AN ACT

Amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for prohibited contracts.

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

Section 1. Title 62 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 36

PROHIBITED CONTRACTS

Sec.

3601. Short title of chapter.

3602. Declaration of purpose.

3603. Definitions.

3604. Prohibition.

3605. Certification.

3606. Penalties for false certification.

§ 3601. Short title of chapter.
This chapter shall be known and may be cited as the
Prohibited Contracts Act.

§ 3602. Declaration of purpose.
The General Assembly finds and declares as follows:
(1) Pennsylvania is privileged to engage in
international trade and commercial activities.
(2) Israel is America's dependable, democratic ally in
the Middle East, an area of paramount strategic importance to
the United States.
(3) It is in the interest of the United States and the
Commonwealth to stand with Israel and other countries by
promoting trade and commercial activities and to discourage
policies that disregard that interest.

§ 3603. Definitions.
The following words and phrases when used in this chapter
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:
"Boycott." To blacklist, divest from or otherwise refuse to
deal with a person or firm when the action is based on race,
color, religion, gender or national origin of the targeted
person or entity.
"Company." Any sole proprietorship, organization,
association, corporation, partnership, joint venture, limited
partnership, limited liability company or other entity or
business association qualified to do business in this
Commonwealth.

§ 3604. Prohibition.
Notwithstanding any other provision of law, the department
may not contract with a company to acquire or dispose of
supplies, services or construction unless the company certifies
that:

(1) the company is not currently engaged in a boycott of a person or an entity based in or doing business with a jurisdiction which the Commonwealth is not prohibited by Congressional statute from engaging in trade or commerce; and

(2) the company will not during the duration of the contract engage in a boycott of a person or an entity based in or doing business with a jurisdiction where the Commonwealth is not prohibited by Congressional statute from engaging in trade or commerce.

§ 3605. Certification.

The department shall make available a certification form indicating that a company is eligible to contract with the department under section 3604 (relating to prohibition). The company shall provide a certification form to the department prior to entering into a contract.

§ 3606. Penalties for false certification.

(a) Penalties.--A company shall pay a civil penalty in the amount of $250,000 or twice the amount of the contract, whichever is greater, if the department determines that the company provided a false certification form to the department under section 3604 (relating to prohibition).

(b) Report of false certification.--The department shall report to the Attorney General the name of the company that submitted the false certification and the pertinent information that led to the department's determination. No later than three years after the department makes a determination under subsection (a), the Attorney General shall determine whether to bring a civil action against the company to collect the penalty described in subsection (a). If a court determines the company...
submitted a false certification, the company shall pay all reasonable costs and fees incurred in the civil action. Reasonable costs shall include the reasonable costs incurred by the Commonwealth entity in investigating the authenticity of the certification. Only one civil action against the company may be brought for a false certification on a contract.

(c) No private right of action.--Nothing in this section may be construed to create or authorize a private right of action.

Section 2. This act shall take effect in 60 days.