
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2319

Session of
2005

INTRODUCED BY ALLEN, BELFANTI, ARGALL, GOODMAN, CAPPELLI,
PHILLIPS, FAIRCHILD, BAKER, BOYD, CALTAGIRONE, CRAHALLA,
DeWEESE, EACHUS, GEORGE, GOOD, HALUSKA, HERMAN, HICKERNELL,
JAMES, LEDERER, LEH, MANN, MUSTIO, PALLONE, PETRARCA, PYLE,
READSHAW, REICHLEY, SATHER, SAYLOR, SIPTROTH, STERN, SURRA,
TANGRETTI, TIGUE, WILT, YOUNGBLOOD, ZUG, DALLY, HARRIS,
SONNEY, GEIST, BUNT, B. SMITH, BALDWIN, CREIGHTON, KENNEY,
WANSACZ, E. Z. TAYLOR, SEMMEL, DENLINGER, HESS, GABIG AND
McCALL, DECEMBER 7, 2005

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 2, 2006

AN ACT

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

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

13 "Executive agency." The Governor and the departments,
14 boards, commissions, authorities and other officers and agencies

1 of the Commonwealth. The term does not include any court or <—
2 other employee or official of the United Judicial System.

3 EXECUTIVE BRANCH OF THE COMMONWEALTH. <—

4 "Illegal alien." A noncitizen of the United States who is
5 violating Federal immigration laws and is providing compensated
6 labor within this Commonwealth.

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

10 Section 3. Prohibition.

11 No person shall use or knowingly employ, or knowingly permit, <—
12 the labor services of an illegal alien on any project. A person
13 shall be deemed to have knowingly used or have permitted the use <—
14 of EMPLOYED OR KNOWINGLY PERMITTED THE prohibited services if he <—
15 shall have active knowledge of or have reason to know that such
16 services have been provided on the project.

17 Section 4. Reimbursement of Commonwealth aid.

18 ~~(1) As a condition of a grant, the executive agency~~ <—
19 ~~shall require full repayment of the grant if~~

20 (A) GRANTS.--AS A CONDITION OF A GRANT, THE EXECUTIVE AGENCY <—
21 SHALL REQUIRE FULL REPAYMENT OF THE GRANT IF section 5 applies.

22 ~~(2) As a condition of a loan, the executive agency shall~~ <—
23 ~~require payment of the difference between the~~

24 (B) LOANS.--AS A CONDITION OF A LOAN, THE EXECUTIVE AGENCY <—
25 SHALL REQUIRE PAYMENT OF PENALTY INTEREST CALCULATED AS THE <—
26 DIFFERENCE BETWEEN THE stated interest IN THE LOAN AGREEMENT AND <—
27 THE INTEREST specified in section 202 of the act of January 30,
28 1974 (P.L.13, No.6), referred to as the Loan Interest and
29 Protection Law, if section 5 applies. THE EXECUTIVE AGENCY MAY <—
30 ALSO DIRECT REPAYMENT OF THE LOAN.

1 Section 5. Violations.

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

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

7 (2) All of the following apply:

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

11 (ii) The person that received the grant ~~knows or has~~ <—
12 KNEW OR HAD reason to know of the contractor's knowing <—
13 use of labor by an illegal alien on the project.

14 (b) Ineligibility.--Any person who is required to pay
15 PENALTY INTEREST or repay a loan or grant under section 4 shall <—
16 be ineligible to apply for any State grant or loan for a period
17 of two years.

18 (C) AFFIRMATIVE DEFENSES.--IT SHALL BE AN AFFIRMATIVE <—
19 DEFENSE TO A VIOLATION OF ~~SUBSECTION (A)(1) IF:~~ <—

20 ~~(1) THE PERSON ESTABLISHES THAT THE PERSON HAS COMPLIED~~
21 ~~WITH THE REQUIREMENTS OF SECTION 274A OF THE IMMIGRATION~~
22 ~~REFORM AND CONTROL ACT OF 1986 (PUBLIC LAW 99-603, 8 U.S.C. §~~
23 ~~1324A) WITH RESPECT TO THE HIRING, RECRUITING OR REFERRAL FOR~~
24 ~~EMPLOYMENT OF AN ALIEN IN THE UNITED STATES.~~

25 ~~(2) THE SECTION 3 IF THE PERSON CONTRACTS WITH A~~ <—
26 ~~CONTRACTOR TO PROVIDE LABOR ON A PROJECT AND ESTABLISHES THAT~~
27 ~~THE PERSON HAS COMPLIED WITH SUBSECTION (A)(2) BY REQUIRING~~ <—
28 ~~REQUIRED THE CONTRACTOR TO CERTIFY COMPLIANCE WITH THE~~ <—
29 ~~REQUIREMENTS OF SECTION 274A OF THE IMMIGRATION REFORM AND~~
30 ~~CONTROL ACT OF 1986 WITH RESPECT TO THE HIRING, RECRUITING OR~~

1 REFERRAL FOR EMPLOYMENT OF AN ALIEN IN THE UNITED STATES, AND
2 HAS NOTIFIED THE APPROPRIATE FEDERAL AUTHORITY, IF THE PERSON
3 KNEW THAT THE CONTRACTOR USED LABOR BY AN ILLEGAL ALIEN.

4 Section 19. Applicability.

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

7 Section 20. Effective date.

8 This act shall take effect in 60 days.