

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 490 Session of 2015

INTRODUCED BY COHEN, V. BROWN, CORBIN, D. COSTA, DeLUCA,  
DIAMOND, FARINA, GODSHALL, HARHAI, MAHONEY, McNEILL, MURT,  
READSHAW, ROZZI, STAATS, TALLMAN, THOMAS AND WATSON,  
FEBRUARY 17, 2015

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 17, 2015

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for flag procurement and  
6 American-made product preference.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 528. Flag Procurement and American-made Product  
13 Preference.--(a) A board of school directors and any school  
14 under its jurisdiction shall procure only flags that are  
15 manufactured in the United States. A flag is manufactured in the  
16 United States if the fabric, cloth or paper is woven, dyed,  
17 printed or otherwise embedded into the final product in the  
18 United States. Contract documents for the procurement of flags  
19 shall contain a provision that the flags procured by the school

1 district shall be manufactured in the United States.

2 (b) When purchasing any products, a board of school  
3 directors and any school under its jurisdiction shall give  
4 preference to American-made products when they are similarly  
5 priced and of similar value and similar usefulness.

6 (c) A board of school directors and any school under its  
7 jurisdiction may not authorize, provide for or make a payment to  
8 a person under a contract containing the provisions required by  
9 subsection (a) or (b) unless the board of school directors or  
10 any school under its jurisdiction is satisfied that the person  
11 has complied with the provisions. If a board of school directors  
12 or any school under its jurisdiction determines that a person  
13 who supplied flags to the school district violated subsection  
14 (a) or (b), the school district may recover from the person the  
15 payment made by the school district for the flags.

16 (d) A person who willfully violates the provisions of this  
17 section may be prohibited by the school district from  
18 participation in contracts awarded by the school district for a  
19 period of five years from the date of the determination that a  
20 violation has occurred. This penalty may be in addition to the  
21 withholding or recovery of payments under subsection (c).

22 (e) As used in this section, the following words and phrases  
23 shall have the meanings given to them in this subsection unless  
24 the context clearly indicates otherwise:

25 "Flag" shall mean any of the following:

26 (1) The flag of the United States, as defined in 4 U.S.C. §  
27 1 (relating to flag; stripes and stars on) and the executive  
28 orders entered in connection with that section, made of fabric,  
29 cloth or paper displayed from a staff or flagpole or in a  
30 window. The term does not include a depiction or emblem of the

1 United States flag made of lights, paint, roofing, siding,  
2 paving materials, flora or balloons or any other similar  
3 building, landscaping or decorative component.

4 (2) The flag of the Commonwealth, as described in section 1  
5 of the act of June 13, 1907 (P.L.560, No.373), entitled "An act  
6 designating the official flag of the Commonwealth of  
7 Pennsylvania, and describing the same; providing for the  
8 carrying of such flag by the regiments of the National Guard of  
9 Pennsylvania; authorizing the Secretary of the Commonwealth to  
10 provide, and have deposited in the office of Secretary of the  
11 Commonwealth, a model of said flag, and making an appropriation  
12 therefor."

13 "United States" shall mean the United States of America and  
14 all territory, continental or insular, subject to the  
15 jurisdiction of the United States.

16 Section 2. The addition of section 528 of the act shall  
17 apply to the procurement of flags or contracts for the  
18 procurement of flags or other products under section 528 of the  
19 act entered into on or after the effective date of this act.

20 Section 3. This act shall take effect in 60 days.