 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.''

To give legislative force to this resolution, today I introduced H.R. 3135, the Private Property Rights Protection Act of 2005. This bipartisan bill will help restore the property rights of all Americans that the Supreme Court took away last week. I am pleased that the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, is the lead Democratic cosponsor and that 64 additional Members have already agreed to support this measure.

This legislation would prevent the Federal Government from using economic development as a justification for taking privately owned property. It would also prohibit any State or municipality from doing so whenever Federal funds are involved with the project for which eminent domain authority is exercised. American taxpayers should not be forced to contribute in any way to the abuse of government power.

The impact of this decision cuts across social, economic and demographic lines. In their joint amicus brief, the NAACP and the AARP stated, ''The takings that result from the Court's decision will disproportionately affect and harm the economically disadvantaged and, in particular, the racial and ethnic minorities and the elderly.''

In its brief, the American Farm Bureau Federation stated, ''Each of our members is threatened by the decision with the loss of productive farm and ranch land, solely to allow someone else to put it to a different private use.''

The representatives of religious organizations have stated that the Supreme Court's decision will ''grant municipalities a special license to invade the autonomy of and take the property of religious institutions.''

Mr. Speaker, I commend the gentleman from Georgia (Mr. GINGREY) for introducing this important resolution and encourage my colleagues to support it. I also ask Members to join me in cosponsoring H.R. 3135 to assure the American people that we will not allow our churches, our homes, our farms and other private property to be bulldozed in abusive land grabs that solely benefit private individuals whose only claim to that land is that their greater wealth will increase tax revenues.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this sense of Congress resolution.

This is a great evening in the House of Representatives. We had the gentleman from Wisconsin, the chairman, joining me and the great civil rights organizations of America that he has named, all working in common cause to right a decision that has come out of the Supreme Court about eminent domain that will require the attention of all of the Members of this body.

In a way, I am reluctantly in opposition to the sense of Congress resolution because if I had had a little part in drafting it, I can tell my colleagues we would have taken out some of the over-the-top criticism of the Court itself, and I would probably be arguing for this sense of Congress resolution.

I have serious concerns regarding the misuse and overuse of eminent domain procedures in this country and oppose the elevation of corporate profits and corporate uses of land over individual rights. So like the chairman of the Committee on the Judiciary, I joined NAACP, the Southern Christian Leadership Council, Operation Push, and the Leadership Conference on Civil Rights because I think this Court opinion makes it too easy for private property to be taken and transferred to another private owner. This is a particular problem. Eminent domain has been used historically to target the poor, people of color, and the elderly.

Since I am a cosponsor of the bipartisan legislation that the chairman of the committee has called for, then what is my problem with the resolution? Well, it gratuitously overtargets the judicial branch. There are terms in here that are not helpful as we engage in a debate with a co-equal branch of government.

The resolution insists that Congress, and Congress alone, can address abuses of eminent domain. I am not so sure about that. That ignores and demeans the historic role the courts have played in protecting individual rights and property rights.

The other problem that leads me not to be supportive of the sense of Congress resolution is that it inaccurately misstates the scope of the Supreme Court's ruling. For example, the resolution states that the majority opinion justifies the forfeiture of a person's private property through eminent domain for the sole benefit of another private person. As a matter of fact, Justice Stevens stated at the outset of his opinion that the sovereign may not take property for the sole purpose of transferring it to another party.

The resolution states that the majority opinion renders the public use provision in the takings clause meaningless, but it is more accurate to say that the public purpose requirement is still applicable, although somewhat diminished.

In reality, the majority opinion held that the eminent domain may be used where the plan serves a public purpose. The issue of eminent domain in takings are complex, fact-specific issues. They warrant more than the short discussion that we will be limited to today. The issue deserves full legislative hearings, which our legislation will, of course, provide for in the Committee on the Judiciary.

We want to all work on this constitutional issue. It is sensitive. We cannot go over the top on this. We have got to keep it down.

I am tired of corporations wiping out communities because they need a plant or casinos developed and taken under eminent domain. We need to rein this in, and this case gives us an opportunity to do so.

I am shocked that I am standing in the well here reciting the members that signed the dissent: Scalia, Rehnquist, Thomas and O'Connor. What an evening this has been for those of us here in the House.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), the author of the resolution.

(Mr. GINGREY asked and was given permission to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today as the author of H. Res. 340, a resolution expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London, Connecticut. I encourage all of my colleagues on both sides of the aisle to support this bipartisan resolution.

Mr. Speaker, I first would like to take this opportunity to thank the leadership of this House and the gentleman from Wisconsin (Chairman SENSENBRENNER) for so expeditiously scheduling and shepherding this resolution to the floor for a vote. I would also like to thank the over 75 Members who have contacted my office to become cosponsors of the resolution and those who are speaking in support of it tonight.

H. Res. 340 demonstrates the commitment of this House to not stand idly by, but rather to act now in addressing this atrocious and negligent decision. By a margin of only one vote, the Supreme Court has struck down 2 centuries' worth of precedents and constitutional protections for property owners.

It is the responsibility of this House to ensure that the American people,

the owners of this great country, are never run over by a handful of judges who refuse to enforce the written laws of this land and to uphold the guarantees of the Constitution.

□ 2130

Mr. Speaker, despite the failings of the majority in the New London decision, at least there were four justices who got it right. I applaud them in their steadfast determination and commitment to uphold the Constitution and express their own dismay at the majority's rulings.

As Justice O'Connor writes in the dissenting opinion: ''Any property may now be taken for the benefit of another private property, and the beneficiaries are likely to be those citizens with disproportionate influence and power in the political process.''

