

110TH CONGRESS
1ST SESSION

H. R. 2271

To amend the Immigration and Nationality Act to improve enforcement of restrictions on employment in the United States of unauthorized aliens and to reimburse State and local governments for costs associated with serving illegal aliens.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2007

Mr. GONZALEZ introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Agriculture, Oversight and Government Reform, Education and Labor, and Energy and Commerce, 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 amend the Immigration and Nationality Act to improve enforcement of restrictions on employment in the United States of unauthorized aliens and to reimburse State and local governments for costs associated with serving illegal aliens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Unlawful Employers
3 Accountability and Illegal Alien State Reimbursement Act
4 of 2007”.

5 **SEC. 2. COMPLIANCE WITH RESPECT TO THE UNLAWFUL**
6 **EMPLOYMENT OF ALIENS.**

7 (a) CIVIL PENALTY.—Paragraph (4) of subsection
8 (e) of section 274A of the Immigration and Nationality
9 Act (8 U.S.C. 1324a) is amended to read as follows:

10 “(4) CEASE AND DESIST ORDER WITH CIVIL
11 MONEY PENALTY FOR HIRING, RECRUITING, AND RE-
12 FERRAL VIOLATIONS.—

13 “(A) IN GENERAL.—With respect to a vio-
14 lation by any person or other entity of sub-
15 section (a)(1)(A) or (a)(2), the Secretary of
16 Homeland Security shall require such person or
17 such entity to cease and desist from such viola-
18 tions and to pay a civil penalty in the amount
19 specified in subparagraph (B).

20 “(B) AMOUNT OF CIVIL PENALTY.—

21 “(i) SCHEDULE OF PENALTIES BASED
22 ON THE NUMBER OF UNAUTHORIZED
23 ALIENS.—For each occurrence of a viola-
24 tion of subsection (a)(1)(A) or (a)(2) with
25 respect to the alien referred to in such sub-

1 section, the civil penalty shall be the fol-
2 lowing:

3 “(I) For a violation with respect
4 to one unauthorized alien, \$5,000.

5 “(II) For a violation with respect
6 to greater than or equal to 2 such
7 aliens but less than or equal to 10
8 such aliens, \$5,000 for each such
9 alien.

10 “(III) For a violation with re-
11 spect to greater than or equal to 11
12 such aliens but less than or equal to
13 25 such aliens, \$15,000 for each such
14 alien.

15 “(IV) For a violation with re-
16 spect to greater than or equal to 26
17 such aliens but less than or equal to
18 50 such aliens, \$25,000 for each such
19 alien.

20 “(V) For a violation with respect
21 to greater than or equal to 51 such
22 aliens but less than or equal to 75
23 such aliens, \$35,000 for each such
24 alien.

1 “(VI) For a violation with re-
2 spect to greater than 75 such aliens,
3 \$50,000 for each such alien.

4 “(ii) ADDITIONAL AMOUNTS FOR
5 COSTS OF REMOVAL.—In the event of the
6 removal of an alien from the United States
7 based on findings developed in connection
8 with the assessment or collection of a pen-
9 alty under this paragraph, the costs in-
10 curred by the Federal Government, cooper-
11 ating State and local governments, and
12 State and local law enforcement agencies
13 in connection with such removal shall be
14 added to the amount of the penalty speci-
15 fied under clause (i).

16 “(C) DISTINCT, PHYSICALLY SEPARATE
17 SUBDIVISIONS.—In applying this subsection in
18 the case of a person or other entity composed
19 of distinct, physically separate subdivisions each
20 of which provides separately for the hiring, re-
21 cruiting, or referring for employment, without
22 reference to the practices of, and not under the
23 control of or common control with, another sub-
24 division, each such subdivision shall be consid-
25 ered a separate person or other entity.”.

