

Buy American Restrictions in the \$1.2 Trillion Infrastructure Law

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On November 15, 2021 President Biden signed the Infrastructure Investment and Jobs Act of 2021 (IIJA) allowing for investments of up to \$1.2 trillion in building and upgrading bridges, roads, transit, water and sewer systems, and new broadband networks. Most of the monies will be funneled to states and municipalities through grants administered by the Department of Transportation's Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Railroad Administration (FRA), Federal Aviation Administration (FAA) and Amtrak. All of the grants will have domestic preference restrictions attached to them. Moreover, IIJA included the Build America, Buy America Act (BABA) which adds more stringent Buy American rules to all federally funded infrastructure and public works projects. Attornes Cara Wulf provides a run down on the key domestic preference restrictions in IIJA and BABA, and opportunities available under the law for waivers of those restrictions.