No home, no business, no property, no person is safe from the destructive consequences of this decision. Imagine a local city council using its power of eminent domain to condemn and demolish the local church or synagogue and put up a Starbucks because God is not making them any money.

As Americans across this country prepare to celebrate the 229th anniversary of our independence, I can think of no greater tribute to our fine and Founding Fathers and no greater gift to the American people than declaring that this land is their land and not the government's.

Mr. Speaker, I again want to thank the leadership of this House and the gentleman from Wisconsin (Mr. SENSENBRENNER), and I would encourage all of my colleagues to pass this resolution and speak united in one voice declaring liberty and justice for all.

Mr. Speaker, I rise today as the author of H. Res. 340, a resolution expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. the City of New London Connecticut. I encourage all of my colleagues on both sides of the aisle to support this bipartisan Resolution.

Mr. Speaker, I would first like to take this opportunity to thank the leadership of this House and Chairman SENSENBRENNER for so expeditiously scheduling and shepherding this Resolution to the floor for a vote.

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Mr. Speaker, despite the failings of the majority in the New London decision, at least there were four justices who got it right. I applaud them in their steadfast determination and commitment to uphold the Constitution and express their own dismay at the majority's ruling. As Justice O'Connor writes in the dissenting opinion: ''any property may now be taken for the benefit of another private party . . . and the beneficiaries are likely to be those citizens with disproportionate influence and power in the political process.''

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Mr. Speaker, I again want to thank the Leadership of this House and Chairman SENSENBRENNER, and I would encourage all of my colleagues to pass this Resolution and speak united in one voice declaring liberty and justice for all.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. NADLER), the ranking member on the Subcommittee on the Constitution.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased that my colleagues have focused on the importance of the Supreme Court's Kelo decision. The power of eminent domain is an extraordinary power that must be used rarely and with great care. Even where the constitution might permit the exercise of this extraordinary power, government must take great care to respect the rights of families, of small businesses and of communities. This is not a power that should be used for the benefit of private parties who might be well connected, as Justice O'Connor said. It is a power that can be abused, and that has been abused.

I want to point out that the Supreme Court, in this decision, is essentially saying that power that communities have exercised, they can continue to exercise, where some thought that we ought to pull it back. For example, when President Bush was one of the owners of the Texas Rangers baseball team, they were able to get the town of Arlington, Texas, to condemn private property to give them land to build a baseball stadium. Ask the Mathes family about the abuse of power. The city condemned 13 acres of their land for George Bush's baseball team, and the Mathes family had to go to court to compensate them for the actual value of the land.

Now, I think we would agree that was not right, and the Supreme Court now says that that is okay. We cannot allow private individuals to be enriched at the expense of their neighbors by hijacking and abusing the power of government.

The Kelo decision raises a great many questions, and I want to commend my colleagues, the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS), for introducing legislation and allowing the Committee on the Judiciary to consider the full impact of the court's decision and draw the proper line between the public interest and private enrichments. We need to protect families like the Mathes family, victimized by the Texas Rangers and the town government in Texas, and we need to protect our communities from the abuse of government power to benefit private interest.

Now, I am going to reluctantly vote against the resolution because, as the gentleman from Michigan (Mr. CONYERS) said, it says things about the decision that probably are not accurate. I do not think the decision said that you can use the power of eminent domain for the sole benefit of another private person. It might be the incidental benefit of a private person if you could concoct a theory of public benefit. I do not think it completely negates the public use requirements of the takings clause.

Having said that, the basic purpose of the resolution is a good one, and the basic purpose of the legislation that the chairman has introduced is a good purpose. But I hope we will hold a series of hearings on the Committee on the Judiciary. We should hold one hearing to determine from experts exactly what the Supreme Court said; how far it went and how far it did not go. When the dissent says it went this far, it does not mean that is what the majority meant. Dissents often overemphasize the implications of the majority decision.

So I think we should have one hearing on what the Supreme Court actually said and what we are faced with, and I think we should have another hearing on where we think we should draw the line. Communities need to be able to use eminent domain for legitimate economic development, but they should not be able to use it for private enrichment. How do you draw that line?

These are serious questions that we should consider adequately. I think we should hold a few hearings and craft careful legislation to limit the effect of the Supreme Court's decision, and I would hope that we could craft legislation carefully that we could all support in this House.

So, again, I commend Chairman SENSENBRENNER, and I am glad to be able to have the opportunity to do that after recent history. I commend Ranking Member CONYERS. But I will reluctantly vote against this resolution because, although I approve of its main thrust, I believe it says things about the court decision that are not quite accurate, and I look forward to working with my colleagues to fashion legislation that we can all support and that gets us what the Greeks called the proper mien to protect the rights of

communities for proper economic development, but protect the rights of individuals. But I do, once again, thank the gentleman for bringing this subject to our attention.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 seconds to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for his generosity in yielding me this time.

Mr. Speaker, the Constitution of the United States was written as much for any other reason as to protect the private property rights of the American people. The Supreme Court last week, in the already infamous Kelo case, essentially rejected the very idea of private property rights at all.

I know some believe that the Supreme Court is some Citadel with all knowledge and all wisdom and that every decision they make is the right decision. But by this narrow 5–4 decision, our high court essentially set aside the most basic fundamental tenet of the social contract that underlies self-government, the inviolability of private property rights; the unchangeable principle of politics, morality, and common sense; that what is mine is mine, and what is yours is yours.

