

108TH CONGRESS  
1ST SESSION

# H. R. 3695

To establish a pilot and demonstration program in New Jersey and elsewhere to improve security on military installations and to improve the quality of defense contractors and subcontractors.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2003

Mr. SMITH of New Jersey (for himself, Mr. SAXTON, and Mr. LOBIONDO) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To establish a pilot and demonstration program in New Jersey and elsewhere to improve security on military installations and to improve the quality of defense contractors and subcontractors.

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 “Military Base Security  
5       Act”.

1 **SEC. 2. PILOT AND DEMONSTRATION PROGRAM FOR MILI-**  
2 **TARY INSTALLATIONS IN NEW JERSEY.**

3 (a) PILOT AND DEMONSTRATION PROGRAM.—The  
4 Secretary of Defense, acting through the Office of the Sec-  
5 retary of Defense, shall develop a pilot and demonstration  
6 program in the State of New Jersey, and in one or more  
7 additional States or regions selected by the Secretary, to  
8 develop and explore policies, procedures, and practices  
9 that improve the level of security, reliability, quality, and  
10 economic efficiency of defense contractors and subcontrac-  
11 tors used for construction, renovation, maintenance, and  
12 repair services on military installations.

13 (b) PROGRAM GOALS AND REQUIREMENTS.—The  
14 goals and requirements of the pilot and demonstration  
15 program developed under subsection (a) shall be to iden-  
16 tify, develop, and implement strategies that—

17 (1) minimize risks to national security caused  
18 by the employment of illegal or improperly docu-  
19 mented contract workers on military installations;

20 (2) ensure that all necessary and reasonable  
21 precautions are taken by the Department of Defense  
22 and its contractors and subcontractors to conduct ef-  
23 fective background checks and other appropriate se-  
24 curity clearance procedures of contract employees,  
25 including management employees, professionals,  
26 craft labor personnel, and administrative personnel,

1 to avoid the employment of persons who may pose  
2 a risk to military installations or otherwise present  
3 a threat to national security; and

4 (3) promote greater contracting opportunities  
5 for contractors and subcontractors offering effective,  
6 reliable staffing plans to perform defense contracts  
7 that ensure all contract personnel employed for such  
8 projects, including management employees, profes-  
9 sional employees, craft labor personnel, and adminis-  
10 trative personnel, are lawful residents or persons  
11 properly authorized to be employed in the United  
12 States and properly qualified to perform services re-  
13 quired under the contract.

14 (c) REQUIREMENTS FOR SECURITY PROCEDURES.—

15 In developing the pilot and demonstration program under  
16 subsection (a), the Secretary of Defense shall review exist-  
17 ing policies, procedures, and practices pertaining to secu-  
18 rity clearances required for access to military installations,  
19 including national agency checks, background investiga-  
20 tions and other security clearance procedures. The Sec-  
21 retary also shall—

22 (1) identify potential weaknesses and areas for  
23 improvement in existing security policies, proce-  
24 dures, and practices;

1           (2) develop and implement reforms to strength-  
2           en, upgrade, and improve security clearance policies,  
3           procedures, and practices of the Department of De-  
4           fense and its contractors and subcontractors;

5           (3) utilize the social security number  
6           verification service, maintained and operated by the  
7           Social Security Administration, to review social secu-  
8           rity numbers of employees of contractors and sub-  
9           contractors employed on military installations and  
10          detect the use of false or fraudulent identification  
11          documents used by contract employees;

12          (4) cooperate with appropriate Federal, State  
13          and local agencies and authorities, including the Sec-  
14          retary of Homeland Security, the U.S. Attorney for  
15          New Jersey, the New Jersey Motor Vehicles Com-  
16          mission, and the New Jersey State Police, as well as  
17          local communities, to detect and prosecute the use of  
18          false or fraudulent identification documents by con-  
19          tract employees on military installations;

20          (5) impose maximum sanctions, including crimi-  
21          nal prosecution, civil penalties, and debarment  
22          against any employer which willfully or recklessly  
23          violates immigration laws in connection with persons  
24          employed for defense contracts; and

1           (6) review and analyze reforms developed pur-  
2           suant to this subsection to identify for purposes of  
3           national implementation those which are most effi-  
4           cient and effective.

