

111TH CONGRESS
1ST SESSION

H. R. 1668

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 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”.

1 **SEC. 2. DEBARMENT OR SUSPENSION FROM FEDERAL CON-**
2 **TRACTING FOR EMPLOYMENT OF ILLEGAL**
3 **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—

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

13 (2) terminate the contract in accordance with
14 the Federal Acquisition Regulation, unless the con-
15 tractor or subcontractor, as the case may be, agrees
16 to terminate the employment of any such alien.

17 (b) PERIOD OF DEBARMENT OR SUSPENSION.—The
18 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 de-
22 scribing—

23 (1) the contractors that the agency has
24 debarred or suspended pursuant to this section;

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

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

4 (d) DEFINITION.—In this section, the term “Execu-
5 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 Ad-
10 ministration Liaison within United States Immigration
11 and Customs Enforcement.

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

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

19 (a) TRANSPORT.—The Secretary of Homeland Secu-
20 rity is authorized to enter into contracts with private enti-
21 ties for the purpose of providing secure domestic transport
22 of aliens who are apprehended at or along the inter-
23 national land or maritime borders of the United States
24 from the custody of the Border Patrol to detention facili-
25 ties.

1 (b) CRITERIA FOR SELECTION.—To enter into a con-
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 SE-**
10 **CURITY FROM CONTRACTING WITH COMPA-**
11 **NIES NOT PARTICIPATING IN BASIC PILOT**
12 **PROGRAM.**

13 No contract may be awarded by the Department of
14 Homeland Security to an entity that employs individuals
15 unless the entity has elected to participate in the basic
16 pilot program described in section 403(a) of the Illegal
17 Immigration Reform and Immigrant Responsibility Act of
18 1996 (8 U.S.C. 1324a note; commonly known as the E-
19 verify program).

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