

118TH CONGRESS
1ST SESSION

S. 1973

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, 2023

Mr. BROWN (for himself, Ms. COLLINS, Mr. MANCHIN, and Mr. PETERS) 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) MAINTENANCE OF RECORDS.—

16 “(1) IN GENERAL.—Each manufacturer of a
17 flag of the United States shall maintain records re-
18 lated to such flags marketed by the manufacturer
19 for a period of 5 years demonstrating that articles,
20 materials and supplies used for the flags have been
21 grown or 100 percent produced or manufactured in
22 the United States.

23 “(2) AVAILABILITY.—The records described in
24 paragraph (1) shall be made available to an agency
25 upon request, at reasonable times and within reason-

1 able limits and in a reasonable manner, including al-
2 lowing electronic access to such records.

3 “(f) DEFINITIONS.—In this section:

4 “(1) AGENCY.—The term ‘agency’ has the
5 meaning given the term ‘executive agency’ in section
6 102 of title 40.

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

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

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

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

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