1 (b) DENIAL OF AGRICULTURAL ASSISTANCE FOR
2 VIOLATORS.—Section 274A of such Act (8 U.S.C. 1324a)
3 is further amended by adding at the end the following new
4 subsection:

5 “(i) DENIAL OF AGRICULTURAL ASSISTANCE FOR
6 VIOLATORS.—In the case of a violation of subsection
7 (a)(1)(A) or (a)(2) by an agricultural association, agricul-
8 tural employer, or farm labor contractor (as defined in
9 section 3 of the Migrant and Seasonal Agricultural Work-
10 er Protection Act (29 U.S.C. 1802)), such association, em-
11 ployer, or contractor shall be ineligible for agricultural as-
12 sistance described in paragraphs (1), (2), and (3) of sec-
13 tion 1211(a) of the Food Security Act of 1985 (16 U.S.C.
14 3811(a)) for a period not to exceed 5 years.”.

15 (c) GOOD FAITH DEFENSE.—

16 (1) IN GENERAL.—Section 274A of the Immi-
17 gration and Nationality Act (8 U.S.C. 1324a) is fur-
18 ther amended—

19 (A) by striking subsection (a)(3); and

20 (B) by striking subsection (b)(6).

21 (2) CONFORMING AMENDMENTS.—Section
22 274A of such Act (8 U.S.C. 1324a) is further
23 amended—

1 (A) in subsection (a)(5), by striking “para-
2 graphs (1)(B) and (3)” and inserting “para-
3 graph (1)(B)”;

4 (B) in subsection (b)—

5 (i) in the matter preceding paragraph
6 (1), by striking “paragraphs (1)(B) and
7 (3)” and inserting “paragraph (1)(B)”;
8 and

9 (ii) by striking paragraph (6).

10 (d) DISCLOSURE REQUIREMENTS.—

11 (1) IN GENERAL.—The Secretary of Homeland
12 Security shall establish, maintain, and regularly up-
13 date a publicly accessible website that contains a list
14 of persons or other entities that the Secretary has
15 determined to have been in violation of subsection
16 (a)(1)(A) or (a)(2) of section 274A of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1324a) in the
18 preceding 5 years.

19 (2) CONTENTS OF WEBSITE.—Such website
20 shall contain, with respect to each such person or
21 entity, the following information:

22 (A) The name, address, and telephone
23 number of the person or entity.

1 (B) The names of the owners, chief execu-
2 tive officers, or other similar officers of the per-
3 son or entity.

4 (C) The number of unauthorized aliens (as
5 defined in section 274A(h)(3) of such Act (8
6 U.S.C. 1324a(h)(3))) found to be employed by
7 the person or entity.

8 (D) The aggregate dollar amount that the
9 person or entity has received in the preceding
10 5 years under any Federal contract.

11 (e) EFFECTIVE DATE.—The amendments made by
12 subsections (a), (b), and (c) shall take effect 30 days after
13 the date of the enactment of this Act and shall apply to
14 violations occurring on or after such effective date.

15 **SEC. 3. DEBARMENT FROM GOVERNMENT CONTRACTS FOR**
16 **EMPLOYERS OF UNAUTHORIZED ALIENS.**

17 (a) IN GENERAL.—Section 274A of the Immigration
18 and Nationality Act (8 U.S.C. 1324a), as amended by sec-
19 tion 2(b), is amended by adding at the end the following
20 new subsection:

21 “(j) GOVERNMENT CONTRACTS.—If a person or
22 other entity is determined by the Secretary of Homeland
23 Security to be a repeat violator of this section, or is subject
24 to criminal penalties under subsection (f)(1), the person
25 or other entity shall be debarred from the receipt of Fed-

1 eral contracts (and subcontracts entered into (at any tier)
2 under such contracts) for a period of 5 years.”.

3 (b) EFFECTIVE DATE.—Section 274A(j) of the Im-
4 migration and Nationality Act (8 U.S.C. 1324a(j)), as
5 added by subsection (a), shall apply with respect to con-
6 tracts and subcontracts entered into after the expiration
7 of the 90-day period beginning on the date of enactment
8 of this Act.

