

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Immigration and Nationality Act, to clarify limitations on the authority of the Secretary of Homeland Security to take property using eminent domain.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1494

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 At the end of the bill, add the following:

2 **SEC. ____ . LIMITATION ON AUTHORITY OF THE SECRETARY**

3 **OF HOMELAND SECURITY TO TAKE PROP-**

4 **ERTY USING EMINENT DOMAIN.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “Basic Due Process for Private Landowners Act”.

7 (b) **LIMITATION ON AUTHORITY OF THE SECRETARY**
8 **OF HOMELAND SECURITY TO TAKE PROPERTY USING**

1 EMINENT DOMAIN.—Section 103(b) of the Immigration
2 and Nationality Act (8 U.S.C. 1103(b)) is amended—

3 (1) by striking “Attorney General” each place
4 it appears and inserting “Secretary of Homeland Se-
5 curity”; and

6 (2) in paragraph (3), by adding at the end the
7 following: “Notwithstanding section 3114 of title 40,
8 United States Code, the Federal Government shall
9 not take possession of any land acquired, or pro-
10 posed to be acquired, for the construction of any in-
11 frastructure (including a pedestrian fence, vehicle
12 barrier, levee, gate, wall, fence, road, or port of
13 entry) at the international border between the
14 United States and Mexico prior to the issuance of a
15 final judgment pursuant to the proceedings under
16 section 3113 of such title.”.