

Build America, Buy America Act (BABA) 101

Tribal Broadband Connectivity Program (TBCP) NOFO 2
Infrastructure Deployment (ID) Projects



07.16.2025

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Policy Disclaimer

This document is intended solely to assist recipients in better understanding the Tribal Broadband Connectivity Program (TBCP) and the requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.



What is BABA?

What is Build America, Buy America (BABA)?

The Build America, Buy America Act – enacted as part of the Infrastructure Investment and Jobs Act (IIJA) in November 2021 – **requires that all the iron, steel, manufactured products, and construction materials** used in infrastructure projects (*e.g.*, roads, bridges, high speed internet networks, etc.) funded by a Federal financial assistance program **are produced in the United States.**

Why Build America, Buy America?

At the core of BABA lies a commitment to strengthening our nation from within. By prioritizing domestic production and procurement of infrastructure products and components, we are:

1. **Fueling Job Creation:** Strengthening industries at home translates into more job opportunities for our communities.
2. **Boosting Economic Resilience:** Reducing dependence on foreign supply chains enhances the U.S.' resilience in times of global disruption.
3. **Empowering Local Businesses:** Empowers local businesses to contribute to our nation's digital growth.



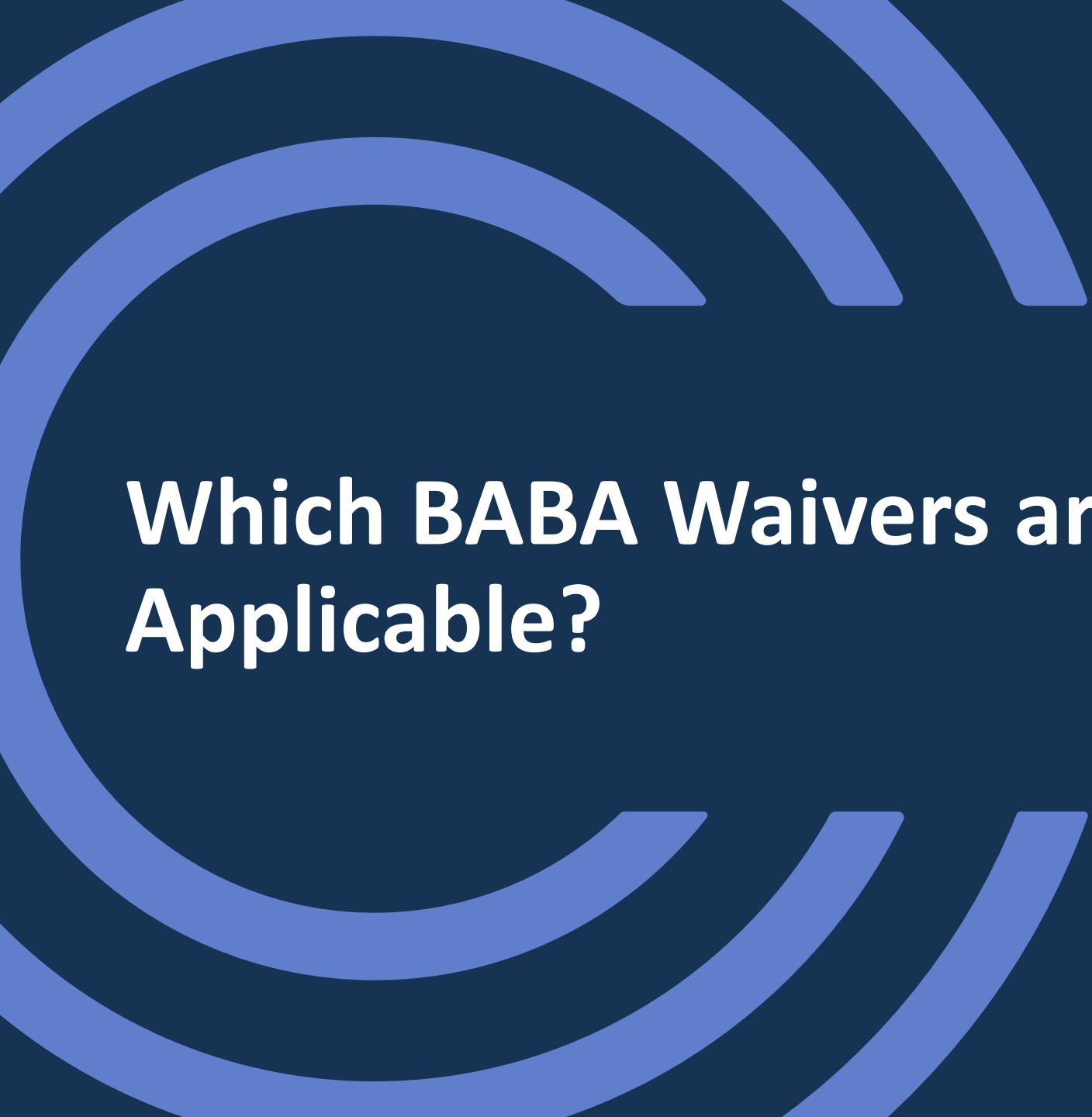
How Does BABA Apply to the TBCP Program?

TBCP 2 Notice of Funding Opportunity (NOFO) Requirements

- **None of the funds provided under this award may be used for a project for infrastructure unless:**
 1. **All iron and steel** used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
 2. **All manufactured products** used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
 3. **All construction materials** are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States
- **The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project.**

TBCP 2 Standard Award Condition (SAC)

- **SAC applied to TBCP 2 Infrastructure Deployment projects:**
 - The Grantee shall comply with BABA consistent with applicable legal authorities, such as the Infrastructure Act, Executive Order 14005, 2 CFR Part 184, OMB Memo M-24-02, and any applicable waivers issued by the Department of Commerce. All waivers applicable to TBCP will be posted on the Build America, Buy America page maintained by the Department of Commerce Office of Acquisition Management at <https://www.commerce.gov/oam/build-america-buy-america>.



