

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the state's contracting and purchasing authority with respect to persons who promote foreign employment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 10, Government Code, is amended by adding Chapter 2264 to read as follows:

CHAPTER 2264. PROHIBITION ON STATE CONTRACTS WITH AND PURCHASES FROM PERSONS WHO PROMOTE FOREIGN EMPLOYMENT

Sec. 2264.001. DEFINITION. In this chapter, "state agency" means a department, board, commission, or other agency in the executive, judicial, or legislative branch of state government.

Sec. 2264.002. CONTRACTING WITH OR OTHERWISE ACQUIRING GOODS OR SERVICES FROM PERSONS WHO PROMOTE FOREIGN EMPLOYMENT PROHIBITED. (a) A state agency may not accept a bid from, award a contract to, or otherwise acquire goods or services from a person who:

(1) proposes to create, as part of the contract, employment suitable for performance in the United States in a country other than the United States and, as a result, would eliminate or fail to create similar employment in the United States; or

(2) at any time during the previous two years created employment suitable for performance in the United States in a country other than the United States and, as a result, eliminated or failed to create similar employment in the United States.

(b) A contract subject to the requirements of this section must include the following statement:

" _____ (name of contractor) certifies that _____ (name of contractor) is not ineligible to receive this contract under Chapter 2264, Government Code, and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate or becomes inaccurate during the term of the contract."

(c) If a state agency determines that a person holding a contract subject to the requirements of this section was or has become ineligible to have the contract accepted or awarded under Subsection (a), the state agency may immediately terminate the contract without further obligation to the contractor.

(d) This section does not create a cause of action to contest a bid or award of a contract subject to the requirements of this section.

(e) Each state agency shall develop procedures for the administration of this section.

SECTION 2. Section 2264.002, Government Code, as added by this Act, applies only in relation to a contract for which the request for bids or proposals or other applicable expressions of interest are made public on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2005.