

117TH CONGRESS
2D SESSION

S. 4399

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, 2022

Mr. BROWN (for himself, Ms. COLLINS, Mr. MANCHIN, and Mr. SCOTT of Florida) 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 FOR AGENCIES TO BUY DOMES-
9 TICALLY MADE UNITED STATES FLAGS.—

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

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

6 “(a) REQUIREMENT.—Except as provided in sub-
7 sections (b) through (d), funds appropriated or otherwise
8 available to an agency may not be used for the procure-
9 ment of any flag of the United States, unless such flag
10 has been 100 percent manufactured in the United States
11 from articles, materials, or supplies that have been grown
12 or 100 percent produced or manufactured in the United
13 States.

14 “(b) AVAILABILITY EXCEPTION.—Subsection (a)
15 does not apply to the extent that the head of the agency
16 concerned determines that satisfactory quality and suffi-
17 cient quantity of a flag described in such subsection can-
18 not be procured as and when needed at United States
19 market prices.

20 “(c) EXCEPTION FOR CERTAIN PROCUREMENTS.—
21 Subsection (a) does not apply to the following:

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

23 “(2) Procurements for resale purposes in any
24 military commissary, military exchange, or non-

1 appropriated fund instrumentality operated by an
2 agency.

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

5 “(d) PRESIDENTIAL WAIVER.—

6 “(1) IN GENERAL.—The President may waive
7 the requirement in subsection (a) if the President
8 determines a waiver is necessary to comply with any
9 trade agreement to which the United States is a
10 party.

11 “(2) NOTICE OF WAIVER.—Not later than 30
12 days after granting a waiver under paragraph (1),
13 the President shall publish a notice of the waiver in
14 the Federal Register.

15 “(e) DEFINITIONS.—In this section:

16 “(1) AGENCY.—The term ‘agency’ has the
17 meaning given the term ‘executive agency’ in section
18 102 of title 40.

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

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

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

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

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