

118TH CONGRESS
1ST SESSION

H. R. 5130

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 HOUSE OF REPRESENTATIVES

AUGUST 1, 2023

Mr. STRONG (for himself, Mr. MOYLAN, Mr. BERGMAN, Mr. WITTMAN, Ms. STEFANIK, Mr. EZELL, Mrs. MILLER of Illinois, Mr. NORMAN, Mrs. KIGGANS of Virginia, Mr. MCCORMICK, Mr. CARL, Mr. RUTHERFORD, Mr. MOORE of Alabama, Mr. WEBER of Texas, Mr. KELLY of Mississippi, Mr. GROTHMAN, Mr. ADERHOLT, Mrs. LESKO, Mr. JACKSON of Texas, Mr. LUTTRELL, Mr. BABIN, Mr. SELF, Mr. FINSTAD, Mr. FLEISCHMANN, Mr. PALMER, Mr. GIMENEZ, Mr. LAMBORN, Mr. FERGUSON, Mr. OWENS, Mr. HUIZENGA, Mr. CARTER of Georgia, Mr. BRECHEEN, Mr. BACON, Mr. MILLS, Mr. YAKYM, Mr. BEAN of Florida, Mr. OBERNOLTE, Mr. DESJARLAIS, Mr. FRY, and Mr. GOSAR) introduced the following bill; which was 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Finish It Act”.

3 **SEC. 2. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) constructing physical barriers along the
6 southwest border of the United States has been one
7 element of broader efforts to secure that border dur-
8 ing the administrations of President George W.
9 Bush, President Barack Obama, and President Don-
10 ald Trump;

11 (2) President Joe Biden is the first president to
12 block efforts to build a physical barrier along the
13 southwest border;

14 (3) since President Biden cancelled southwest
15 border wall construction contracts in April 2021, the
16 Department of Defense has spent approximately
17 \$130,000 per day to store construction materials on
18 approximately 20 private sites in Arizona and New
19 Mexico;

20 (4) under the Biden administration, the De-
21 partment of Defense has paid at least \$25,000,000
22 to store border wall construction materials, rather
23 than using those materials to continue constructing
24 a wall along the southwest border, or fortifying the
25 existing wall where necessary;

1 (5) the Biden administration has also prevented
2 States from using the existing construction materials
3 to fortify or build walls along their respective bor-
4 ders with Mexico;

5 (6) the Department of Defense has spent ap-
6 proximately \$300,000,000 on the unused border wall
7 construction materials;

8 (7) physical barriers along the southwest border
9 complicate the persistent efforts of transnational
10 criminal organizations to traffic drugs and people
11 into the United States, and enable our law enforce-
12 ment agencies to respond in a more focused manner
13 to the crisis at the southwest border; and

14 (8) given the severe crisis at the southwest bor-
15 der, there is no justification for paying private land-
16 owners to store wall construction materials rather
17 than using those materials to secure our border as
18 soon as possible.

19 **SEC. 3. DEPLOYMENT OF EXISTING CONSTRUCTION MATE-**
20 **RIALS.**

21 (a) PLAN.—Not later than 15 days after the date of
22 the enactment of this Act, the Secretary of Defense shall
23 submit to Congress a plan to utilize, transfer, or donate
24 to States on the southern border of the United States all
25 existing excess border wall construction materials, includ-

1 ing bollards, for the express purpose of constructing a per-
2 manent physical barrier to stop illicit human and vehicle
3 traffic along the border of the United States with Mexico.

4 (b) EXECUTION OF PLAN.—Not later than 15 days
5 after submitting to Congress the plan required under sub-
6 section (a), the Secretary shall work with the Defense Lo-
7 gistics Agency to execute that plan until the Department
8 of Defense is no longer incurring any costs to maintain,
9 store, or protect the materials specified under subsection
10 (a).

11 (c) REQUIREMENTS OF REQUESTING STATES.—

12 (1) IN GENERAL.—Any State requesting border
13 wall construction materials made available under
14 this section must certify, in writing, that the mate-
15 rials it accepts will be exclusively used for the con-
16 struction of a permanent physical barrier to stop il-
17 licit human and vehicle traffic along the border of
18 the United States with Mexico.

19 (2) PENALTIES.—

20 (A) IN GENERAL.—If, by the date that is
21 two years after receipt of materials accepted
22 under this section, a State does not use all such
23 materials for the construction of a permanent
24 physical barrier to stop illicit human and vehi-
25 cle traffic along the border of the United States

1 with Mexico, the State shall pay to the United
2 States Government an amount equal to the
3 original purchase price of the materials that
4 have not been used for such purpose.

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

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

13 **SEC. 4. REPORT.**

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

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

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

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

7 (4) A description of any investigations by the
8 Inspector General of the Department that have been
9 opened to examine the wasteful policy of paying to
10 store border wall construction materials rather than
11 using those materials to continue building or for-
12 tifying the wall on the southwest border of the
13 United States.

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