

116TH CONGRESS
1ST SESSION

H. R. 365

To prohibit the construction of new border barriers, including walls or fences,
on certain Federal land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2019

Mr. ESPAILLAT (for himself, Mr. GONZALEZ of Texas, and Mr. GARAMENDI)
introduced the following bill; which was referred to the Committee on
Homeland Security

A BILL

To prohibit the construction of new border barriers, including
walls or fences, on certain Federal land, 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 “This Land Is Our
5 Land Act”.

6 **SEC. 2. PROHIBITION ON THE CONSTRUCTION OF NEW**
7 **BORDER BARRIERS, INCLUDING WALLS OR**
8 **FENCES, ON CERTAIN FEDERAL LAND.**

9 (a) PROHIBITION.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, including the waiver provision pro-
3 vided under section 102(c)(1) of the Illegal Immigra-
4 tion Reform and Immigrant Responsibility Act of
5 1996 (8 U.S.C. 1103 note; Public Law 104–208)
6 (including any waivers of laws issued pursuant to
7 such provision on, before, or after the date of the en-
8 actment of this Act), the Secretary of Homeland Se-
9 curity may not construct any new border barriers,
10 including walls or fences, on Federal land under the
11 jurisdiction of the Secretary of the Interior or the
12 Secretary of Agriculture within 100 miles of the
13 international land borders of the United States that
14 are not in existence as of the date of the enactment
15 of this Act.

16 (2) RULE OF CONSTRUCTION.—The prohibition
17 under paragraph (1) may not be construed to pro-
18 hibit the maintenance or repair by the Secretary of
19 Homeland Security of any border barriers, including
20 walls or fences, on Federal land under the jurisdic-
21 tion of the Secretary of the Interior or the Secretary
22 of Agriculture within 100 miles of the international
23 land borders of the United States that are in exist-
24 ence as of the date of the enactment of this Act.

25 (b) WITHHOLDING OF CERTAIN FUNDING.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, the Secretary of Homeland Security
3 may not obligate or expend any funds appropriated
4 or otherwise made available (including through fees)
5 to the Secretary to construct any new border bar-
6 riers, including walls or fences, on Federal land
7 under the jurisdiction of the Secretary of the Inte-
8 rior or the Secretary of Agriculture within 100 miles
9 of the international land borders of the United
10 States that are not in existence as of the date of the
11 enactment of this Act.

12 (2) RULE OF CONSTRUCTION.—The prohibition
13 under paragraph (1) may not be construed to pro-
14 hibit the obligation or expenditure of funds described
15 in such paragraph for the maintenance or repair by
16 the Secretary of Homeland Security of any border
17 barriers, including walls or fences, on Federal land
18 under the jurisdiction of the Secretary of the Inte-
19 rior or the Secretary of Agriculture within 100 miles
20 of the international land borders of the United
21 States that are in existence as of the date of the en-
22 actment of this Act.

23 (c) NATIONAL EMERGENCIES.—The President may
24 not obligate or expend funds to construct any new border
25 barrier, including walls or fences along the border between

1 the United States and Mexico pursuant to a declaration
2 of a national emergency pursuant to any provision of law,
3 including section 2808 of title 10, United States Code, the
4 National Emergencies Act, or the Immigration and Na-
5 tionality Act.

6 (d) EMINENT DOMAIN.—Any authorization to exer-
7 cise, in the name of the United States, the right of emi-
8 nent domain, shall have no force or effect to the extent
9 that the purpose of such exercise is to construct any new
10 border barriers, including walls or fences, on Federal land
11 under the jurisdiction of the Secretary of the Interior or
12 the Secretary of Agriculture within 100 miles of the inter-
13 national land borders of the United States.

14 (e) EFFECT ON STATE AND PRIVATE LAND.—This
15 Act shall—

16 (1) have no force or effect on State or private
17 lands; and

18 (2) not provide authority on or access to State
19 or private lands.

20 (f) TRIBAL SOVEREIGNTY.—Nothing in this Act su-
21 persedes, replaces, negates, or diminishes treaties or other
22 agreements between the United States and Indian tribes.

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