What the court decided last week was that what is mine is not really mine and what is yours is not really yours; that, in fact, private property only exists as a political expedient, a psychological contrivance wholly subject to the government's whim. The court ruled that private property, your home or your small business, may be taken by the government and given to someone else who, in the government's judgment, will put that property to better use.

This is not the taking of someone's property without compensation for specific public use, like a highway or a military base. Congress and States are explicitly granted such power in the Constitution. This is, instead, the government taking your home and giving it to some business because they will generate more tax revenue. Indeed, given the risible logic employed by the court's majority last week, there is no reason your city council cannot kick you out of your house and give it to a wealthier family who will add on to the home and, therefore, pay higher property taxes down the road.

Mr. Speaker, I am not a lawyer, so do not just take my word for it. Justice O'Connor, writing in dissent of this awful decision said: ''If predicted, or even guaranteed, positive side effects are enough to render transfer from one private party to another constitutional, then the words ''for public use'' in the Constitution do not realistically exclude any takings.'' Justice Thomas adds, ''If such economic development takings are for public use, any taking is, and the court has erased the Public Use Clause for our constitution.''

Both Justices O'Connor and Thomas went on to warn the result of this foolhardy decision would be that people most vulnerable to the government preying on their property would be the poor, the elderly, and racial minorities. No kidding. Those people with the least economic and political power, with the least means to fight back, and the most need for government protection of their God-given rights have been told by the Supreme Court that while property rights are sacred, some people's property rights are more sacred than others.

This is madness, Mr. Speaker, and it must not stand. The court's Kelo decision will go down in history as a travesty. It is not a debatable ideological overreach but a universally deplorable assault of the rights of man. The only bright lining to it is that this time the court may have finally gone too far and the American people will reassert their constitutional authority.

We can only hope, Mr. Speaker, that this resolution will be the first step in a long overdue process of constitutional renewal. Begin that process and vote ''yes'' on this resolution.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume to thank the Supreme Court for bringing us all together here in the House tonight. It is very unusual.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FRANK), an active member for many years on the Committee on the Judiciary who is now on leave.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the distinguished ranking member for yielding me this time, and, like him and the ranking member of the subcommittee, I have some differences with the wording here. I was particularly struck by the second whereas. ''Whereas upon adoption, the 14th amendment extended the application of the fifth amendment to each and every State and local government.'' In fact, it did not. Not at adoption.

When the 14th amendment was adopted, it was not considered to extend it. And, in fact, it was what some would have called a liberal Supreme Court that decided to apply the Bill of Rights to the States through the 14th amendment. Now, I am glad they did, and I welcome the support in this resolution for that concept. I know not everybody on that side agrees with it.

Having said that, I am going to vote for the resolution, even though I disagree with some of the wording. I long ago had to come to the reluctant conclusion that voting for resolutions and literary criticism were two very different activities, and too high an aesthetic standard applied to resolutions would make me always vote no. So I tend to not pay too much attention to the whereases. I look at the resolves, and I agree with these resolves.

But let me rephrase the question, because this is the question the majority is asking. Remember, the Supreme Court, the five-member majority, made what I think is a wrong decision, but they did not take the property. You know who took the property? The elected government of the City of New London, people who were elected, and they did it pursuant to laws adopted by the elected legislature and governor of Connecticut. So what you are accusing the Supreme Court of, and I am agreeing with, is very simple: They were insufficiently activists.

Here is this Supreme Court majority letting elected officials do what they want. And the majority is asking an often-asked question: Where is judicial activism when we need it? Because people are not opposed to judicial activism, they are only opposed to judicial activism when they do not want the result. This is judicial activism you are calling for.

Let me read your resolves. ''State and local governments should only execute the power of eminent domain for those purposes.'' ''State and local governments must always justly compensate.'' It is State and local governments in the resolution that we are telling what to do. And your problem with the Supreme Court is that it is letting those pesky elected local and State governments do what they want.

My colleagues are saying, wait a minute, we cannot have elected officials just doing whatever they want. We cannot let elected officials deciding to do these things. If they violate constitutional rights, we want a Supreme Court that stops them. Well, so do I. But sometimes you call that activism. Because that is what you are asking for.

The Supreme Court has never taken a piece of property. Go right across the street. You can look. It has not gotten any bigger. I have been here 25 years, and they have not expanded one tree. What they did was allow locally elected and State elected officials to do it. So let me say that I agree with your complaint about insufficient judicial activism in this case. Let us just not think that that is a faucet you turn on and off.

The second issue is let us get consistent application of it. The gentleman from New York correctly mentioned a case where they took land in Texas for a baseball stadium. A number of Members here have been enjoying the new baseball team in Washington. We have seen a couple of outrageous assaults on the notion that Mr. Soros should be allowed to buy the team. Whoever believes in free enterprise ever thought they had the right to dictate who is the owner of a private team. That is an argument that you will lament for lack of judicial activism. But what they are doing here, the government of Washington, D.C., is doing exactly what you are saying is wrong here.

So I guess Members here are going to boycott that stadium. They are taking property down there on O Street. May not be property everybody here wants to go to, it may not be your farms and

your beaches, but it is private property, and the District of Columbia Government is going to take that private property over the objection of the owners to build that baseball stadium. So instead of trying to drive out some owner that you do not like, why not look into that situation?

But then there is finally an even more important aspect to this. In my earlier years on the then-Committee on Banking, we dealt with something called UDAG, Urban Development Action Grants, and I and some others, including a former Republican Member of this House, who went on to become the Mayor of Dallas, Mr. Bartlett, joined together to object to displacement.

