
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 743 Session of
2015

INTRODUCED BY JOZWIAK, GILLEN, READSHAW, KAUFFMAN, KILLION,
MARSHALL, SACCONI, WARD, DIAMOND, CORBIN, CALTAGIRONE,
BARRAR, DAVIS, MACKENZIE, HEFFLEY, McNEILL, CAUSER, ROZZI,
ZIMMERMAN, WATSON, MILLARD, KNOWLES, MURT, HAHN, MOUL,
TALLMAN, COHEN, DeLUCA, SAYLOR, D. COSTA, MAJOR, CUTLER,
OBERLANDER AND COX, MARCH 9, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 9, 2015

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated
2 Statutes, in contract clauses and preference provisions,
3 requiring Commonwealth agencies to procure flags that are
4 manufactured in the United States and to give preference to
5 American-made products; and imposing a penalty.

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

8 Section 1. Chapter 37 of Title 62 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subchapter to read:

10 SUBCHAPTER F

11 FLAG PROCUREMENT AND

12 AMERICAN-MADE PRODUCT PREFERENCE

13 Sec.

14 3761. Short title of subchapter.

15 3762. Legislative findings and declaration.

16 3763. Definitions.

17 3764. Contract provisions.

1 3765. Payment under contract and recovery of payments.

2 3766. Penalty.

3 § 3761. Short title of subchapter.

4 This subchapter shall be known and may be cited as the Flag
5 Procurement and American-made Product Preference Act.

6 § 3762. Legislative findings and declaration.

7 (a) Findings.--It is hereby determined by the General
8 Assembly that:

9 (1) The production of flags and other American-made
10 products provide jobs and family incomes for residents of
11 this Commonwealth.

12 (2) It has, for many years, been the policy of the
13 Commonwealth to aid and support the development and expansion
14 of industry in this Commonwealth in order to foster the
15 economic well-being of the Commonwealth and its people.

16 (3) The economy and general welfare of the Commonwealth
17 and its people, as well as the economy and general welfare of
18 the United States, are related to the preservation and
19 development of industry in this Commonwealth and in the other
20 states of the United States.

21 (b) Declaration.--The General Assembly declares that the
22 Commonwealth and all government agencies should, at all times,
23 aid and promote the development of the flag industry of the
24 United States in order to stimulate and improve the economic
25 well-being of the Commonwealth and its people and give
26 preference to American-made products when they are similarly
27 priced and of similar value and similar usefulness.

28 § 3763. Definitions.

29 The following words and phrases when used in this subchapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Flag." Any of the following:

3 (1) The flag of the United States, as defined in 4
4 U.S.C. § 1 (relating to flag; stripes and stars on) and the
5 executive orders entered in connection with that section,
6 made of fabric, cloth or paper displayed from a staff or
7 flagpole or in a window. The term does not include a
8 depiction or emblem of the United States flag made of lights,
9 paint, roofing, siding, paving materials, flora or balloons
10 or any other similar building, landscaping or decorative
11 component.

12 (2) The flag of the Commonwealth, as described in
13 section 1 of the act of June 13, 1907 (P.L.560, No.373),
14 entitled "An act designating the official flag of the
15 Commonwealth of Pennsylvania, and describing the same;
16 providing for the carrying of such flag by the regiments of
17 the National Guard of Pennsylvania; authorizing the Secretary
18 of the Commonwealth to provide, and have deposited in the
19 office of Secretary of the Commonwealth, a model of said
20 flag, and making an appropriation therefor."

21 "United States." The United States of America and all
22 territory, continental or insular, subject to the jurisdiction
23 of the United States.

24 § 3764. Contract provisions.

25 (a) Flags.--All Commonwealth agencies and the General
26 Assembly, its officers and agencies shall procure only flags
27 that are manufactured in the United States. A flag is
28 manufactured in the United States if the fabric, cloth or paper
29 is woven, dyed, printed or otherwise embedded into the final
30 product in the United States. Contract documents for the

1 procurement of flags shall contain a provision that the flags
2 procured by the Commonwealth agency shall be manufactured in the
3 United States.

4 (b) Other products.--All Commonwealth agencies and the
5 General Assembly, its officers and agencies shall give
6 preference to American-made products when they are similarly
7 priced and of similar value and similar usefulness.

8 § 3765. Payment under contract and recovery of payments.

9 A Commonwealth agency or the General Assembly, its officers
10 and agencies may not authorize, provide for or make a payment to
11 a person under a contract containing the provisions required by
12 section 3764 (relating to contract provisions) unless the
13 Commonwealth agency or the General Assembly, its officers and
14 agencies is satisfied that the person has complied with the
15 provisions. If a Commonwealth agency or the General Assembly,
16 its officers and agencies determines that a person who supplied
17 flags to the agency violated section 3764, the agency may
18 recover from the person a payment made by the Commonwealth
19 agency or the General Assembly, its officers and agencies for
20 the flags.

21 § 3766. Penalty.

22 A person who willfully violates the provisions of this
23 subchapter may be prohibited by the Commonwealth agency or the
24 General Assembly, its officers and agencies from participation
25 in contracts awarded by the Commonwealth agency or the General
26 Assembly, its officers and agencies for a period of five years
27 from the date of the determination that a violation has
28 occurred. This penalty may be in addition to the withholding or
29 recovery of payments under section 3765 (relating to payment
30 under contract and recovery of payments).

1 Section 2. This act shall apply to the procurement of flags
2 or contracts for the procurement of flags or other products
3 under 62 Pa.C.S. § 3765 entered into on or after the effective
4 date of this section.

5 Section 3. All acts and parts of acts are repealed insofar
6 as they are inconsistent with this act.

7 Section 4. This act shall take effect in 60 days.