

Public Law 118–74
118th Congress

An Act

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

July 30, 2024

[S. 1973]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

All-American
Flag Act.

41 USC 101 note.

SECTION 1. SHORT TITLE.

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

SEC. 2. REQUIREMENT FOR AGENCIES TO BUY DOMESTICALLY MADE UNITED STATES FLAGS.

(a) REQUIREMENT FOR AGENCIES TO BUY DOMESTICALLY MADE UNITED STATES FLAGS.—

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

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

41 USC 6310.

“(a) REQUIREMENT.—Except as provided in subsections (b) through (d), funds appropriated or otherwise available to an agency may not be used for the procurement of any flag of the United States, unless such flag has been 100 percent manufactured in the United States from articles, materials, or supplies that have been grown or 100 percent produced or manufactured in the United States.

“(b) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the head of the agency concerned determines that satisfactory quality and sufficient quantity of a flag described in such subsection cannot be procured as and when needed at United States market prices.

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

“(1) Procurements by vessels in foreign waters.

“(2) Procurements for resale purposes in any military commissary, military exchange, or nonappropriated fund instrumentality operated by an agency.

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

“(d) PRESIDENTIAL WAIVER.—

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

Determination.

Deadline.
Federal Register,
publication.

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

“(e) DEFINITIONS.—In this section:

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

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

41 USC
prec. 6301.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

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

41 USC 6310
note.

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

Approved July 30, 2024.

LEGISLATIVE HISTORY—S. 1973:

SENATE REPORTS: No. 118–94 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 169 (2023): Nov. 2, considered and passed Senate.

Vol. 170 (2024): July 22, considered and passed House.

