

115TH CONGRESS
2D SESSION

S. 3068

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

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2018

Mr. BROWN (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “All-American Flag
5 Act”.

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

8 (a) REQUIREMENT.—

1 (1) IN GENERAL.—Chapter 63 of title 41,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 6310. Requirement for agencies to buy domesti-**
5 **cally made United States flags**

6 “(a) DEFINITIONS.—In this section:

7 “(1) AGENCY.—The term ‘agency’ has the
8 meaning given the term ‘executive agency’ in section
9 102 of title 40.

10 “(2) SIMPLIFIED ACQUISITION THRESHOLD.—
11 The term ‘simplified acquisition threshold’ has the
12 meaning given the term in section 134.

13 “(b) REQUIREMENT.—Except as provided in sub-
14 sections (c), (d), and (e), funds appropriated or otherwise
15 made available to an agency may not be used for the pro-
16 curement of any flag of the United States, unless the 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 “(c) AVAILABILITY EXCEPTION.—Subsection (b)
22 shall not apply to an agency to the extent that the head
23 of the agency determines that satisfactory quality and suf-
24 ficient quantity of a flag described in such subsection can-

1 not be procured as and when needed at United States
2 market prices.

3 “(d) EXCEPTION FOR CERTAIN PROCUREMENTS.—

4 Subsection (b) shall not apply to—

5 “(1) a procurement by a vessel in foreign
6 waters;

7 “(2) a procurement for resale purposes in any
8 military commissary, military exchange, gift shop, or
9 nonappropriated fund instrumentality operated by
10 an agency; or

11 “(3) a procurement for amounts less than the
12 simplified acquisition threshold.

13 “(e) PRESIDENTIAL WAIVER.—

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

19 “(2) NOTICE OF WAIVER.—Not later than 30
20 days after the date on which the President grants a
21 waiver under paragraph (1), the President shall pub-
22 lish notice of the waiver in the Federal Register.”.

23 (2) TECHNICAL AND CONFORMING AMEND-
24 MENT.—The table of sections for chapter 63 of title

1 41, United States Code, is amended by adding at
2 the end the following:

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

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

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