□ 2145

We have had Federal programs that have given money to local governments for urban renewal, it was originally called, for various forms of advancement. So I would assume, and I have been upset with displacement of poor people with no replacement housing. It is considered a good thing if you remove blight. Do Members know what blight is? Blight is poor people with houses with peeling paint, and we have too often in the past funded the destruction of that housing and not funded its replacement.

Let me serve notice now, I will be, as we deal with legislation in the Committee on Financial Services, and hope others will do it as well, every piece of legislation that comes through here where we use public money in a way that would diminish the housing opportunities for low-income people, let us provide alternative opportunities, because here is the problem. The problem is this, they do not own. I think these are important principles.

But the resolution says it right: you do not let those with more resources benefit at the expense of those with fewer resources. The people with the fewest resources are poor people who rent.

So even though it is not the exact constitutional principle, I hope Members will join us when we say you are not going to use public money and public powers to destroy housing that low-income renters live in, because that will be in that spirit. And then we will go to a nice activist Supreme Court and ask them to enforce it.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I must say the gentleman's logic is impeccable, and I think the gentleman has convinced me to vote for the resolution despite what I said before.

My question is this: According to principles of this resolution and of the draft legislation introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), if that were to pass, do you think that would prevent or would have prevented the seizure of land for the Texas Rangers baseball stadium and it would prevent the seizure of land for the Washington National baseball stadium?

Mr. FRANK of Massachusetts. Mr. Speaker, if Federal money is involved, and Federal money is involved in a lot of ways.

By the way, I am a great believer in autonomy for Washington, D.C. I belive they should be able to do what they want to do; but the money does pass through here, so people better be very careful how they draft it, or they may knock out that stadium. But certainly that would be the case.

I never ever voted for funding for a public stadium. I am glad to see this because the biggest abuse of this is low- and middle-income taxpayers who are taxed to build public stadiums so people can make tens of millions of dollars having a good time playing ball. And, yes, I do believe if there were any Federal funds involved in either the Texas stadium, and that could include State funds depending upon their fungibility, but certainly it is the case, as I understand what is going on in Washington, D.C., it violates the principles here and it would be stricken by the minority and it would perhaps be stricken by the bill if Federal funds were involved.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON), the Chair of the Western Caucus.

(Mr. CANNON asked and was given permission to revise and extend his remarks.)

Mr. CANNON. Mr. Speaker, I find myself in the anomalous position of associating myself with the comments of the gentleman from Massachusetts (Mr. FRANK), and I hear some chuckles on the other side, and I think that is appropriate, as to, in particular, the constitutional history cited, the effect on the poor, and the problem with the aesthetics of this resolution, which I strongly support.

We have already heard the Supreme Court decision in Kelo v. City of New London represents a clear blow to private property rights. The Supreme Court has now established that local governments can seize private land if government and business interests think they have an idea for more profitable use for the property. If commercial development now meets the definition of ''public use,'' no private property is safe from government hands.

Worst of all, the groups most affected by the decision are the poorest and least likely to be able to defend themselves. The frightening prospect of the wealthy and connected preying on the poor does not escape the public.

The Daily Herald, my local newspaper, stated, ''The true beneficiaries of this deal are the private developers who are getting the land they want without the hassle of protracted real estate negotiations. Rather than trying to find a price at which the residents would sell or finding a willing seller somewhere else, the developers just got the city to do their dirty work. Eminent domain leaves little room for quibbling or sentimentality. One of the residents who challenged New London was an 87-year-old woman who was born in the house she lived in and planned to spend the rest of her life there.''

Historically, the fifth amendment has restrained government's ability to take away people's homes through eminent domain. Despite the holdings of the Court in this decision, State and local governments should not use the New London decision as cover to abuse eminent domain powers and trample cherished individual property rights.

But, unfortunately, this process has already begun. This mistaken ruling has already emboldened governments and developers seeking to take property from home and small business owners and local communities in Texas, Missouri, New Jersey, Wisconsin, and Tennessee; and other States are likely to follow.

I would encourage them to do a better job of protecting their citizens, their residents, and their voters rather than following the license now allowed them by the Supreme Court.

I believe it is incumbent upon Congress as a coequal branch of government to protect these local communities as well as countless others around the country. Thankfully, the gentleman from Wisconsin (Mr. SENSENBRENNER) has prepared a timely piece of legislation that will prevent any State or municipality from using economic development as a justification for exercising its power of eminent domain wherever Federal funds are involved in any way.

Mr. Speaker, I encourage the support of this resolution and the bill that will be introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER) in the near future.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished Republican whip.

(Mr. BLUNT asked and was given permission to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, I rise today in support of the resolution. I also think I rise in support of four of the Supreme Court Justices who agreed with the spirit of the resolution, four of those Justices disagreeing with the other five in a principle of long-term property rights.

This ruling effectively rewrote the fifth amendment to the Constitution which says that private property cannot be taken for public use without just compensation. Private property cannot be taken for public use without just compensation.

The Bill of Rights clearly intended that the government's power to take someone's property was limited by two conditions: first, that just compensation be provided; and, second, that the property be taken and used for public

use. Five of the Supreme Court Justices have decided that that second condition would no longer apply. That second condition applied for 218 years without a problem, and suddenly it is gone.

I think Justice O'Connor in her dissent said it better than I might when she said: ''The specter of condemnation hangs over all property, nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.''

