

Union Calendar No. 811

115TH CONGRESS
2^D SESSION

H. R. 3121

[Report No. 115–1044]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2017

Mrs. BUSTOS (for herself, Mr. MCGOVERN, Mr. PEARCE, Mr. COURTNEY, Mr. MESSER, Ms. BLUNT ROCHESTER, Ms. ROSEN, Ms. SINEMA, Mr. PANNETTA, Mr. PETERS, Mr. EVANS, Ms. MENG, Mr. COHEN, Ms. BROWNLEY of California, Ms. FRANKEL of Florida, Mrs. WATSON COLEMAN, Mr. BERA, Mrs. BEATTY, Mr. KILDEE, Ms. CLARK of Massachusetts, Mr. BISHOP of Georgia, Ms. NORTON, Ms. KAPTUR, Ms. KUSTER of New Hampshire, Mr. SOTO, Mr. CRIST, Mr. BUTTERFIELD, Ms. HANABUSA, Mr. THOMPSON of California, Mr. WALZ, Mr. FOSTER, Mr. SEAN PATRICK MALONEY of New York, Mr. CARSON of Indiana, Mr. MOULTON, and Mr. KILMER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

NOVEMBER 27, 2018

Additional sponsors: Mr. RUSSELL and Mr. ROKITA

NOVEMBER 27, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 29, 2017]

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 Act”.*

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

7 *(a) REQUIREMENT FOR AGENCIES TO BUY DOMESTI-*
8 *CALLY MADE UNITED STATES FLAGS.—*

9 *(1) IN GENERAL.—Chapter 63 of title 41, United*
10 *States Code, is amended by adding at the end the fol-*
11 *lowing new section:*

12 **“§ 6310. Requirement for agencies to buy domestically**
13 **made United States flags**

14 *“(a) REQUIREMENT.—Except as provided in sub-*
15 *sections (b) through (d), funds appropriated or otherwise*
16 *available to an agency may not be used for the procurement*
17 *of any flag of the United States, unless such flag has been*
18 *100 percent manufactured in the United States from arti-*
19 *cles, materials, or supplies that have been grown or 100 per-*
20 *cent produced or manufactured in the United States.*

21 *“(b) AVAILABILITY EXCEPTION.—Subsection (a) does*
22 *not apply to the extent that the head of the agency concerned*
23 *determines that satisfactory quality and sufficient quantity*
24 *of a flag described in such subsection cannot be procured*
25 *as and when needed at United States 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, gift shop, or*
6 *nonappropriated 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 the*
12 *requirement in subsection (a) if the President deter-*
13 *mines a waiver is necessary to comply with any trade*
14 *agreement to which the United States is a party.*

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

19 “(e) *DEFINITIONS.*—*In this section:*

20 “(1) *AGENCY.*—*The term ‘agency’ has the mean-*
21 *ing given the term ‘executive agency’ in section 102*
22 *of title 40.*

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

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

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

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

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