

115TH CONGRESS
1ST SESSION

H. R. 3943

To amend the Immigration and Nationality Act to prohibit the Secretary of Homeland Security and the Attorney General from using eminent domain to acquire land for the purpose of constructing a wall, or other physical barrier, along the international border between the United States and Mexico, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2017

Mr. O'ROURKE (for himself, Mr. GALLEGO, Mr. GRIJALVA, Mr. GONZALEZ of Texas, Mr. VELA, Mr. CUELLAR, Mr. SERRANO, Mr. VARGAS, Mr. PETERS, and Ms. MICHELLE LUJAN GRISHAM of New Mexico) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act to prohibit the Secretary of Homeland Security and the Attorney General from using eminent domain to acquire land for the purpose of constructing a wall, or other physical barrier, along the international border between the United States and Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting the Prop-
3 erty Rights of Border Landowners Act”.

4 **SEC. 2. USE OF EMINENT DOMAIN TO ACQUIRE LAND FOR**
5 **PURPOSES OF BORDER WALL PROHIBITED.**

6 Section 103(b) of the Immigration and Nationality
7 Act (8 U.S.C. 1103(b)) is amended—

8 (1) in paragraph (1)—

9 (A) by striking “Attorney General may”
10 and inserting “Attorney General and the Sec-
11 retary of Homeland Security may”; and

12 (B) by striking “the Attorney General
13 deems” and inserting “the Attorney General or
14 the Secretary of Homeland Security, as applica-
15 ble, deems”;

16 (2) in paragraph (2)—

17 (A) by striking “Attorney General may”
18 and inserting “Attorney General and the Sec-
19 retary of Homeland Security may”; and

20 (B) by striking “the Attorney General con-
21 siders” and inserting “the Attorney General or
22 the Secretary of Homeland Security, as applica-
23 ble, considers”;

24 (3) in paragraph (3)—

25 (A) by striking “Attorney General and the
26 lawful owner” and inserting “Attorney General

1 or the Secretary of Homeland Security, as ap-
2 plicable, and the lawful owner”;

3 (B) by striking “Attorney General may”
4 and inserting “Attorney General or the Sec-
5 retary of Homeland Security, as applicable,
6 may”; and

7 (C) by inserting before the period at the
8 end the following: “, except that neither the At-
9 torney General nor the Secretary may com-
10 mence any such proceedings for the acquisition
11 of any interest in land for the purpose of con-
12 structing a wall, or other physical barrier, along
13 the international border between the United
14 States and Mexico”; and

15 (4) in paragraph (4), by striking “Attorney
16 General may” and inserting “Attorney General and
17 the Secretary of Homeland Security may”.

○