

118TH CONGRESS  
1ST SESSION

# S. 1498

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.

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## 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

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## 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—

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

7           (2) President Joe Biden is the first president to  
8 block efforts to build a physical barrier along the  
9 southwest border;

10          (3) since President Biden cancelled southwest  
11 border wall construction contracts in April 2021, the  
12 Department of Defense has spent approximately  
13 \$130,000 per day to store construction materials on  
14 approximately 20 private sites in Arizona and New  
15 Mexico;

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

22          (5) the Biden administration has also prevented  
23 States from using the existing construction materials  
24 to fortify or build walls along their respective bor-  
25 ders with Mexico;

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

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

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

15 **SEC. 3. DEPLOYMENT OF EXISTING CONSTRUCTION MATE-**  
16 **RIALS.**

17          (a) PLAN.—Not later than 15 days after the date of  
18          the enactment of this Act, the Secretary of Defense shall  
19          submit to Congress a plan to utilize, transfer, or donate  
20          to States on the southern border of the United States all  
21          existing excess border wall construction materials, includ-  
22          ing bollards, for the express purpose of constructing a per-  
23          manent physical barrier to stop illicit human and vehicle  
24          traffic along the border of the United States with Mexico.

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

8 (c) REQUIREMENTS OF REQUESTING STATES.—

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

16 (2) PENALTIES.—

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

1 original purchase price of the materials that  
2 have not been used for such purpose.

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

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

11 **SEC. 4. REPORT.**

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

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

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

24 (3) An explanation of the process through  
25 which the Department contracted with private land-

1 owners to store unused border wall construction ma-  
2 terials, including whether there was a competitive  
3 contracting process and whether the landowners  
4 have instituted an inventory review system.

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

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