

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 3121**  
**OFFERED BY M** . \_\_\_\_\_

Strike all after the enacting clause and insert the following:

**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

1 or 100 percent produced or manufactured in the United  
2 States.

3 “(b) AVAILABILITY EXCEPTION.—Subsection (a)  
4 does not apply to the extent that the head of the agency  
5 concerned determines that satisfactory quality and suffi-  
6 cient quantity of a flag described in such subsection can-  
7 not be procured as and when needed at United States  
8 market prices.

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

11 “(1) Procurements by vessels in foreign waters.

12 “(2) Procurements for resale purposes in any  
13 military commissary, military exchange, gift shop, or  
14 nonappropriated fund instrumentality operated by  
15 an agency.

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

18 “(d) PRESIDENTIAL WAIVER.—

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

24 “(2) NOTICE OF WAIVER.—Not later than 30  
25 days after granting a waiver under paragraph (1),

1 the President shall publish a notice of the waiver in  
2 the Federal Register.

3 “(e) 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.