When the Supreme Court decides that the public good benefits only by the best taxpayer, the highest tax use benefits the public, that is a hugely wrong step. I look forward to not only supporting this resolution, but I understand that the chairman and the ranking member of the Committee on the Judiciary intend to move legislation that will do what we can do in the Congress of the United States to see that the four members of the Court who upheld a long constitutional provision ultimately prevail.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that we add 6 additional minutes to the time of each side.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few hours ago I voted for the amendment to the appropriations bill that addressed this question. But I rise this evening to further emphasize as a former member of a local city council that sometimes it is appropriate for property owners to have the hand of the Federal Government to protect their constitutional rights.

Although I might quarrel with the language of the resolution as it relates to the description of the Court's decision, there is no doubt that I quarrel with an understanding of being able to take private property for private use.

So I rise simply to support the idea of a remedy for those who have been harmed. I always believe that the Federal Government, using the Constitution, using the issue of due process, even though this falls under the question of taking, the taking clause, but simply giving those homeowners who were facing up against a large obstacle of government and corporate interest the right to protect their property.

In this instance, this was not a depressed area, the facts will determine. These are homeowners who have been providing or keeping their homes and all of a sudden because they are on choice property, they now become vulnerable to a heavy hand.

I believe this is a right direction, and I have joined the chairman and the ranking member of the Committee on the Judiciary in legislation that not only remedies or corrects the unlawful taking of the property in New London, Connecticut, but will protect Americans around the Nation, rural and urban areas, from overaggressive taking of eminent domain when taking for private purpose, and a government is taking your property for private purpose.

I ask that my colleagues do continue on this bipartisan ground because I believe that the first step we made was the appropriation announcement of our opposition to this particular decision; but clearly, clearly, I believe the Supreme Court made a misdirected decision in taking the property away from homeowners and due owners of their property for truly private purpose.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have been waiting for this day for 13 years, and that is to have all of my colleagues down on the floor talking about protecting private property rights.

The Supreme Court did do us all a favor because this is a battle that has been going on across rural America for decades, where they have misused and abused Federal and State law to take private property away from property owners.

What this particular case does is it takes it right into urban and suburban America. It goes right into every homeowner in this country; and they say you are not safe in your home, we can take it away from you if we want to. That is exactly what they have been telling every farmer and rancher in this country for the last 30 years, that is, if we think your property is better used as critical habitat to recover species or to protect a wetland, we are going to take it, and there is nothing you can do about it.

Now Mr. and Mrs. America realize what the farmers and ranchers and property owners of this country have been going through for the last 30 years. The Supreme Court has now told you we do not care that it is your private property. We do not care. The Constitution does not count because if the city, the county, the State or the Federal Government decides that your property is a better use for something else, we are going to take it.

Yes, we have taken the debate, we have taken the battle right into suburban America. And you know who is really going to get hurt in all of this, the same kind of people who are hurt in rural America. It is not the big guys. It is not the big landowners that get it; it is the little guys who end up getting it because what this law, what this decision allows is it allows the city to decide who gets your property.

If they decide that someone else can make a better and higher use of your property, they will take it by eminent domain and give it to them. That is what it allows. It is not the big developer; it is not the rich corporation. It is the guy who does not even know who their city councilman is that is going to get it. It is the guy who cannot afford to hire a lobbyist, a lawyer, an attorney, a biologist, to go in and defend them.

Thank you for coming down here and defending property rights.

□ 2200

And I am thrilled that this House is going to finally pass legislation hopefully unanimously to protect Mr. and Mrs. America and their single family home. But I ask Members, when we bring a bill to the floor to protect the farmers and ranchers in this committee, to join me in passing that unanimously as well.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER), the distinguished whip, to close the debate on our side.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), my friend, the ranking member of the Committee on the Judiciary, very much for yielding me this time.

And I rise in recognition that there is a pretty broad consensus on this floor, which I share. As I sat here and listened to the debate of the gentleman from Massachusetts, I lamented that I am neither as smart nor as articulate nor as incisive nor as humorous as the gentleman from Massachusetts (Mr. FRANK). But then again, I thought that I fell in the category of 434 others of us on this floor as well. And I adopt the remarks of the gentleman from Massachusetts (Mr. FRANK) almost in their entirety, for I have reservations about some of the whereas clauses but recognize the whereas clauses are not the gravamen, as we lawyers would say, of this resolution.

The central portion of this resolution is to address whether or not government can decide that there is a public purpose for a taking of private property and thereby make it so. My own belief is that that ought not to be the case, that there ought to be better protection for individuals and particularly, as the previous gentleman said, usually smaller individuals in terms of their power and influence; individuals who may want to retain that home that their mom or dad bought, left to them and they live in and want their kids to live there as well and see a government who says, oh, no, we think this property can be used for a better purpose. The constitutional framers were careful in addressing that issue, careful in the sense they wanted to make sure that the king could not come in and say, ''I am going to take your property.'' That was not what they thought America ought to be. They thought it ought to be a country where only under law for public use could property be taken.

I seldom find myself in agreement with the legal opinions of the Supreme Court Justices Thomas or Scalia. Neither of them will be surprised of that,

I am sure, nor will some of my colleagues here. Nor, for that matter, do I often find myself in agreement with a number of the sponsors of this resolution. But I do tonight.

I believe, however, and I want to make this comment, as I have adopted the remarks of the gentleman from Massachusetts (Mr. FRANK), that when dealing with the court at any level, we frankly should be more temperate than we have been. I think this resolution, which I am going to support, is, nevertheless, premature. We have not had the opportunity to digest it, to analyze it, to determine how better we might state the resolution. But having said that, the resolution is here.

