

## Calendar No. 197

118TH CONGRESS  
1ST SESSION**S. 1973****[Report No. 118-94]**

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

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## IN THE SENATE OF THE UNITED STATES

JUNE 14, 2023

Mr. BROWN (for himself, Ms. COLLINS, Mr. MANCHIN, Mr. PETERS, and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 5, 2023

Reported by Mr. PETERS, with an amendment

[Omit the part struck through and insert the part printed in *italie*]**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) MAINTENANCE OF RECORDS.—

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

1           ~~“(2) AVAILABILITY.—~~The records described in  
 2 paragraph ~~(1)~~ shall be made available to an agency  
 3 ~~upon request, at reasonable times and within reason-~~  
 4 ~~able limits and in a reasonable manner, including at-~~  
 5 ~~lowing electronic access to such records.~~

6           ~~“(f)(e) DEFINITIONS.—~~In this section:

7           ~~“(1) AGENCY.—~~The term ‘agency’ has the  
 8 meaning given the term ‘executive agency’ in section  
 9 102 of title 40.

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

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

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

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



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