

116TH CONGRESS
1ST SESSION

H. R. 1234

To amend the Homeland Security Act of 2002 to prohibit seizing private land for a border wall, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2019

Mr. VELA (for himself and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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 Homeland Security Act of 2002 to prohibit seizing private land for a border wall, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing the Taking
5 of Americans’ Land to Build Trump’s Wall Act”.

1 **SEC. 2. PROHIBITIONS ON SEIZING PRIVATE LAND FOR A**
2 **BORDER WALL.**

3 (a) IN GENERAL.—Subtitle H of title VIII of the
4 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
5 is amended by adding at the end the following new section:

6 **“SEC. 890B. LIMITATION ON SEIZING PRIVATE LAND FOR A**
7 **BORDER WALL SYSTEM.**

8 “(a) IN GENERAL.—Notwithstanding subsections
9 (b)(1), (b)(2), (c)(1), and (d)(1) of section 3114 of title
10 40, United States Code, or any other provision of law,
11 until such time as the Secretary submits to Congress a
12 certification that each property owner whose property the
13 United States Government seeks to condemn or acquire
14 for the purpose of constructing or installing additional
15 physical barriers or roads between ports of entry along
16 the land border with Mexico has received payment that
17 each such property owner accepts as just compensation as
18 established by judgment at the conclusion of the judicial
19 process under section 3113 of such title, the following pro-
20 hibitions shall apply with respect to each such property
21 owner and the property of such property owner:

22 “(1) The Government may not take possession
23 of or title to the property of such property owner.

24 “(2) The Government may not alter in any way
25 the property of such property owner.

1 “(b) DEFINITION.—In this section, the term ‘prop-
2 erty’ means land, including an estate or interest in land,
3 including an easement or right of way in land.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002 is
6 amended by inserting after the item relating to section
7 890A the following new item:

“Sec. 890B. Limitation on seizing private land for a border wall system.”.

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