

118TH CONGRESS
1ST SESSION

S. 1494

To terminate certain contracts relating to the construction of the border fence and to transfer unused border fence materials to the States along the southwest border of the United States.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2023

Ms. ERNST (for herself, Mr. CRUZ, Mr. GRASSLEY, Mr. DAINES, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To terminate certain contracts relating to the construction of the border fence and to transfer unused border fence materials to the States along the southwest border of the United States.

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 TITLES.**

4 This Act may be cited as the “Border’s Unused Idle
5 and Lying Dormant Inventory Transfer Act” or the
6 “BUILD IT Act”.

1 **SEC. 2. TRANSFER OF UNUSED BORDER FENCE MATERIAL**
2 **TO BORDER STATES.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, not later than 90 days after the date of the
5 enactment of this Act, the Federal Government shall de-
6 liver to the governments of Arizona, of California, of New
7 Mexico, and of Texas, upon request, any materials associ-
8 ated with the construction of the physical barrier along
9 international border between the United States and Mex-
10 ico that—

11 (1) are in the possession of the Department of
12 Homeland Security, the Department of Defense, or
13 any other Federal agency; or

14 (2) have been purchased by the Federal Gov-
15 ernment, but remain in the possession of any con-
16 tractor or vendor.

17 (b) PROHIBITION OF FEES AND DELIVERY
18 CHARGES.—The Federal Government may not charge any
19 fee or other delivery charge to any of the States referred
20 to in subsection (a) for the delivery of the materials de-
21 scribed in such subsection.

22 (c) USE OF MATERIALS.—Any State receiving mate-
23 rials from the Federal Government pursuant to subsection
24 (a) shall use such materials for the purpose of con-
25 structing, repairing, or reinforcing the construction of a

1 barrier along the international border between such State
2 and Mexico.

3 (d) TERMINATION OF EXISTING CONTRACTS.—The
4 Federal Government shall terminate, at the convenience
5 of the Federal Government, any contract relating to the
6 maintenance and security of the materials intended for the
7 construction referred to in subsection (a) that—

8 (1) is in effect on the date of the enactment of
9 this Act; and

10 (2) must be terminated in order to comply with
11 subsection (a).

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