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 AFFILIATION OR 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.