9 **SEC. 4. REIMBURSING STATE AND LOCAL GOVERNMENTS**
10 **FOR COSTS OF SERVING ILLEGAL ALIENS.**

11 (a) MAKING PAYMENTS TO STATES.—

12 (1) IN GENERAL.—Not later than 30 days fol-
13 lowing the end of the fiscal year, the Secretary shall
14 make a payment to each eligible State in an amount
15 equal to the amount credited as of the end of the
16 fiscal year to the account of the State within the Il-
17 legal Alien State Reimbursement Fund as described
18 in paragraph (2).

19 (2) ESTABLISHMENT AND OPERATION OF ILLE-
20 GAL ALIEN STATE REIMBURSEMENT FUND.—

21 (A) ESTABLISHMENT OF FUND.—The Sec-
22 retary shall establish a designated fund in the
23 Treasury of the United States to be known as
24 the “Illegal Alien State Reimbursement Fund”
25 (in this section referred to as the “Fund”).

1 (B) STATE ACCOUNTS.—The Secretary
2 shall create a separate account within the Fund
3 for each State that is an eligible State during
4 the fiscal year.

5 (C) ALLOCATION METHOD.—If any
6 amount is received from an employer of an un-
7 authorized alien for a violation of section
8 274A(a) of the Immigration and Nationality
9 Act (8 U.S.C. 1324a(a)) and if the violation oc-
10 curred in an eligible State, the Secretary shall
11 credit the account of that eligible State using
12 the following formula:

13 (i) If the violation occurs in a single
14 eligible State, the Secretary shall credit the
15 account of that eligible State with an
16 amount equal to 75% of the amount re-
17 ceived.

18 (ii) If the violation occurs in multiple
19 eligible States, the Secretary shall divide
20 the amount described in clause (i) by the
21 number of eligible States where the viola-
22 tion occurred and shall credit the account
23 of each eligible State with an equal share.

24 (b) REQUIREMENTS FOR USE AND REDISTRIBUTION
25 OF PAYMENTS.—

1 (1) USE OF PAYMENTS SPECIFIED.—A payment
2 received under this section shall be used solely for
3 payments to local educational agencies (as defined in
4 section 9101(26) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7801(26))), pub-
6 lic health care providers, and law enforcement agen-
7 cies for the purpose of assisting State and local gov-
8 ernments with meeting the costs associated with
9 serving aliens who are unlawfully present in the
10 United States.

11 (2) REDISTRIBUTION OF PAYMENT TO COUN-
12 TIES AND UNITS OF LOCAL GOVERNMENT.—An eligi-
13 ble State shall redistribute 66 percent of the pay-
14 ment received under this section, within 60 days of
15 receipt by the State, to appropriate counties and
16 units of local government in accordance with a sys-
17 tem that the State shall develop that provides for
18 opportunities for input from all counties and units
19 of local government in the state and that targets the
20 areas of greatest need in accordance with the pur-
21 pose described in paragraph (1), based on objective
22 criteria.

23 (c) DEFINITIONS.—For the purposes of this section,
24 the following definitions apply:

1 (1) ELIGIBLE STATE.—The term “eligible
2 State” means a State that agrees—

3 (A) to use the payment received under this
4 section for the uses specified in subsection
5 (b)(1);

6 (B) to redistribute the payment received
7 under this section to counties and units of local
8 government in accordance with subsection
9 (b)(2);

10 (C) to require that any county or unit of
11 local government to whom a payment is redis-
12 tributed shall use the payment for the uses
13 specified in subsection (b)(1); and

14 (D) to submit information and assurances
15 at such time and in such form as the Secretary
16 may require.

17 (2) STATE.—The term “State” includes each
18 State, the District of Columbia, the Commonwealth
19 of Puerto Rico, American Samoa, Guam, and the
20 United States Virgin Islands.

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of the Treasury.

1 (d) EFFECTIVE DATE.—This section shall take effect
2 at the beginning of the next fiscal year following the date
3 of enactment of this Act.

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