

ASSEMBLY, No. 2002

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1996

By Assemblymen ROMA and O'TOOLE

1 AN ACT providing for the debarment of employers against whom
2 federal sanctions have been imposed for employment of
3 unauthorized aliens from entering into certain public contracts and
4 supplementing various parts of the statutory law.

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6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

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9 1. An employer who has not complied with sections 247A(a)(1)(A)
10 and 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C.
11 §§1324a(a)(1)(A) and 1324a(a)(2)), prohibiting the unlawful
12 employment of aliens unauthorized to work, and against whom
13 employer sanctions have been imposed pursuant to sections
14 274A(e)(4) and 274A(f)(1) (8 U.S.C. §§1324a(e)(4) and 1324a(f)(1)),
15 shall not be eligible for any contract for the performance of any work
16 or the furnishing of goods or services with a board of education for a
17 period of three years from the date effective of imposition of the
18 federal civil or criminal penalty. If the Attorney General determines
19 that the federal sanctions have been imposed on the employer, the
20 name of the employer, and any business in which the employer has an
21 interest, shall be placed on a list which shall be made available to the
22 public and provided by the State Treasurer to any board of education
23 upon request. No board of education shall purchase goods or services,
24 or enter into any contract for the performance of any work or the
25 furnishing of goods or services with an employer, without first
26 ascertaining that the employer is not on the most current list made
27 available by the State Treasurer pursuant to this section.

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29 2. An employer who has not complied with sections 247A(a)(1)(A)
30 and 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C.
31 §§1324a(a)(1)(A) and 1324a(a)(2)), prohibiting the unlawful
32 employment of aliens unauthorized to work, and against whom
33 employer sanctions have been imposed pursuant to sections
34 274A(e)(4) and 274A(f)(1) (8 U.S.C. §§1324a(e)(4) and 1324a(f)(1)),
35 shall not be eligible for any contract for the performance of any work
36 or the furnishing of goods or services with a State college for a period
37 of three years from the effective date of imposition of the federal civil

1 or criminal penalty. If the Attorney General determines that the
2 federal sanctions have been imposed on the employer, the name of the
3 employer, and any business in which the employer has an interest, shall
4 be placed on a list which shall be made available to the public and
5 provided by the State Treasurer to any State college upon request. No
6 State college shall purchase goods or services, or enter into any
7 contract for the performance of any work or the furnishing of goods
8 or services with an employer, without first ascertaining that the
9 employer is not on the most current list made available by the State
10 Treasurer pursuant to this section.

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12 3. An employer who has not complied with sections 247A(a)(1)(A)
13 and 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C.
14 §§1324a(a)(1)(A) and 1324a(a)(2)), prohibiting the unlawful
15 employment of aliens unauthorized to work, and against whom
16 employer sanctions have been imposed pursuant to sections
17 274A(e)(4) and 274A(f)(1) (8 U.S.C. §§1324a(e)(4) and 1324a(f)(1)),
18 shall not be eligible for any contract for the performance of any work
19 or the furnishing of goods or services with a county college for a
20 period of three years from the effective date of imposition of the
21 federal civil or criminal penalty. If the Attorney General determines
22 that the federal sanctions have been imposed on the employer, the
23 name of the employer, and any business in which the employer has an
24 interest, shall be placed on a list which shall be made available to the
25 public and provided by the State Treasurer to any county college upon
26 request. No county college shall purchase goods or services, or enter
27 into any contract for the performance of any work or the furnishing of
28 goods or services with an employer, without first ascertaining that the
29 employer is not on the most current list made available by the State
30 Treasurer pursuant to this section.

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32 4. An employer who has not complied with sections 247A(a)(1)(A)
33 and 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C.
34 §§1324a(a)(1)(A) and 1324a(a)(2)), prohibiting the unlawful
35 employment of aliens unauthorized to work, and against whom
36 employer sanctions have been imposed pursuant to sections
37 274A(e)(4) and 274A(f)(1) (8 U.S.C. §§1324a(e)(4) and 1324a(f)(1)),
38 shall not be eligible for any contract for the performance of any work
39 or the furnishing of goods or services with a contracting unit for a
40 period of three years from the effective date of imposition of the
41 federal civil or criminal penalty. If the Attorney General determines
42 that the federal sanctions have been imposed on the employer, the
43 name of the employer, and any business in which the employer has an
44 interest, shall be placed on a list which shall be made available to the
45 public and provided by the State Treasurer to any contracting unit
46 upon request. No contracting unit shall purchase goods or services,

1 or enter into any contract for the performance of any work or the
2 furnishing of goods or services with an employer, without first
3 ascertaining that the employer is not on the most current list made
4 available by the State Treasurer pursuant to this section.

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6 5. An employer who has not complied with sections 247A(a)(1)(A)
7 and 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C.
8 §§1324a(a)(1)(A) and 1324a(a)(2)), prohibiting the unlawful
9 employment of aliens unauthorized to work, and against whom
10 employer sanctions have been imposed pursuant to sections
11 274A(e)(4) and 274A(f)(1) (8 U.S.C. §§1324a(e)(4) and 1324a(f)(1)),
12 shall not be eligible for any contract for the purchase of goods or
13 services, or for the construction of any public work, the cost of which
14 is to be paid, in whole or in part, out of State funds for a period of
15 three years from the effective date of imposition of the federal civil or
16 criminal penalty. If the Attorney General determines that the federal
17 sanctions have been imposed on the employer, the name of the
18 employer, and any business in which the employer has an interest, shall
19 be placed on a list which shall be made available to the public and
20 provided by the State Treasurer to any public body upon request. No
21 public body shall enter into any contract with an employer for the
22 purchase of goods or services, or for the construction of any public
23 work, the cost of which is to be paid, in whole or in part, out of State
24 funds, without first ascertaining that the employer is not on the most
25 current list made available by the State Treasurer pursuant to this
26 section.

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28 6. This act shall take effect immediately and shall apply to
29 purchases, contracts and agreements entered into on or after the 90th
30 day following the effective date of this act.

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33 **STATEMENT**

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35 This bill provides that any employer who has not complied with the
36 sections of the Immigration and Nationality Act that prohibit the
37 unlawful employment of aliens unauthorized to work and against
38 whom federal sanctions have been imposed shall not be eligible to
39 enter in contracts for the performance of any work or the furnishing
40 of goods or services to the State, a State college, a county college, a
41 local government or a school district for a period of three years from
42 the effective date of imposition of the federal sanctions.

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3 Bars from public contracts for three years employers who are subject
4 to federal sanctions for employment of unauthorized aliens.