

This bill has been the product of a tremendous effort by Representative MAXINE WATERS. I, along, with Representative WATERS have worked for nearly a decade on this issue. During Committee markup, I added several changes to this bill that I believe have enhanced this bill.

The three amendments that I have offered to the bill would ensure that both minorities and non-minorities will have additional protections under this measure. My first amendment requires that a study be conducted to identify the number of minorities versus non-minorities who will be impacted by the Act, in addition to the median incomes of those who are most highly affected.

My second amendment requires the United States Attorney General to locate and inform members of minority communities, if it is determined that this Act has a disproportionate impact on them.

My final amendment to this measure will ensure that states are required to pay penalties and interest in cases where they run afoul of this bill. The purpose of my amendment was to ensure that both small businesses and low-income homeowners are protected as well, those who might not have the ability to engage in drawn-out and expensive litigation.

The Private Property Rights Protection Act prohibits state and local governments that receive federal economic development funds from using eminent domain to transfer private property from one private owner to another for the purpose of economic development.

The history of eminent domain is rife with abuse specifically targeting racial and ethnic minority and poor neighborhoods. A 2004 study estimated that 1,600 African American neighborhoods were destroyed by municipal projects in Los Angeles.

In San Jose, California, 95 percent of the properties targeted for economic redevelopment are Hispanic or Asian-owned, despite the fact that only 30 percent of businesses in that area are owned by racial or ethnic minorities.

In Mt. Holly Township, New Jersey, officials have targeted for economic redevelopment a neighborhood in which the percentage of African American residents, 44 percent, is twice that of the entire township and nearly triple that of Burlington County.

Lastly, according to a 1989 study 90 percent of the 10,000 families displaced by highway projects in Baltimore were African Americans.

Thousands of Texans, from Houston to San Antonio to El Paso, now live under the threat of eminent domain abuse. These minority home and business owners have well-founded fears that their property may soon be taken from them to make way for private redevelopment projects cooked up by developers and city officials.

The threatened homes and businesses are important parts of functioning communities, many of which have been there since the earliest days of Texas' history as an independent nation. Their only fault is that they are located on land coveted by developers and government officials.

In Justice O'Connor's dissent in *Kelo*, she predicted, "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. As for the victims, the government now has license to transfer property from those with fewer resources to those with more."

Following the decision in *Kelo*, Texans, and minorities in particular, remain tremendously vulnerable to eminent domain abuse by ambitious cities and developers.

Hours after *Kelo* was decided, the city of Freeport, Texas, urged its attorneys to redouble their efforts to take a family-owned seafood business for a private marina development project. This so outraged the Texas legislature that Texas became the second state—out of 43 so far—to reform its eminent domain laws.

In El Paso, a neighborhood called El Segundo Barrio (which has been called the "Ellis Island of the Southwest") is being targeted by a large consortium of developers and business owners who want to remake the U.S.-Mexico border area for the overwhelming benefit of private parties.

In San Antonio, the city wants to expand its famed River Walk northward again, to be filled with private businesses owned by people other than the current land owners.

In Houston, the threat is everywhere. One little noticed part of the city's light rail plan allows the rail authority to condemn any property within a quarter mile of any light rail station to facilitate something called "transit-oriented development."

Municipalities often look for areas with low property values when deciding where to pursue redevelopment projects because it costs the condemning authority less and thus the state or local government gains more, financially, when they replace areas of low property values with those with higher property values.

This abuse can happen anywhere in the United States. Eminent domain abuses affecting racial minorities and those in the relatively low income bracket must be stopped.

My amendment permits judicial review, to determine if this Act has a disproportionate impact on minorities, and for the Attorney General to locate those affected and inform them of their rights.

The displacement of African Americans and urban renewal projects are so intertwined that "urban renewal" was often referred to as "Black Removal."

There are vast disparities of African Americans or other racial or ethnic minorities that have been removed from their homes due to eminent domain actions are well documented and must continue to be judicially reviewed.

When an area is taken for "economic development," low-income families are driven out of their communities and find that they cannot afford to live in the "revitalized" neighborhoods.

The remaining "affordable" housing in the area is almost certain to become less so. When the goal is to increase the area's tax base, it only makes sense that the previous low-income residents will not be able to remain in the area.

This is borne out not only by common sense, but also by statistics: one study for the mid-1980s showed that 86 percent of those relocated by an exercise of the eminent domain power were paying more rent at their new residences, with the median rent almost doubling.

I am keenly aware that my colleagues on the other side of the aisle see this bill as the reversal of the *Kelo* decision from an ideologi-

cally different window but I hope that this bill can be used as a marker to help support the rights of property owners who do not have access to the "Big Litigation."

Mr. CONYERS. Mr. Speaker, I have no further speakers, and so I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume to say that I urge my colleagues to adopt this bipartisan legislation to restore meaning to the Fifth Amendment to the Constitution. As Justice Sandra Day O'Connor noted in her dissent in that opinion, the *Kelo* decision effectively renders meaningless the protections under this law because, as the interpretation exists, as the Court ruling exists, State and local governments can seize property for almost any reason under the context of calling it for purposes of economic development, and we need to change that.

We need to make sure that private property is what people think it is, and that is something that they have the right to own and not be interfered with by the government except for real purposes of eminent domain, taking land for pure public uses like roads and utilities and schools and other clearly public uses.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1433, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM DISTRICT REPRESENTATIVE, THE HONORABLE STEVE KING, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Sandra Hanlon, District Representative, the Honorable STEVE KING, Member of Congress:

FEBRUARY 24, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER, this is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena ad testificandum issued by the United States District Court for the Northern District of Iowa.

