

117TH CONGRESS
2D SESSION

S. 4294

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

IN THE SENATE OF THE UNITED STATES

MAY 24, 2022

Ms. ERNST (for herself, Mr. CRUZ, Mr. GRASSLEY, Mr. MARSHALL, 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 material to the States along the southwest border.

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, California, New Mex-
7 ico, and Texas, upon request, any materials associated
8 with the construction of the barrier along international
9 border between the United States and Mexico that—

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

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

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

21 (c) USE OF MATERIALS.—Any State receiving mate-
22 rials pursuant to subsection (a) shall use such materials
23 for the purpose of barrier construction along the inter-
24 national border between the United States and Mexico.

25 (d) TERMINATION OF EXISTING CONTRACTS.—The
26 Federal Government shall terminate, at the convenience

1 of the Government, any contract relating to the mainte-
2 nance and security of the materials intended for the con-
3 struction referred to in subsection (a) that—

4 (1) is in effect on the date of the enactment of
5 this Act; and

6 (2) must be terminated in order to comply with
7 subsection (a).

○