#### 111TH CONGRESS 1ST SESSION H.R. 1555

To debar or suspend contractors from Federal contracting for unlawful employment of aliens, and for other purposes.

#### IN THE HOUSE OF REPRESENTATIVES

March 17, 2009

Ms. GINNY BROWN-WAITE of Florida introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

### A BILL

To debar or suspend contractors from Federal contracting for unlawful employment of aliens, 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 "Border Control and
- 5 Contractor Accountability Act of 2009".

# SEC. 2. DEBARMENT OR SUSPENSION FROM FEDERAL CON TRACTING FOR EMPLOYMENT OF ILLEGAL ALIENS.

4 (a) REQUIREMENT.—In the case of a contract award-5 ed by an Executive agency, if the head of the agency deter-6 mines, by a preponderance of the evidence, that the con-7 tractor performing the contract directly employed, or had 8 knowledge of a subcontractor's employment of, any alien 9 whose immigration status does not authorize the alien to 10 be so employed, the head of the agency shall—

(1) debar or suspend the contractor in accord-ance with the Federal Acquisition Regulation; and

(2) terminate the contract in accordance with
the Federal Acquisition Regulation, unless the contractor or subcontractor, as the case may be, agrees
to terminate the employment of any such alien.

17 (b) PERIOD OF DEBARMENT OR SUSPENSION.—The18 period of debarment or suspension under subsection (a)19 shall be 3 years.

20 (c) ANNUAL REPORT.—The head of each Executive
21 agency shall submit to Congress each year a report de22 scribing—

(1) the contractors that the agency hasdebarred or suspended pursuant to this section;

(2) the contracts that the agency has termi-nated pursuant to this section; and

(3) any cost implications of debarments, sus pensions, or terminations of contracts referred to in
 paragraphs (1) and (2).

4 (d) DEFINITION.—In this section, the term "Execu5 tive agency" has the meaning provided in section 105 of
6 title 5, United States Code.

#### 7 SEC. 3. SMALL BUSINESS ADMINISTRATION LIAISON.

8 (a) ESTABLISHMENT.—The Secretary of Homeland
9 Security shall establish the position of Small Business Ad10 ministration Liaison within United States Immigration
11 and Customs Enforcement.

(b) FUNCTIONS.—The Liaison shall, in consultation
with the Administrator of the Small Business Administration, ensure that the Small Business Administration does
not make or guarantee a loan to an alien who is unlawfully
present in the United States.

## 17 SEC. 4. TRANSPORT OF ALIENS UNLAWFULLY PRESENT IN 18 THE UNITED STATES.

(a) TRANSPORT.—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport
of aliens who are apprehended at or along the international land or maritime borders of the United States
from the custody of the Border Patrol to detention facilities.

(b) CRITERIA FOR SELECTION.—To enter into a con-1 2 tract under subsection (a), a private entity shall submit 3 an application to the Secretary at such time, in such man-4 ner, and containing such information as the Secretary may 5 require. The Secretary shall select from such applications 6 those entities which offer, in the determination of the Sec-7 retary, the best combination of quality, lowest cost, and 8 security.

9 SEC. 5. PROHIBITION ON DEPARTMENT OF HOMELAND SE10 CURITY FROM CONTRACTING WITH COMPA11 NIES NOT PARTICIPATING IN BASIC PILOT
12 PROGRAM.

No contract may be awarded by the Department of
Homeland Security to an entity that employs individuals
unless the entity agrees to elect to participate in the basic
pilot program described in section 403(a) of the Illegal
Immigration Reform and Immigrant Responsibility Act of
1996 (8 U.S.C. 1324a note).

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