Tonight I do agree with the proponents of this legislation in disagreeing with the Supreme Court five-to-four decision. Since our Nation's founding, the protection of private property has been a bedrock principle of our society. It ought to remain so. The fifth amendment provides in relevant part, as has been quoted, ''nor shall private property be taken for public use without just compensation.'' That amendment, of course, does not prohibit all takings, nor should it. Instead, it permits the government to take private property so long as it has a good public use for the land and so long as it provides just compensation. However, in this decision, the Court's majority greatly weakened, in my opinion, this basic constitutional principle. It held that a public use could be defined more broadly as a ''public purpose.'' I agree with the gentleman from Massachusetts's (Mr. FRANK) finding irony in the positions with reference to activism on the courts, for after all in this case, the Court deferred to the legislature. But, in fact, the Constitutional Framers said not even the legislature, not even the people's representatives, could take property unless it was for a public use. I agree with that proposition and therefore disagree with this decision.

As Justice O'Connor wrote in dissent: ''Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded.''

We do not want to leave our citizens vulnerable in that position. As a result, I will join my colleagues in voting for this resolution.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10¾ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 1 minute remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time and for bringing this resolution to the floor tonight.

This 5-to-4 decision by the Supreme Court in the Kelo case is one that will ultimately be very harmful to our freedom and our prosperity. Even a brief study of economics and world history shows that the most prosperous nations in world are those that have given the most freedom to their people and the greatest protection to private property. Some have said we do not need to worry about this decision because this new power will be used sparingly by local governments. Those who say that either do not believe very strongly in the right of private property or they do not realize how government at all levels can rationalize or justify almost anything, especially almost any taking of property.

People do not really get upset unless or until it is their property being taken. Yet we can never satisfy governments' appetite for money or land. They always want more.

Will your property be next?

The City of New London wanted more tax revenue than these small homes could provide. As I said, we can never satisfy governments' appetite for money or land.

Justice O'Connor wrote that there is now no realistic constraint on the taking of private property. Her words have already been quoted at length, but I will insert them in my statement.

In my home region of East Tennessee, government has taken huge amounts of land. Almost all has been taken from poor or lower-income families who would be wealthy today if they still had their beautiful land.

Justice Thomas said in his dissent, ''Something has gone seriously awry with this Court's interpretation of the Constitution. Though citizens are safe from the government in their homes, the homes themselves are not.'' He went on to say, ''The consequences of today's decision are not difficult to predict and promise to be harmful . . . Extending the concept of public purpose to encompass any economically beneficial goal guarantees that these losses will fall disproportionately on poor communities. Those communities are not only systematically less likely to put their lands to the highest and best social use, but are also the least politically powerful.''

Mr. Speaker, this decision by the U.S. Supreme Court is a very dangerous one and will end up being especially harmful to the poor and lower-income and working people of the country.

Thomas Jefferson once said, ''A government big enough to give you everything you want is a government big enough to take away everything you have.''

Justice O'Connor wrote that there is now no realistic constraint on the taking of private property.

She said: 'any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process . . . As for the victims, 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.'

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), a member of the Committee on the Judiciary.

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for yielding me this time, and I thank also the gentleman from Georgia for bringing this resolution before this Congress this evening and for acting as quickly as we all have.

It is a good feeling to be here with my colleagues on both sides of the aisle with the Committee on the Judiciary talking about defending the Constitution in concert instead of conflict. I appreciate this opportunity to do so.

And I found myself standing on the floor last night quoting Justice O'Connor and agreeing with Justice O'Connor, and it has been a little while. But she nailed it exactly right. What happened, though, in this case, in the Kelo case, was five of nine Justices amended our Constitution. That is exactly what they did. They amended our Constitution with their sliver thin majority opinion. Fifth amendment: ''nor shall private property be taken for public use without just compensation.'' They drew a line through the words ''for public use,'' and now the fifth amendment reads: nor shall private property be taken without just compensation; and, by the way, government will decide what just compensation is, who shall be compensated, and for what purpose, be it public or be it private.

The economic strength of the United States of America has been rooted in our property rights. We look across our history, and we see this Nation that we have and the wonderful economy that has grown. It has grown because we had collateral called ''real property.'' Real property that could be collateralized by bankers and financial institutions so investors and entrepreneurs could pledge that collateral and borrow the capital and build the businesses. That is what put the transcontinental railroad across this country. That is what has built the businesses on Wall Street and in Washington, D.C., in Iowa, and all across this land has been the guarantee of property rights. We look at a Third World country where there are no guarantees like that, and it is easy to see these people cannot borrow money against their collateral, they cannot ensure their property as collateral; so when they get a paycheck, they buy two or three bricks and they go home and they mix a little mortar and they lay two or three bricks up alongside that house, and over 30 years, they build a house two or three bricks at a time as opposed to paying for that mortgage payment one payment at a time. That is how much difference it makes to have property rights.

The victims of this, I happen to have brought along some pictures of these individuals. Here are three entities that are affected by this decision: Here

is Susette Kelo. She received notice of condemnation from the New London Development Corporation, which, by the way, is an entity that was empowered by the City of New London, a private corporation. This was the day before Thanksgiving in 2000, and ''we are going to take your home.''

And this: Bill Von Winkle's, one of the 15 properties condemned because of this decision. And Susanne and Matt Dery, both may lose their home. They have had that home for 20 years.

The difference of what happens between small towns and large towns too, in an incorporated community of 50 people with five council members representing 10 percent of that city, three of them, a majority of that, can decide that they do not like a particular blighted region like a single house and condemn that house and put up a convenience store. They can do so also in a large city by wiping out whole sections of communities, whether they be business interests or not.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

I especially want to commend the gentleman from Georgia (Mr. GINGREY) for bringing this resolution to the floor tonight, and I rise in strong support of it.

