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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2319

Session of  
2005

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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

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SENATOR SCARNATI, LABOR AND INDUSTRY, IN SENATE, RE-REPORTED AS  
AMENDED, MAY 1, 2006

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

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

9 Section 3. Prohibition.

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

16 Section 4. Reimbursement of Commonwealth aid.

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

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

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

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

28 Section 5. Violations.

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

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

4 (2) All of the following apply:

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

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

11 (b) Ineligibility.--Any person who is required to pay or  
12 repay a loan or grant under section 4 shall be ineligible to  
13 apply for any State grant or loan for a period of two years.

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

16 (1) THE PERSON ESTABLISHES THAT THE PERSON HAS COMPLIED  
17 WITH THE REQUIREMENTS OF SECTION 274A OF THE IMMIGRATION  
18 REFORM AND CONTROL ACT OF 1986 (PUBLIC LAW 99-603, 8 U.S.C. §  
19 1324A) WITH RESPECT TO THE HIRING, RECRUITING OR REFERRAL FOR  
20 EMPLOYMENT OF AN ALIEN IN THE UNITED STATES.

21 (2) THE PERSON CONTRACTS WITH A CONTRACTOR TO PROVIDE  
22 LABOR ON A PROJECT AND ESTABLISHES THAT THE PERSON HAS  
23 COMPLIED WITH SUBSECTION (A)(2) BY REQUIRING THE CONTRACTOR  
24 TO CERTIFY COMPLIANCE WITH THE REQUIREMENTS OF SECTION 274A  
25 OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986 WITH  
26 RESPECT TO THE HIRING, RECRUITING OR REFERRAL FOR EMPLOYMENT  
27 OF AN ALIEN IN THE UNITED STATES, AND HAS NOTIFIED THE  
28 APPROPRIATE FEDERAL AUTHORITY, IF THE PERSON KNEW THAT THE  
29 CONTRACTOR USED LABOR BY AN ILLEGAL ALIEN.

30 Section 19. Applicability.

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

3 Section 20.   Effective date.

4       This act shall take effect in 60 days.