

United States Senate

WASHINGTON, DC 20510

August 13, 2019

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Comptroller Dodaro:

We write to request your office investigate the Trump Administration's efforts to exercise the power of eminent domain to build a wall on the southern border of the United States.

Recent actions taken by the Trump Administration in support of construction of a border wall have raised important questions regarding the impact the use of eminent domain will have on private landowners. Despite repeated requests, specific information regarding these efforts has not been provided to Congress, including the number of citizens who will have their land seized, definitive real estate requirements, costs to taxpayers, or a timetable for completing the seizure of private land. Although required by law, the Department of Homeland Security (DHS) has also not yet provided a plan to consult local elected officials on the eminent domain process relating to physical barriers along the border.

Given that 67 percent of the land along the southwest border belongs to entities other than the federal government, we are troubled by this lack of transparency. We are particularly concerned given that landowners whose property was seized during prior border barrier construction efforts have told Congress they did not receive just compensation for their land and, in some instances, were still waiting to be compensated for takings that occurred nearly a decade ago.

While the federal government must provide the necessary resources to secure our borders, any use of eminent domain must take into account the rights of landowners and provide just compensation for any public taking of private property. To better understand the Trump Administration's exercise of eminent domain to build a border wall, we request that you address the following questions:

1. What are the policies and processes governing DHS's use of eminent domain to acquire private land?
 - a. What specific processes and policies are in place for the identification and acquisition of private land needed to construct any border wall or barrier, including those related to obtaining rights of entry for survey and exploration, completing an appraisal to determine fair market value, acquiring privately-owned

land through negotiated offers to sell, providing compensation to land owners, and exercising condemnation authority?

- b. How are eminent domain actions coordinated across other federal entities, including the Department of Justice and the U. S. Army Corps of Engineers?
2. How much private land does DHS need to acquire in order to complete its planned southern border wall or barrier deployments?
 - a. How much private land has DHS already acquired (or is in the process of acquiring), and how much money has DHS spent providing compensation to land-owners over the last decade?
 3. What public outreach has DHS engaged in with border communities regarding land acquisition and eminent domain?
 4. What are the most significant challenges DHS faces when acquiring private land along the southern border?

Thank you for your attention to this important matter.

Sincerely,



Charles E. Schumer
United States Senator



Richard J. Durbin
United States Senator



Tom Udall
United States Senator



Martin Heinrich
United States Senator