To require the Secretary of Defense to use, transfer, or donate all excess construction materials intended for the wall on the southwest border of the United States that are being stored by the Department of Defense, and for other purposes.

IN THE SENATE OF THE UNITED STATES
MAY 9, 2023
Mr. WICKER (for himself, Ms. ERNST, Mr. CRUZ, and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL
To require the Secretary of Defense to use, transfer, or donate all excess construction materials intended for the wall on the southwest border of the United States that are being stored by the Department of Defense, 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 “Finish It Act”.
5 SEC. 2. SENSE OF CONGRESS.
6 It is the sense of Congress that—
constructing physical barriers along the southwest border of the United States has been one element of broader efforts to secure that border during the administrations of President George W. Bush, President Barack Obama, and President Donald Trump;

President Joe Biden is the first president to block efforts to build a physical barrier along the southwest border;

since President Biden cancelled southwest border wall construction contracts in April 2021, the Department of Defense has spent approximately $130,000 per day to store construction materials on approximately 20 private sites in Arizona and New Mexico;

under the Biden administration, the Department of Defense has paid at least $25,000,000 to store border wall construction materials, rather than using those materials to continue constructing a wall along the southwest border, or fortifying the existing wall where necessary;

the Biden administration has also prevented States from using the existing construction materials to fortify or build walls along their respective borders with Mexico;
(6) the Department of Defense has spent approximately $300,000,000 on the unused border wall construction materials;

(7) physical barriers along the southwest border complicate the persistent efforts of transnational criminal organizations to traffic drugs and people into the United States, and enable our law enforcement agencies to respond in a more focused manner to the crisis at the southwest border; and

(8) given the severe crisis at the southwest border, there is no justification for paying private landowners to store wall construction materials rather than using those materials to secure our border as soon as possible.

SEC. 3. DEPLOYMENT OF EXISTING CONSTRUCTION MATERIALS.

(a) Plan.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan to utilize, transfer, or donate to States on the southern border of the United States all existing excess border wall construction materials, including bollards, for the express purpose of constructing a permanent physical barrier to stop illicit human and vehicle traffic along the border of the United States with Mexico.
(b) Execution of Plan.—Not later than 15 days after submitting to Congress the plan required under subsection (a), the Secretary shall work with the Defense Logistics Agency to execute that plan until the Department of Defense is no longer incurring any costs to maintain, store, or protect the materials specified under subsection (a).

(c) Requirements of Requesting States.—

(1) In General.—Any State requesting border wall construction materials made available under this section must certify, in writing, that the materials it accepts will be exclusively used for the construction of a permanent physical barrier to stop illicit human and vehicle traffic along the border of the United States with Mexico.

(2) Penalties.—

(A) In General.—If, by the date that is two years after receipt of materials accepted under this section, a State does not use all such materials for the construction of a permanent physical barrier to stop illicit human and vehicle traffic along the border of the United States with Mexico, the State shall pay to the United States Government an amount equal to the
original purchase price of the materials that
have not been used for such purpose.

(B) NO WAIVER.—The penalty under sub-
paragraph (A) may not be waived.

(d) IMPACT OF DELAY.—If the Secretary of Defense
delays in submitting the plan required under subsection
(a) or executing that plan as required under subsection
(b), the travel budget of the Under Secretary of Defense
for Policy shall be decreased by one percent for every two
days of delay.

SEC. 4. REPORT.

Not later than 90 days after the date of the enact-
ment of this Act, the Secretary of Defense shall submit
to Congress a report containing the following:

(1) Any internal correspondence of the Depart-
ment of Defense that informed the decision to forgo
the excess property disposal process of the Depart-
ment of Defense and instead pay $130,000 per day
to store border wall panels.

(2) A list of the individuals and entities the De-
partment is paying for use of their privately owned
land to store unused border wall construction mate-
rials.

(3) An explanation of the process through
which the Department contracted with private land-
owners to store unused border wall construction materials, including whether there was a competitive contracting process and whether the landowners have instituted an inventory review system.

(4) A description of any investigations by the Inspector General of the Department that have been opened to examine the wasteful policy of paying to store border wall construction materials rather than using those materials to continue building or fortifying the wall on the southwest border of the United States.