

No. 2006-43

AN ACT

HB 2319

Prohibiting the use of illegal immigrant labor on projects; imposing powers and duties on executive agencies of the Commonwealth; and providing for remedies.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Prohibition of Illegal Alien Labor on Assisted Projects Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Executive agency.” The Governor and the departments, boards, commissions, authorities and other officers and agencies of the Executive Branch of the Commonwealth.

“Illegal alien.” A noncitizen of the United States who is violating Federal immigration laws and is providing compensated labor within this Commonwealth.

“Project.” An activity which uses labor services, financed in whole or in part by grants or loans issued by an executive agency of the Commonwealth.

Section 3. Prohibition.

No person shall knowingly employ or knowingly permit the labor services of an illegal alien on any project. A person shall be deemed to have knowingly employed or knowingly permitted the prohibited services if he shall have active knowledge of or have reason to know that such services have been provided on the project.

Section 4. Reimbursement of Commonwealth aid.

(a) Grants.—As a condition of a grant, the executive agency shall require full repayment of the grant if section 5 applies.

(b) Loans.—As a condition of a loan, the executive agency shall require payment of penalty interest calculated as the difference between the stated interest in the loan agreement and the interest specified in section 202 of the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, if section 5 applies. The executive agency may also direct repayment of the loan.

Section 5. Violations.

(a) General rule.—Payment or repayment under section 4 is required if any of the following apply:

(1) The person that received the grant or loan is sentenced under Federal law for an offense involving knowing use of labor by an illegal alien on a project.

(2) All of the following apply:

(i) A contractor on the project is sentenced under Federal law for an offense involving knowing use of labor by an illegal alien on a project.

(ii) The person that received the grant or loan knew or had reason to know of the contractor's knowing use of labor by an illegal alien on the project.

(b) Ineligibility.—Any person who is required to pay penalty interest or repay a loan or grant under section 4 shall be ineligible to apply for any State grant or loan for a period of two years.

(c) Affirmative defense.—It shall be an affirmative defense to a violation of section 3 if the person contracts with a contractor to provide labor on a project and establishes that the person has required the contractor to certify compliance with the requirements of section 274A of the Immigration Reform and Control Act of 1986 (Public Law 99-603, 8 U.S.C. § 1324A) with respect to the hiring, recruiting or referral for employment of an alien in the United States and has notified the appropriate Federal authority, if the person knew that the contractor used labor by an illegal alien.

Section 19. Applicability.

This act shall apply to grants and loans issued on or after the effective date of this section.

Section 20. Effective date.

This act shall take effect in 60 days.

APPROVED—The 11th day of May, A.D. 2006.

EDWARD G. RENDELL