As has been cited repeatedly in this debate, the fifth amendment of the Constitution of the United States states clearly that private property cannot be ''taken for public use without just compensation.'' The recent egregious ruling by the Supreme Court in the Kelo versus the City of New London case ignores the word ''public'' and opens the doors for the government to deprive any individual of his or her private property for any reason, including to directly benefit a private individual or private corporation. Under the guise of economic development, State and local officials can now arbitrarily kick families out of their homes, farmers and ranchers off their land, and close small businesses that do not provide enough tax revenue for the city or the State. Mr. Speaker, that is unbelievable in the United States of America.

I believe in the same thing that our Founding Fathers addressed when drafting the Declaration of Independence and our Constitution. Government is morally obliged to serve the people, namely by protecting life, liberty, and, yes, private property. The Supreme Court should honor these values, and I applaud the gentleman from Georgia (Mr. GINGREY) and those other Members who are actively taking the initiative tonight to protect the fundamental private property rights of all Americans.

I urge every Member to support this resolution expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the Kelo versus the City of New London case.

□ 2215

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have had a great debate on this resolution. I would like to close with a quote from the amicus brief filed by the National Association for the Advancement of Colored People in the Kelo case:

''In this case, public use has been defined so broadly that eminent domain authority has no practical limits. Allowing a taking simply because the party to whom the State wishes to transfer the property has a greater ability to maximize the value of the property fails to account for the rights of the individual property owners and would systematically sanction transfers from those with less resources at their disposal to those with more. Moreover, expanding the scope of public use to include the potential for economic development that may ultimately benefit the public would arguably include virtually any case, and thus render meaningless the judicial review of taking cases.''

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I believe that the debate that has gone on in this House for the better part of the last hour has very clearly shown the dangerous consequences of the majority opinion in the Kelo case. It is a decision that will have profound impact in terms of the relationship of the owners of private property with their government in this country for years to come, unless we take immediate action to limit or even reverse those consequences.

I would point out that the property that is probably the most at risk under the Kelo case is that which belongs to our religious institutions and other organizations that have been granted tax exempt status pursuant to State law.

The Kelo case holding essentially says that if a municipality can get more tax revenue out of a condemnation and sale to another private party, then the public purpose clause of the fifth amendment to the United States Constitution no longer applies. And what property is most vulnerable to that erroneous interpretation, but property which is tax exempt, belonging to our churches, our synagogues, our mosques, our private schools, our fraternal societies, and any other organization that has gotten a tax exemption because the legislature has determined that the public policy of the State is advanced by the granting of that exemption.

I believe that this decision may have the same effect in the long term as the Dred Scott decision, which started a civil war in our country because the Supreme Court made a serious mistake in the 1850s.

This resolution is the first step to express the outrage of Congress and the fact that Congress is standing up to protect the private property rights of the citizens who vote to send us to this Congress to act in their name.

The gentleman from Michigan (Mr. CONYERS) and I have introduced H.R. 3135, which takes away the Federal funding of municipalities that wish to use taxpayer dollars for this perverse purpose. There is a cosponsor sheet that I will have on the desk for those that wish to be a part of the crusade to legislate taking away Federal funding to municipalities and States that wish to do this.

We are on a crusade here. I would urge an ''aye'' vote on the resolution, but the Committee on the Judiciary will be very active in making sure that the door to the Federal Treasury is locked shut and locked shut tight so that no municipality will be coming to Washington to ask for money to finance goofy condemnations like the Supreme Court upheld in the Kelo case.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this resolution expressing disapproval of the majority opinion of the U.S. Supreme Court in the case of Kelo et al v. New London et al.

That case involved the question of the scope of a local government's authority to use the power of eminent domain, and in particular whether local governments may condemn private houses in order to use the land for uses that are primarily commercial.

The question before the court was whether such use of eminent domain is consistent with the U.S. Constitution's Fifth Amendment—made applicable to the States by the 14th Amendment—which says ''nor shall private property be taken for 'public use without just compensation.'' Answering that question required the court to decide what qualifies as a ''public use.''

The case involved actions aimed at redevelopment of a particular neighborhood in New London, Connecticut to encourage new economic activities. Toward that end, a development corporation—technically a private entity although evidently under the city's control—prepared a development plan.

The city approved the plan and authorized the corporation to acquire land in the neighborhood. However, nine people who owned property there did not wish to sell to the corporation. The city of New London chose to exercise its right of eminent domain and ordered the development corporation, acting as the city's legally appointed agent, to condemn the holdout owners' lots. These owners were the petitioners in this case, with the lead plaintiff being Susette Kelo, who owned a small home in the development area.

The owners sued the city in Connecticut courts, arguing that the city had misused its eminent domain power, but lost. They then asked the U.S. Supreme Court to review the Connecticut Supreme Court's decision in favor of the city, arguing that it was not constitutional for the government to take private property from one individual or corporation and give it to another, simply because the other might put the property to a use that would generate higher tax revenue.

The Supreme Court agreed with the City of New London in a 5–4 decision. The majority decision, written by Justice John Paul Stevens, said that local governments should be afforded wide latitude in seizing property for land-use decisions of a local nature. The primary dissent, written by Justice Sandra Day

O'Connor, suggested that the use of this power in a reverse Robin Hood fashion—take from the poor, give to the rich—would become the norm, not the exception: ''Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms.'' A separate dissent was written by Justice Clarence Thomas, while Justice Anthony M. Kennedy wrote a separate concurrence with the majority's ruling.

