

Calendar No. 614

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

DECEMBER 8, 2022

Reported by Mr. PETERS, without amendment

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”.

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

3 (a) REQUIREMENT FOR AGENCIES TO BUY DOMES-
4 TICALLY MADE UNITED STATES FLAGS.—

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

8 **“§ 6310. Requirement for agencies to buy domesti-**
9 **cally made United States flags**

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

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

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

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

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

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

7 “(d) PRESIDENTIAL WAIVER.—

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

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

17 “(e) DEFINITIONS.—In this section:

18 “(1) AGENCY.—The term ‘agency’ has the
19 meaning given the term ‘executive agency’ in section
20 102 of title 40.

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

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