

PROHIBITION OF ILLEGAL ALIEN LABOR ON ASSISTED PROJECTS ACT
Act of May 11, 2006, P.L. 173, No. 43
AN ACT

CL. 43

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.