

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

# H. R. 2039

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2010

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

12           (1) by redesignating subsection (b) as sub-  
13 section (c); and

14           (2) by inserting after subsection (a) the fol-  
15 lowing new subsection:

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

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

1 materials, and supplies acquired for the use of a de-  
2 partment or independent establishment.

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

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

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

22 “(C) The last sentence of subsection (a)  
23 shall not apply.”

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

4 **SEC. 3. EFFECTIVE DATE.**

5 The amendments made by this Act shall take effect  
6 upon the expiration of the 180-day period which begins  
7 on the date of the enactment of this Act.

Passed the House of Representatives September 15,  
2010.

Attest: LORRAINE C. MILLER,  
*Clerk.*