

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 638

Session of
1985

INTRODUCED BY TRELLO, JAROLIN, FEE, TIGUE, BLAUM, STEIGHNER,
LUCYK, BELARDI, DALEY, VROON, PERZEL, HERMAN, PETRONE,
SEVENTY, DeLUCA, PISTELLA, MAIALE, HOWLETT, LAUGHLIN,
MRKONIC, RYBAK, MICHLOVIC, HALUSKA, PETRARCA, COLAFELLA,
E. Z. TAYLOR, GANNON, KOSINSKI, MORRIS, PRESTON, DAWIDA,
STABACK AND FISCHER, MARCH 25, 1985

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, MARCH 25, 1985

AN ACT

1 Requiring certain public agencies in the Commonwealth to
2 purchase products which are manufactured or assembled in the
3 United States; and imposing a penalty.

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 Buy American
8 Products Act.

9 Section 2. Declaration of policy.

10 (a) Legislative finding.--It is determined by the General
11 Assembly and declared to be its legislative finding that:

12 (1) American industry provides employment and income for
13 millions of persons in the United States and, in turn,
14 thousands of the people of this Commonwealth.

15 (2) The taxes paid to the Commonwealth and its political
16 subdivisions by employers and employees engaged in the

1 production of American products is one of the largest single
2 sources of public revenues in this Commonwealth.

3 (3) It has, for many years, been the policy of the
4 Commonwealth to aid and support the development and expansion
5 of industry here to foster the economic well-being of the
6 Commonwealth and its people.

7 (4) The economy and general welfare of the Commonwealth
8 and its citizens, as well as the economy, general welfare and
9 national security of the United States, are inseparably
10 related in the preservation and development of industry in
11 Pennsylvania and in other states of the United States.

12 (b) General Assembly declaration.--The General Assembly
13 declares it to be the policy of the Commonwealth that public
14 officers and agencies should aid and promote the development of
15 American products and industry in the United States to stimulate
16 and improve the economic well-being of the Commonwealth and its
17 citizens.

18 Section 3. Definitions.

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

22 "American products" or "products." Anything produced by
23 human or mechanical effort were at least 50% of the cost of its
24 material or component parts were produced, manufactured or
25 assembled in the United States.

26 "Person." Natural persons, as well as corporations,
27 partnerships, business units and associations.

28 "Public agency."

29 (1) The Commonwealth and its departments, boards,
30 commission and agencies.

1 (2) Counties, cities, boroughs, townships, school
2 districts and any other governmental unit or district.

3 (3) The State Public School Building Authority and any
4 other authority now in existence or hereafter created or
5 organized by the Commonwealth.

6 (4) The municipal or school or other authorities now in
7 existence or hereafter created or organized by any county,
8 city, borough, township or school district or combination
9 thereof.

10 (5) All other public bodies, authorities, offices,
11 agencies and instrumentalities exercising a governmental or
12 proprietary function.

13 "United States." The United States of America. It includes
14 all territory, continental or insular, subject to the
15 jurisdiction of the United States.

16 Section 4. Police power.

17 This act shall be deemed to be an exercise of the police
18 power of the Commonwealth for the protection of the health,
19 safety and general welfare of its citizens.

20 Section 5. Contract provision.

21 (a) General rule.--A public agency shall purchase, lease or
22 rent only products which are manufactured or assembled in the
23 United States.

24 (b) Exception.--This section shall not apply where the head
25 of the public agency shall state in writing that it is
26 inconsistent with the public interest or that the cost is
27 unreasonable.

28 (c) Exclusions.--Any products covered under the act of March
29 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement
30 Act, or the act of April 4, 1984 (P.L.193, No.40), known as the

1 Motor Vehicle Procurement Act, shall be excluded from the
2 provisions of this act.

3 Section 6. Payments under contract; action to recover
4 unauthorized payments.

5 A public agency shall not authorize, provide for or make a
6 payment for \$12,000 or more to a person under a contract
7 containing the provision required by section 5 unless the public
8 agency is satisfied that the person has complied with the
9 provision. The payment made to a person by a public agency which
10 should not have been made shall be recoverable, directly from
11 the supplier of the product who did not comply with section 5,
12 by the public agency or the Attorney General by appropriate
13 legal action. Nothing herein shall authorize any Commonwealth
14 public agency to initiate a legal action independently of the
15 Attorney General unless otherwise authorized under the act of
16 October 15, 1980 (P.L.950, No.164), known as the Commonwealth
17 Attorneys Act.

18 Section 7. Penalty.

19 A person who violates this act commits a misdemeanor of the
20 second degree.

21 Section 8. Liberal construction.

22 This act is intended as remedial legislation designed to
23 promote the general welfare and stimulate the economy of the
24 Commonwealth and its people. Each provision shall receive a
25 liberal construction to effectuate that intention. None of the
26 provisions of this act shall receive a strict or limited
27 construction.

28 Section 9. Effective date.

29 This act shall take effect in 60 days.