

115TH CONGRESS
2^D SESSION

H. R. 3121

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2018

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

AN ACT

To require the purchase of domestically made flags of the
United States of America for use by the Federal Government.

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 “All-American Flag
3 Act”.

4 **SEC. 2. REQUIREMENT FOR AGENCIES TO BUY DOMESTI-**
5 **CALLY MADE UNITED STATES FLAGS.**

6 (a) REQUIREMENT FOR AGENCIES TO BUY DOMESTI-
7 CALLY MADE UNITED STATES FLAGS.—

8 (1) IN GENERAL.—Chapter 63 of title 41,
9 United States Code, is amended by adding at the
10 end the following new section:

11 **“§ 6310. Requirement for agencies to buy domesti-**
12 **cally made United States flags**

13 “(a) REQUIREMENT.—Except as provided in sub-
14 sections (b) through (d), funds appropriated or otherwise
15 available to an agency may not be used for the procure-
16 ment of any flag of the United States, unless such flag
17 has been 100 percent manufactured in the United States
18 from articles, materials, or supplies that have been grown
19 or 100 percent produced or manufactured in the United
20 States.

21 “(b) AVAILABILITY EXCEPTION.—Subsection (a)
22 does not apply to the extent that the head of the agency
23 concerned determines that satisfactory quality and suffi-
24 cient quantity of a flag described in such subsection can-
25 not be procured as and when needed at United States
26 market prices.

1 “(c) EXCEPTION FOR CERTAIN PROCUREMENTS.—

2 Subsection (a) does not apply to the following:

3 “(1) Procurements by vessels in foreign waters.

4 “(2) Procurements for resale purposes in any
5 military commissary, military exchange, or non-
6 appropriated fund instrumentality operated by an
7 agency.

8 “(3) Procurements for amounts less than the
9 simplified acquisition threshold.

10 “(d) PRESIDENTIAL WAIVER.—

11 “(1) IN GENERAL.—The President may waive
12 the requirement in subsection (a) if the President
13 determines a waiver is necessary to comply with any
14 trade agreement to which the United States is a
15 party.

16 “(2) NOTICE OF WAIVER.—Not later than 30
17 days after granting a waiver under paragraph (1),
18 the President shall publish a notice of the waiver in
19 the Federal Register.

20 “(e) DEFINITIONS.—In this section:

21 “(1) AGENCY.—The term ‘agency’ has the
22 meaning given the term ‘executive agency’ in section
23 102 of title 40.

1 “(2) SIMPLIFIED ACQUISITION THRESHOLD.—
2 The term ‘simplified acquisition threshold’ has the
3 meaning given that term in section 134.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of such chapter is amended
6 by adding at the end the following new item:

 “6310. Requirement for agencies to buy domestically made United States
 flags.”.

7 (b) APPLICABILITY.—Section 6310 of title 41, United
8 States Code, as added by subsection (a)(1), shall apply
9 with respect to any contract entered into on or after the
10 date that is 180 days after the date of the enactment of
11 this Act.

 Passed the House of Representatives November 29,
2018.

Attest:

KAREN L. HAAS,
Clerk.