

Title IX of the Infrastructure Investment and Jobs Act (IIJA) includes the Build America Buy America (BABA) provision, which imposes new, government-wide domestic procurement preference requirements on all federally funded infrastructure projects. These requirements apply to all projects, whether or not they are funded by IIJA. This provision also requires all federal agencies to submit a report to Congress and the Office of Management and Budget (OMB), within 60 days of enactment, describing which, if any, of their federal programs are subject to these procurement requirements. Below is a summary of the reports submitted by relevant federal agencies.

Agency	Build America Buy America Guidance
Department of Interior (DOI)	<ul style="list-style-type: none"> • No DOI programs were identified as being subject to domestic content procurement preferences under IIJA.
Environmental Protection Agency (EPA)	<ul style="list-style-type: none"> • EPA is not subject to federal domestic preference requirements. • EPA’s report includes information about how it implements domestic iron and steel requirements under several pieces of water legislation which are applicable to certain EPA financial assistance programs.
Department of Commerce	<ul style="list-style-type: none"> • Tribal Broadband Connectivity Program (TBCP): provides the National Telecommunications and Information Administration (NTIA) with \$1 billion in federal funds for the deployment of infrastructure on federal lands. IIJA appropriated an additional \$2 billion for TBCP. • Broadband Infrastructure Program: provides NTIA with \$300 million in funding for competitive grants to deploy broadband infrastructure. • Investments for public Works and Economic Development Facilities: enables communities to attract new industry, encourage business expansion, diversify local economies, and generate or retain long-term private-sector jobs. • Economic Adjustment Assistance: provides a range of technical, planning, and public works and infrastructure

	<p>assistance in regions experiencing adverse economic changes.</p>
<p>Department of Labor (DOL)</p>	<ul style="list-style-type: none"> ● DOL did not receive appropriated funds under IIJA. ● Identified YouthBuild as a federal assistance program related to infrastructure. Youthbuild is a training program that provides training and educational services to youth using construction and other techniques. The program receives \$90 million of funding annually.
<p>Department of Transportation (DOT)</p>	<ul style="list-style-type: none"> ● Federal Aviation Administration (FAA): Federal funding is authorized for Airport Improvement Program projects, which are subject to the BABA statute. The FAA has a waiver system in place on domestic requirements similar to the BABA's waiver requirements, and the report outlines the specifics of how the FAA will change its waiver system to align with IIJA. ● Federal Highway Administration (FHWA): Existing statutes require that steel or iron materials that will be permanently incorporated in a federally aided project must be domestically manufactured. This includes all of the processes that modify the chemical content, physical shape or size, or final finish of the material. ● Federal Railroad Administration (FRA): Existing statutes require that FRA only provide federal funds to projects that contain domestically produced steel, iron, and manufactured products. While FRA does not have specific Buy America regulations, it provides guidance on its website. ● Federal Transit Administration (FTA): Existing statutes require that FRA only provide federal funds to projects that contain domestically produced steel, iron, and manufactured products. For iron and steel to be considered domestically produced, all of the manufacturing processes must take place in the U.S. except metallurgical processes involving refinement of

	<p>steel additives.</p> <ul style="list-style-type: none"> • U.S. Maritime Administration (MARAD): MARAD does not have its own mode-specific Buy America(n) authority that it applies to all grant programs. However, it does apply Buy American Act provisions to several of its programs, including the American Maritime Highways, Port Infrastructure Development Program, and the Small Shipyard Grant Program.
Department of Housing and Urban Development (HUD)	<ul style="list-style-type: none"> • HUD does not have any programs that fall under BABA requirements in IIJA.
Department of Treasury	<ul style="list-style-type: none"> • The Internal Revenue Service (IRS) and several Departmental offices fall under the BABA requirements, including the Community Development Financial Institutions Fund and the Office of Recovery Programs (ORP). • ORP programs that fall under these requirements are: the Coronavirus State and Local Fiscal Recovery Fund, the Capital Projects Fund, and the Homeownership Assistance Fund.
Department of Health and Human Services (HHS)	<ul style="list-style-type: none"> • Construction projects carried out by HHS are not subject to BABA requirements.
Department of Agriculture (USDA)	<ul style="list-style-type: none"> • USDA has many programs that fall under the BABA requirements. The following offices within USDA include programs that fall under these requirements: Agricultural Marketing Service, Food and Nutrition Service, National Institutes of Food and Agriculture, Natural Resources Conservation Service, Rural Business Cooperative Service, and Rural Utilities Service