

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3121

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IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2018

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

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## 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.

