
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 219 Session of
2017

INTRODUCED BY JOZWIAK, KNOWLES, CORBIN, MURT, COX, HAHN, RYAN,
DRISCOLL, MACKENZIE, BOBACK, WHEELAND, BARRAR, KAUFFMAN,
WARD, PICKETT, PEIFER, MARSHALL, STAATS, DAY, MENTZER,
CUTLER, D. COSTA, WATSON, McNEILL, DIAMOND, MILLARD,
A. HARRIS, MILNE, CALTAGIRONE AND DeLUCA, JANUARY 25, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 25, 2017

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.

18 3765. Payment under contract and recovery of payments.

1 3766. Penalty.

2 § 3761. Short title of subchapter.

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

5 § 3762. Legislative findings and declaration.

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

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

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

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

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

27 § 3763. Definitions.

28 The following words and phrases when used in this subchapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Flag." Any of the following:

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

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

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

23 § 3764. Contract provisions.

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

1 procured by the Commonwealth agency shall be manufactured in the
2 United States.

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

7 § 3765. Payment under contract and recovery of payments.

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

20 § 3766. Penalty.

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

30 Section 2. This act shall apply to the procurement of flags

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

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

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