

**Suspend the Rules and Pass the Bill H.R. 2039 With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2039

To clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing an official Congressional insignia, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2009

Ms. KAPTUR (for herself and Mr. HARE) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing an official Congressional insignia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congressional Made  
3 in America Promise Act of 2010”.

4 **SEC. 2. APPLICABILITY OF BUY AMERICAN ACT TO LEGIS-**  
5 **LATIVE BRANCH; NO EXCEPTIONS FOR PROD-**  
6 **UCTS BEARING OFFICIAL CONGRESSIONAL**  
7 **INSIGNIA.**

8 (a) IN GENERAL.—Section 2 of the Buy American  
9 Act (41 U.S.C. 10a) is amended—

10 (1) by redesignating subsection (b) as sub-  
11 section (c); and

12 (2) by inserting after subsection (a) the fol-  
13 lowing new subsection:

14 “(b) CLARIFICATION OF APPLICABILITY TO ARTI-  
15 CLES, MATERIALS, AND SUPPLIES FOR USE OF LEGISLA-  
16 TIVE BRANCH.—

17 “(1) APPLICABILITY TO LEGISLATIVE  
18 BRANCH.—Except as provided in paragraph (2),  
19 subsection (a) applies with respect to articles, mate-  
20 rials, and supplies acquired for the use of any office  
21 in the legislative branch, including the House of  
22 Representatives and the Senate, in the same manner  
23 as such subsection applies with respect to articles,  
24 materials, and supplies acquired for the use of a de-  
25 partment or independent establishment.

1           “(2) SPECIAL RULE FOR PRODUCTS BEARING  
2           OFFICIAL CONGRESSIONAL INSIGNIA.—In the case of  
3           any product which bears an official insignia (includ-  
4           ing a mark resembling an official seal) of the United  
5           States House of Representatives, the United States  
6           Senate, or the United States Congress and which is  
7           acquired for the use of an office of the legislative  
8           branch, the following shall apply:

9                   “(A) The head of the office may not make  
10                  a determination under subsection (a) that it is  
11                  inconsistent with the public interest to enter  
12                  into a contract in accordance with this Act.

13                  “(B) The head of the office may not make  
14                  a determination under subsection (a) that an  
15                  article, material, or supply is not mined, pro-  
16                  duced, or manufactured, as the case may be, in  
17                  the United States in sufficient and reasonably  
18                  available commercial quantities and of satisfac-  
19                  tory quality.

20                  “(C) The last sentence of subsection (a)  
21                  shall not apply.”.

22           (b) CONFORMING AMENDMENT.—Section 69 of the  
23           Revised Statutes of the United States (2 U.S.C. 109) is  
24           repealed.

1 **SEC. 3. EFFECTIVE DATE.**

2       The amendments made by this Act shall take effect  
3 upon the expiration of the 180-day period which begins  
4 on the date of the enactment of this Act.