After consultation with the Office of General Counsel, I will determine whether compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

SANDRA HANLON,
District Representative,
Congressman Steve King.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

RELIGIOUS FREEDOM IS BEING
BULLIED

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, the administration is bullying religions. Yes, the government has required some religious organizations to violate their tenets and provide certain health care coverage for their employees—or else.

After an immediate backlash by the American public, the administration promised that it would make some changes; but the same day that it made this promise, it finalized the original mandate as-is with no changes. The original edict is now in effect. The big announcement about a change resulted in nothing, only more words.

The administration said it had the power to issue this order because it was implementing ObamaCare. If the administration has the power to infringe upon a constitutionally protected right, what will follow? What individual freedom will be trampled next, all in the name of “we’re the government, we know what’s best”?

The Constitution is being insulted and violated. We should fear this type of unyielding power and religious persecution. After all, the Constitution was written to protect us from this type of government.

And that’s just the way it is.

TRIBUTE TO MARYLYN SCHMIDT

(Mr. CONYERS asked and was given permission to address the House for 1 minute.)

Mr. CONYERS. Mr. Speaker, I rise today in memory of Marylyn Schmidt, a resident of the State of Michigan, who dedicated her life to the goal of achieving true universal health care for all Americans.

She spent countless hours, day in and day out, organizing, mobilizing, and educating the citizens of Michigan in order to build grass-roots support for passage of a single-payer bill in Congress, H.R. 676. She passionately believed that every person in America should have access to quality, affordable, and accessible health care as a fundamental civil and human right.

I knew Mrs. Schmidt for almost two decades. I had a profound respect for her unique leadership in advocating for human rights, universal health care, and protecting Social Security and Medicare. She belonged to numerous community and social-justice organizations, including the Michigan Improved Medicare for All, the Michigan Alliance to Strengthen Social Security and Medicare, the Michigan Universal

Healthcare Access Network, and the Oakland County Welfare Rights Organization. For over 20 years, she fought for the human, economic, and civil rights of the voiceless and the vulnerable citizens of Michigan who wanted nothing more than a better life for themselves and their children.

Thank you, Marylyn Schmidt, for remaining steadfast in your belief that health care should be a fundamental human right in this country. The people of Michigan and all of those you helped and fought for will always remember your kindness, your courage, and dedication to this just cause.

□ 1710

MAKE IT IN AMERICA:
MANUFACTURING MATTERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, I look forward to this hour with my colleagues to talk about jobs. How do we create jobs in America? We are now well over 14 months of the Republican control of this House, and not one significant bill has passed this House that would create new jobs. There are many bills to wipe out environmental laws, many bills to wipe out regulations that protect the citizens of the United States from pollution and contamination of one sort or another, but where are the jobs bills? We absolutely have to create the jobs in America.

Today, we are going to take about an hour to discuss how we can create jobs in America. One of the principal ways is to Make It in America: Manufacturing Matters. Manufacturing was the heart and soul of and the foundation for the great middle class, the rise of the middle class here in the United States. It wasn’t too long ago that manufacturing in the United States was a big deal. About 20, 23 years ago, we had almost 20 million Americans in manufacturing. It also happened to coincide with the largest percentage of Americans that were in the middle class.

Over the intervening years, we’ve seen the slow decline until we hit this period of 2000 to 2009, and we saw a precipitous drop to just over 11 million manufacturing jobs in America. That coincided with the decline of the middle class in the United States.

So what we want to do today is to focus on, how can we rebuild the American middle class? One of the principal ways of doing it is to focus on manufacturing and to focus specifically on rebuilding the great manufacturing sector in the United States. There are many, many ways to do this.

My colleague from Oregon is here to join us, and I know that there are many things that are happening in Oregon that speak directly to this, one of

which is competition between Oregon and California for the manufacturing of light railcars. I’ll let my colleague from Oregon go first, and then I’ll pound on him that California is a better place to manufacture light railcars than Oregon. But either way, they’re made in America, and that’s to the benefit of all Americans.

Please join me, and let’s see where we can take this.

Mr. BLUMENAUER. Thank you. I deeply appreciate your courtesy in permitting me to speak, and I appreciate your leadership in focusing on the need to rebuild and renew this country, putting Americans back to work, being able to not just revitalize our economy, but our neighborhoods and strengthen our families. It is true that there are some areas where there are some great opportunities for healthy competition. The gentleman may be referencing the fact that recently we have started manufacturing a streetcar in the United States for the first time in 58 years, and it’s being manufactured in Portland, Oregon. But I would note that that project, manufacturing streetcars, includes the work of subcontractors across the country, including 40 in the Midwest that had been so hard hit by some of the decline in manufacturing activity.

The point is that being able to make goods in this country, whether it’s light rail, streetcar, heavy rail, whether we’re dealing with fabricating steel for bridges and roads or rebuilding the power grid, these are all areas that are a tremendous source of family-wage jobs. I find no amount of irony that one of the major Republican candidates for President somehow thought that President Obama was being—and I’m using his direct word—“elitist” by advocating that young people have the chance for a college education or going to a community college. My goodness, how out of touch can you possibly be? I don’t know any American that doesn’t want his or her child to be able to have the opportunity for further education and training. This is part of an agenda here. I look forward to the conversations this evening.

At one point, I’d like to cycle back to the spectacle we had on the floor of the House the week before we recessed for Presidents Day where we had the most partisan transportation bill in the history of the House—narrow in focus, small in vision, dividing the various elements of transportation—that was so bad that our Republican friends were embarrassed to even have a hearing on it. Never before in the history of the House have we had a major surface transportation reauthorization that never even had a hearing.

Well, mercifully, our Republican friends have decided that that wasn’t getting them anywhere. The outcry from transit agencies across the country, from cyclists, even from the people who advocate safe routes to school, the program designed for our children to be able to get back and forth to school