5           (d) REQUIREMENTS FOR CONTRACTING AND PRO-  
6           CUREMENT PROCEDURES.—In developing the pilot and  
7           demonstration program, the Secretary of Defense shall re-  
8           view existing policies, procedures, and practices pertaining  
9           to manner in which it procures and contracts for construc-  
10          tion, renovation, maintenance, and repair services for mili-  
11          tary installations. The Secretary also shall—

12           (1) expand, to the greatest extent practicable,  
13           the use by the Department of Defense of contracting  
14           by competitive proposals, regulated under Part 15 of  
15           the Federal Acquisition Regulation, for construction,  
16           renovation, maintenance, and repair services for  
17           military installations;

18           (2) identify, develop, and implement reforms in  
19           the competitive proposal contracting process of the  
20           Department of Defense to improve the level of secu-  
21           rity, reliability, and economic efficiency of contrac-  
22           tors and subcontractors used for construction, ren-  
23           ovation, maintenance, and repair services on military  
24           installations, including—

1 (A) provision in contract solicitations and  
2 request for proposal documents to require sig-  
3 nificant weight or credit be allocated to reliable,  
4 effective workforce security programs offered by  
5 prospective contractors and subcontractors,  
6 which provide security clearance procedures,  
7 background checks, and other measures for con-  
8 tract employees, beyond the minimum security  
9 requirements imposed by the Secretary of De-  
10 fense, which serve to promote security on mili-  
11 tary installations; and

12 (B) provision in contract solicitations and  
13 request for proposal documents to require sig-  
14 nificant weight or credit be allocated reliable,  
15 effective project staffing plans offered by pro-  
16 spective contractors and subcontractors, which  
17 specify for all contract employees, including  
18 management employees, professionals, and craft  
19 labor personnel, the skills, training, and quali-  
20 fications of such persons and the labor supply  
21 sources and hiring plans or procedures used for  
22 employing such persons; and

23 (3) review and analyze reforms developed pur-  
24 suant to this subsection to identify for purposes of

1 national implementation those which are most effi-  
2 cient and effective.

3 (e) IMPLEMENTATION.—The Secretary of Defense  
4 shall begin operation of the pilot and demonstration pro-  
5 gram required under this Act not later than 90 days after  
6 the date of the enactment of this Act.

7 (f) REPORTING REQUIREMENTS.—For purposes of  
8 monitoring and evaluating the progress of the pilot and  
9 demonstration program required under this section, the  
10 Secretary of Defense shall submit to the Committees on  
11 Armed Services of the Senate and House of Representa-  
12 tives—

13 (1) an initial report, not later than 90 days  
14 after operation of the pilot and demonstration pro-  
15 gram begins, setting forth the reforms instituted and  
16 other progress made in the implementation of the  
17 pilot and demonstration program required under this  
18 section;

19 (2) biannual reports, setting forth in detail the  
20 reforms instituted and other progress made in the  
21 implementation of the program; and

22 (3) a final report, not later than 2 years after  
23 operation of the pilot and demonstration program  
24 begins, setting forth a review of the pilot and dem-

1        onstration program and recommendations on pos-  
2        sible nationwide implementation of the program.

3        (g) DEFINITION.—In this section, the term “military  
4        installation” means a base, camp, post, station, yard, cen-  
5        ter, homeport facility for any ship, or other activity under  
6        the jurisdiction of the Department of Defense, including  
7        any leased facility, which is located within any of the sev-  
8        eral States, the District of Columbia, the Commonwealth  
9        of Puerto Rico, American Samoa, the Virgin Islands, or  
10       Guam. Such term does not include any facility used pri-  
11       marily for civil works, rivers and harbors projects, or flood  
12       control projects.

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