

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, HOUSE OF REPRESENTATIVES, FEBRUARY 13, 2006

AN ACT

1 Prohibiting the use of illegal immigrant labor on economic <—  
2 development projects; imposing powers and duties on the <—  
3 Department of Community and Economic Development EXECUTIVE <—  
4 AGENCIES OF THE COMMONWEALTH; and providing for remedies.

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

7 Section 1. Short title.

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

10 Section 2. Definitions.

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

14 "~~Department.~~" ~~The Department of Community and Economic <—~~  
15 ~~Development of the Commonwealth.~~

1 ~~"Illegal alien." An individual who is in the United States~~  
2 ~~and is not in compliance with Federal law on immigration.~~

3 ~~"Project." Work for which the Commonwealth provides a grant~~  
4 ~~or a loan.~~

5 "EXECUTIVE AGENCY." THE GOVERNOR AND THE DEPARTMENTS, <—  
6 BOARDS, COMMISSIONS, AUTHORITIES AND OTHER OFFICERS AND AGENCIES  
7 OF THE COMMONWEALTH. THE TERM DOES NOT INCLUDE ANY COURT OR  
8 OTHER EMPLOYEE OR OFFICIAL OF THE UNITED JUDICIAL SYSTEM.

9 "ILLEGAL ALIEN." A NONCITIZEN OF THE UNITED STATES WHO IS  
10 VIOLATING FEDERAL IMMIGRATION LAWS AND IS PROVIDING COMPENSATED  
11 LABOR WITHIN THIS COMMONWEALTH.

12 "PROJECT." AN ACTIVITY WHICH USES LABOR SERVICES, FINANCED  
13 IN WHOLE OR IN PART BY GRANTS OR LOANS ISSUED BY AN EXECUTIVE  
14 AGENCY OF THE COMMONWEALTH.

15 Section 3. Prohibition.

16 ~~A person may not use or knowingly permit the use of labor by~~ <—  
17 ~~an illegal alien on a project.~~

18 NO PERSON SHALL USE OR KNOWINGLY EMPLOY, OR KNOWINGLY PERMIT, <—  
19 THE LABOR SERVICES OF AN ILLEGAL ALIEN ON ANY PROJECT. A PERSON  
20 SHALL BE DEEMED TO HAVE KNOWINGLY USED OR HAVE PERMITTED THE USE  
21 OF PROHIBITED SERVICES IF HE SHALL HAVE ACTIVE KNOWLEDGE OF OR  
22 HAVE REASON TO KNOW THAT SUCH SERVICES HAVE BEEN PROVIDED ON THE  
23 PROJECT.

24 Section 4. Reimbursement of Commonwealth aid.

25 ~~(a) Contractual requirement.~~ <—

26 (1) As a condition of a grant, the ~~department~~ EXECUTIVE <—  
27 AGENCY shall require full repayment of the grant if  
28 ~~subsection (b)~~ SECTION 5 applies. <—

29 (2) As a condition of a loan, the ~~department~~ EXECUTIVE <—  
30 AGENCY shall require payment of the difference between the

1 stated interest rate of the loan and the rate of interest  
2 specified in section 202 of the act of January 30, 1974  
3 (P.L.13, No.6), referred to as the Loan Interest and  
4 Protection Law, if ~~subsection (b)~~ SECTION 5 applies. <—

5 ~~(b) Violations. Payment or repayment under subsection (a)~~ <—  
6 SECTION 5. VIOLATIONS. <—

7 (A) GENERAL RULE.--PAYMENT OR REPAYMENT UNDER SECTION 4 is  
8 required if any of the following apply:

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

12 (2) All of the following apply:

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

16 (ii) The person that received the grant knows or has  
17 reason to know of the contractor's knowing use of labor  
18 by an illegal alien on the project.

19 (B) INELIGIBILITY.--ANY PERSON WHO IS REQUIRED TO PAY OR <—  
20 REPAY A LOAN OR GRANT UNDER SECTION 4 SHALL BE INELIGIBLE TO  
21 APPLY FOR ANY STATE GRANT OR LOAN FOR A PERIOD OF TWO YEARS.

22 Section 19. Applicability.

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

25 Section 20. Effective date.

26 This act shall take effect in 60 days.