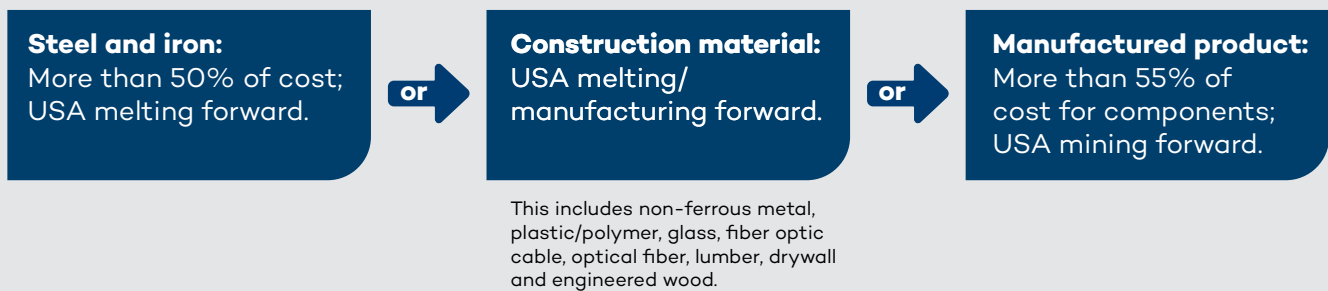


# Build America, Buy America

Build America, Buy America (BABA) is part of the **Infrastructure Investment and Jobs Act of 2021**, also known as the **Bipartisan Infrastructure Deal**.

BABA is a federal act that formalizes the Made in America Office to centralize reviews and waivers and put a focus on domestic supply, requiring that no funds for a federal finance-assisted program will be provided unless “... all iron, steel, manufactured products and construction materials used in covered infrastructure projects are produced in the United States.” Here, “projects” include any activity involving construction, maintenance, repair or alteration of United States infrastructure. After publishing the initial direction, the Office of Management and Budget added a fourth category consisting of cement, aggregates (i.e., sand, stone, gravel) and their binders.

Steel and iron, construction material, manufactured products and aggregates are four separate requirements, and **an item can only ever be classified as one of the these**, as delivered to the site.



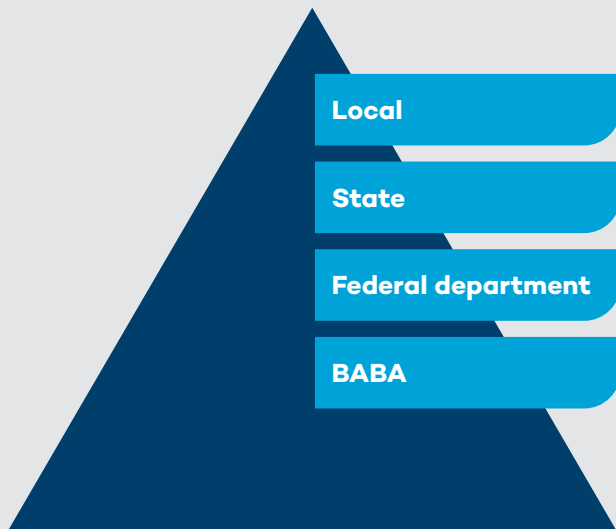
**If the value of the steel and iron in the product is more than half the total value of the product**, it must follow the steel and iron rules of its melting and all subsequent processing occurring in the United States.

**If this is not the case, it may be construction material.** Construction material is a product consisting of only one material, such as copper, glass or optical fiber. Here, we are not looking at the origin of the raw material, but other regulations may require this. Each unique construction material will have a different process and, therefore, a different definition for its first step in melting or manufacturing.

- Metals: Smelting
- Plastic: Combination
- Glass: Melting
- Fiber optic: Ribboning
- Optical fiber: Pre-form fabrication
- Lumber: Debarking
- Drywall: Gypsum blending
- Engineered wood: Combination of materials

**If it is not a construction material, it is a manufactured product** and must have 55% of the value mined, formed and built in the United States to be compliant.

These are minimum domestic content requirements for all federal finance-assisted public function infrastructure projects. Federal and state department Buy America interpretations may be added but cannot go below BABA standards — this may be true for many of these federal rules. Please ensure you understand all levels' rules and regulations to avoid conflicting details.



### Key takeaways

It is important to us that we support you in complying with BABA requirements. As you navigate these federal requirements, know you can rely on Border States to help you minimize your risk, support compliance and maintain responsiveness to state, federal and international regulations.

### Questions?

If you have questions about Border States' compliance with BABA regulations, please contact [regulatoryaffairs@borderstates.com](mailto:regulatoryaffairs@borderstates.com).



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