

109TH CONGRESS
2^D SESSION

H. R. 5505

To require the debarment from Federal contracts, grants, or cooperative agreements of employers who hire unauthorized aliens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2006

Mrs. MYRICK introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the debarment from Federal contracts, grants, or cooperative agreements of employers who hire unauthorized 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 “Federal Contract Ac-
5 countability Act”.

6 **SEC. 2. CONTRACTING PROVISIONS RELATING TO UNLAW-**
7 **FUL EMPLOYMENT OF ALIENS.**

8 Section 274A of the Immigration and Nationality Act
9 (8 U.S.C. 1324a) is amended by adding at the end the
10 following new subsections:

1 “(i) GOVERNMENT CONTRACTS.—

2 “(1) EMPLOYERS.—Whenever an employer who
3 does not hold Federal contracts, grants, or coopera-
4 tive agreements is determined by the Secretary of
5 Homeland Security to be a repeat violator of this
6 section, or is convicted of a crime under this section,
7 the employer shall be debarred from the receipt of
8 Federal contracts, grants, or cooperative agreements
9 for a period of two years. The Secretary of Home-
10 land Security or the Attorney General shall advise
11 the Administrator of General Services of such a de-
12 barment, and the Administrator of General Services
13 shall list the employer on the List of Parties Ex-
14 cluded from Federal Procurement and Nonprocure-
15 ment Programs for a period of two years. The Ad-
16 ministrator of General Services, in consultation with
17 the Secretary of Homeland Security and the Attor-
18 ney General, may waive operation of this subsection
19 or may limit the duration or scope of the debarment.

20 “(2) CONTRACTORS AND RECIPIENTS.—Prior to
21 debarring an employer under paragraph (1), the
22 Secretary of Homeland Security, in cooperation with
23 the Administrator of General Services, shall advise
24 all agencies holding contracts, grants, or cooperative
25 agreements with the employer of the Government’s

1 intention to debar the employer from the receipt of
2 new Federal contracts, grants, or cooperative agree-
3 ments for a period of 2 years. After consideration of
4 the views of agencies holding contracts, grants or co-
5 operative agreements with the employer, the Sec-
6 retary of Homeland Security may, in lieu of debar-
7 ring the employer from the receipt of new Federal
8 contracts, grants, or cooperative agreements for a
9 period of 2 years, waive operation of this subsection,
10 limit the duration or scope of the debarment, or
11 refer to an appropriate lead agency the decision of
12 whether to debar the employer, for what duration,
13 and under what scope in accordance with the proce-
14 dures and standards prescribed by the Federal Ac-
15 quisition Regulation. Any proposed debarment predi-
16 cated on an administrative determination of liability
17 for civil penalty by the Secretary of Homeland Secu-
18 rity or the Attorney General shall not be reviewable
19 in any debarment proceeding. The decision of wheth-
20 er to debar or take alternative action shall not be ju-
21 dicially reviewed.

22 “(3) SUSPENSIONS.—Indictments for violations
23 of this section or adequate evidence of actions that
24 could form the basis for debarment under this sub-
25 section shall be considered a cause for suspension

1 under the procedures and standards for suspension
2 prescribed by the Federal Acquisition Regulation.”.

3 “(j) LOSS OF FEDERAL SHARE.—Any entity, includ-
4 ing a State or local government, carrying out a project
5 for which a Federal share of funding is provided may not
6 receive the Federal share, or shall be required to return
7 the Federal share of funding to the Federal Government,
8 if it is determined by the Secretary of Homeland Security
9 that the entity is in violation of this section.”.

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