SALES MARKETING GROUP

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The Build America, Buy America Act (BABA), Buy America Act (BA), and Buy American Act (BAA) are distinct U.S. laws or provisions aimed at promoting domestic manufacturing and procurement, but they differ in scope, application, and requirements. Below is a concise comparison of their key differences:

1. Buy American Act (BAA)

- **Enacted**: 1933, amended multiple times (e.g., 2022 updates under Executive Orders).
- **Scope**: Applies to direct federal procurement of goods and services by federal agencies for public use (e.g., supplies, construction materials for federal buildings).
- **Requirements**:
  - Goods must be manufactured in the U.S. with at least 60% domestic content (increasing to 75% by 2029 under recent updates) or qualify as "wholly" U.S.-made.
  - Applies to products like office supplies, vehicles, or construction materials purchased directly by the federal government.
  - Does not apply to federally funded state or local projects (unlike BABA or BA).
- **Applicability**: Limited to federal government purchases under the Federal Acquisition Regulation (FAR), typically for contracts above the micro-purchase threshold (e.g., $10,000).
- **Key Feature**: Focuses on federal purchasing, not grants or financial assistance to states/localities.
- **Waivers**: Waivers are available for non-availability, unreasonable cost (if domestic sourcing increases costs by 20% or more), or public interest. Also allows exceptions for goods from countries with U.S. trade agreements (e.g., WTO Government Procurement Agreement).

2. Buy America Act (BA)

- **Enacted**: 1982, under the Surface Transportation Assistance Act, with updates over time.
- **Scope**: Applies to federally funded transportation projects (e.g., highways, public transit, rail, aviation) administered by the Department of Transportation (DOT).
- **Requirements**:
  - Requires that iron, steel, and certain manufactured products used in these projects be produced in the U.S.
  - For manufactured products, at least 55% of components (by cost) must be U.S.-made, and final assembly must occur in the U.S.
  - Focuses primarily on iron and steel, with less emphasis on other materials compared to BABA.
- **Applicability**: Limited to DOT-funded projects, such as those under the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or Federal Aviation Administration (FAA).
- **Key Feature**: Narrower in scope than BABA, focusing specifically on transportation infrastructure.
- **Waivers**: Similar to BABA, allows waivers for public interest, non-availability, or cost (if domestic sourcing increases costs by more than 25%).

3. Build America, Buy America Act (BABA)

- **Enacted**: 2021, as part of the Infrastructure Investment and Jobs Act (IIJA).

- **Scope**: Applies to federal financial assistance for infrastructure projects (e.g., transportation, water, broadband, energy) funded by the IIJA.
- **Requirements**:
    - Mandates that iron, steel, manufactured products, and construction materials used in covered projects be produced in the U.S.
    - Covers a broader range of materials compared to BA, including non-ferrous materials and construction materials like glass, plastic, and lumber.
    - Includes a cost-based domestic content threshold (e.g., 55% for manufactured products, increasing over time).
- **Applicability**: Applies to all recipients of federal infrastructure funding, including state, local, and tribal governments, and private entities receiving federal grants.
- **Key Feature**: Expands domestic procurement beyond traditional Buy America requirements to include a wider range of infrastructure projects and materials.
- **Waivers**: Allows waivers for public interest, non-availability, or unreasonable cost, subject to strict review.

KEY DIFFERENCES SUMMARY

Aspect	BAA	BA	BABA
Year Enacted	1933 (amended over time)	1982 (Surface Transportation)	2021 (IIJA)
Scope	Federal direct procurement	DOT-funded transportation projects	Federal infrastructure funding
Materials Covered	Goods and construction materials	Iron, steel, some manufactured products	Iron, steel, manufactured products, construction materials
Domestic Content	60%+ (increasing to 75%)	55% for manufactured products	55%+ for manufactured products
Applicability	Federal agency purchases	DOT-funded projects	Federal grants to states/localities
Duration	Ongoing	Ongoing	Ongoing (IIJA-funded projects)
Waivers	Public interest, cost, trade agreements	Public interest, cost, availability	Public interest, cost, availability

PRACTICAL NOTES

- **BABA** is the broadest and most recent, expanding domestic preferences to all IIJA-funded infrastructure projects, unlike the narrower BA (transportation) or BAA (federal purchases).
- **Trade Agreements:** BAA is uniquely affected by international trade agreements, allowing goods from certain countries (e.g., Canada, EU) to qualify as "domestic" under specific conditions, whereas BABA and BA are stricter.
- **Overlap:** Projects may be subject to multiple laws (e.g., a DOT-funded project under BABA may also follow BA rules), requiring compliance with the most stringent requirements.

BY MANUFACTURER:

EATON B-LINE:
- Strut and strut fittings, fasteners, cable tray, wire basket, NEMA 1-4X enclosures, and most seismic products

EATON CROUSE HINDS COMMERCIAL PRODUCTS:
- Most steel switch and outlet boxes and accessories
- EATON products “country of origin” can be search on our portal

ELECTRI-FLEX:
- All products

ELECTRIC AVENUE:
- Products are from Canada

HARGER:
- Exothermic products, busbar, grounding products, with very few if any exceptions, qualify.

RICHARDS:
- All products, except a handful of “Break-away” connectors from Germany, “Made in the USA”, (most competitors are not)

SERVICE WIRE:
- All wire products – “Made in the USA”

STI (FIRESTOP):
- All standard products – “Made in the USA” (most competitors are not)

TPI:
- Industrial fans and heaters – “Made in the USA” (some commercial products are not)

VOLTEC:
- Custom cord sets and our Red, White and Blue cord sets – “Made in the USA”. Many other products are imported

WHEATLAND TUBE:
- All of our fittings, Rigid, EMT and now Maverick PVC conduit – “Made in the USA”
- Other manufacturers may not offer domestic elbows and fittings or use domestic steel for manufacturing unless specified