The court's decision in this case has attracted considerable comment and criticism. For example, the Rocky Mountain News said ''The 5-to-4 decision expands the already expansive definition of 'public use' to mean anything that might conceivably benefit the public through economic development. As Justice Sandra Day O'Connor said in her stinging dissent, the effect is to 'wash out any distinction between private and public use of property.' Other editorials and opinion columns were even harsher.

I am not a lawyer, and certainly no expert on this aspect of Constitutional law. But I find Justice O'Connor's analysis of the likely fallout of the decision persuasive and I share the concerns of many of those who have been critical of the decision, especially those related to the possible abuse of the power of eminent domain in situations such as the one involved in this case.

That is why I am voting for this resolution.

I do not fully agree with every word of it—especially the statement that the majority's decision in the ''Kelo'' case ''renders the public use provision in . . . the fifth amendment without meaning.''

But I definitely agree that, as the resolution states, ''State and local governments should only execute the power of eminent domain for those purposes that serve the public good . . . must justly compensate those individuals whose property is assumed through eminent domain . . . [and] any execution of eminent domain by State and local government that does not comply [with the conditions stated] constitutes an abuse of government power and an usurpation of the individual property rights as defined in the fifth amendment.''

I also am in sympathy with the parts of the resolution that state that ''eminent domain should never be used to advantage one private party over another,'' and that state and local governments should not ''construe the holdings'' in the Kelo case ''as a justification to abuse the power of eminent domain.''

And I certainly agree that ''Congress maintains the prerogative and reserve the right to address through legislation any abuses of eminent domain by State and local government.''

However, of course Congress can only take such action in ways that are themselves consistent with the Constitution, and in any event I think we should be reluctant to take actions to curb what some—perhaps even a temporary majority—in Congress might consider improper actions by a State or local government.

The States, through their legislatures or in some cases by direct popular vote, can put limits on the use of eminent domain by their agencies or governments. I think this would be the best way to address potential abuses, and I think we in Congress should consider taking action to impose our ideas of proper limits only as a last resort.

Mr. TIAHRT. Mr. Speaker, the U.S. Supreme Court this week effectively changed our Constitution by removing the protection of a fundamental right of a free people—the right to private possession of land and property. Our Founding Fathers knew how vital private land ownership is to a democratic society. Article V of the U.S. Constitution states, ''nor shall private property be taken for public use without just compensation.'' For centuries Americans have relied upon this article for protection against abusive land transfers from one person to another.

Yet last week, five Supreme Court justices ruled that private property can be taken by a government and then transferred to another private owner if such a taking will supposedly result in greater economic benefit to the community.

With a weak majority ruling, a massive blow has been dealt to Americans' basic right to own and manage private property, without fear of the government taking that property. History reminds us that nations that disregard the rights associated with private property ownership disregard other fundamental rights of the citizenry. In fact, our own Supreme Court at its inception in 1789 called eminent domain a ''despotic power.''

We have recognized there are times when governments need to purchase private land to build a road or construct a school for use by the general public, sometimes against a landowner's wishes. Our Founders believed that only under these extreme reasons should land be taken from a private property owner for the greater public good. However, the idea that a government would use this eminent domain power to take land from one private owner and transfer it to another private owner for economic reasons smells of Robin Hood gone corrupt.

Local governments and States will now be able to use this case to seize any land believed to make a higher profit if it were owned by a more entrepreneurial owner. Houses of worship, charitable organizations and other non-profits are extremely vulnerable to land grabs by greedy governments seeking more tax revenue.

Even the icon of the American spirit, the family farm, could effectively be forced to sell to another private owner who has grand plans for an economic development project. Farmers and ranchers whose families have worked the land for generations could have to unwillingly forfeit their heritage so a shopping mall can be constructed.

A mom-and-pop business could be forced to sell its property to a corporate competitor, or simply an entrepreneur who wants the land for other revenue-generating purposes. First-time home owners in poorer neighborhoods could easily be targeted for development projects against the will of the community. These are not over-hyped scenarios. The very case the Supreme Court ruled on this week forcefully removes longtime Connecticut homeowners out of their homes so a developer can build a hotel and office buildings.

This distorted ''public use'' definition is nothing short of public abuse. Under the Supreme Court's new definition, everyone's property is suddenly for sale, and the auctioneer is any government that wants more tax revenue.

If we do nothing and the Court's ruling goes unchallenged, the public good submits to the whim of the wealthy abetted by government's insatiable appetite for more money.

I urge my colleagues to join me today in supporting Mr. GINGREY's resolution that appropriately expresses outrage at this misguided decision by the Nation's highest court.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 340.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAKING SUPPLEMENTAL APPROPRIATIONS FOR VETERANS MEDICAL SERVICES

Mr. WALSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3130) making supplemental appropriations for fiscal year 2005 for veterans medical services.

The Clerk read as follows:

H.R. 3130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2005:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $975,000,000, to remain available until September 30, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. WALSH) and the gentleman from Texas (Mr. EDWARDS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this evening I bring to the floor a bill to provide urgently needed funding for the Department of Veterans Affairs. During the last week, it has become known to most of us that the Department is in dire straits with regard to funding for medical services. It has been pointed out to us in hearings that funding originally allocated for capital expenditures is being diverted to pay for medical services, and reserves which were intended to cover future requirements were instead needed this year.

Based upon information provided by the Secretary of Veterans Affairs in a hearing today before the Committee on