

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2033 Session of 2014

INTRODUCED BY COHEN, BROWNLEE, CALTAGIRONE, CLYMER, DeLUCA, GILLEN, GINGRICH, KIRKLAND, KORTZ, MAHONEY, MULLERY, MURT, NEILSON, QUINN, READSHAW, SACCONI, STEVENSON, THOMAS AND WATSON, FEBRUARY 19, 2014

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 19, 2014

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," requiring school districts to procure
6 only flags that are manufactured in the United States and
7 give preference to American-made products; and imposing a
8 penalty.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

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

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

1 shall contain a provision that the flags procured by the school
2 district shall be manufactured in the United States.

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

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

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

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

26 "Flag" shall mean any of the following:

27 (1) The flag of the United States, as defined in 4 U.S.C. §
28 1 (relating to flag; stripes and stars on) and the executive
29 orders entered in connection with that section, made of fabric,
30 cloth or paper displayed from a staff or flagpole or in a

1 window. The term does not include a depiction or emblem of the
2 United States flag made of lights, paint, roofing, siding,
3 paving materials, flora or balloons or any other similar
4 building, landscaping or decorative component.

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

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

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

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