Which BABA Waivers are Applicable?

Department of Commerce De Minimis Waiver

Department-wide Public Interest Waivers for De Minimis Infrastructure Project Purchases, Small Grants, and Minor Components within Iron and Steel Products:

- **Up to 5% of applicable project costs or \$1,000,000 (whichever is less) of total purchases for the project do not need to comply with BABA. The goal is for recipients to focus on larger purchases to be BABA compliant.**
 - Infrastructure projects equal or less than the Simplified Acquisition Threshold, currently \$250,000, are waived from complying with BABA.
 - Recipients can use up to 5% of the total material cost of domestic iron or steel on miscellaneous minor components that are not produced in the US.
- **The DOC De Minimis Waiver applies to “other network equipment”.** 100% of the optical fiber, fiber optic cable, optical line terminals (OLTs), remote Optical Line Terminals (rOLTs), OLT line cards, optic pluggables, standalone ONTs/ONUs, cabinets, Vaults, Pedestals, and closures and terminals used must comply with BABA.

TBCP NOFO 2 Waiver

Limited General Applicability Nonavailability Waiver of the Buy America Domestic Content Procurement Preference as Applied Solely to Recipients of TBCP Grants Awards Made Pursuant to the July 27, 2023 TBCP NOFO

- NOFO 2 Recipients: For recipients awarded on or after 12/16/2024, this waiver applies to all funds expended throughout the period of performance.
- NOFO 1 Recipients: For recipients awarded prior to 12/16/2024, this applies only to funds expended after 12/16/2024.

Recipients with TBCP awards made under the 2021 NOFO should also refer to the [Limited General Applicability Public Interest Waiver](#).

TBCP NOFO 2 Waiver

Items Waived

- Non-optic-glass inputs to the optical fiber pre-form process
- Unrepeated submarine fiber optic cable
- Manufactured products for all electronics except for 4 categories of electronics (OLTs/rOLTs, line cards with OLT functions, subscriber-facing optic pluggables, and ONTs/ONUs)
- Combined ONTs/ONUs
- Passive optical equipment

Items Not Waived

- Repeated submarine fiber optic cable
- Four categories of electronics are not waived:
 - OLTs and rOLTs
 - Line cards that perform the function of an OLT regardless of installation location, product name, or additional capabilities of line card.
 - Subscriber-Facing Optic pluggables
 - Standalone ONTs/ONUs
- The 55% cost of US components requirement for cabinets, vaults, pedestals, closures, and terminals. The specific manufacturing processes must occur in the US.

NTIA provides **specific guidance regarding manufacturing processes** that must occur in the United States for these waived items to be BABA compliant. Refer to the waiver for more information.

Summary of Key Waiver Requirements

- The TBCP 2 NOFO requires that all recipients and subrecipients, regardless of status as a non-federal entity or for-profit corporation, comply with the BABA requirements.
- A recipient cannot self fund a portion of the project that is not compliant to BABA.
- A product must be compliant with BABA before it is installed or used in the project. Recipients and subrecipients must ensure they possess the proper compliance documentation prior to use.
- Certain equipment that was previously purchased and is not compliant with the BABA waiver may not be used in TBCP NOFO 2 deployments.

Applying for Additional Waivers

The TBCP 2 NOFO defines the process to submit for an additional waiver if needed by recipients. Some key pieces of requirements include:

- The inclusion of iron, steel, manufactured products, or construction materials will only be waived if production outside of the US costs 25% less.
- Requires a 15-day public comment period.
- Recipients can apply for additional waivers but are strongly encouraged to contact the [NIST/MEP](#) for assistance with supplier scouting first.



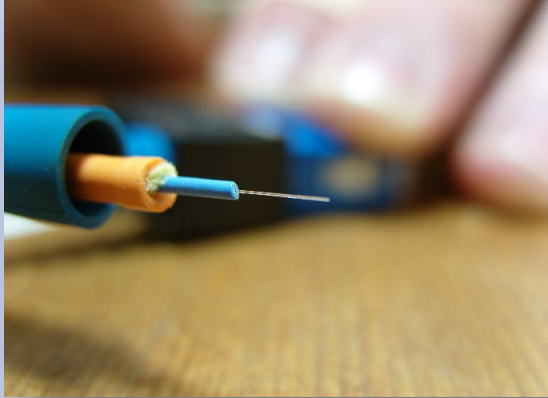
What Items Require Domestic Production?

Summary of Items Requiring Domestic Production

- **Iron and steel** must be produced in the US throughout the full manufacturing process.
- **Manufactured products** made in the US with at least 55% of the cost of the manufactured product made of US components. (unless another standard for the minimum has been established through law/regulation).
- **Construction materials** produced in the US throughout the full manufacturing process.
- **Repeatered Submarine fiber optic cable** (unrepeatered submarine fiber optic cable is waived from having to comply with BABA).
- TBCP 2 recipients and subrecipients are expected to make a good faith effort to measure the quantity and value of **minor hardware items** utilized in a project and report accordingly.
- **Does not apply to:**
 - Tools, equipment, and supplies brought to the construction site.
 - Equipment and furnishings that are not integral to structure or permanently affixed.

Optical Fiber & Fiber Optic Cable Requires Domestic Production

Optical fiber



Fiber Optic Cable



- Optical fiber and fiber optic cable are both categorized as “construction materials,” which require production in the U.S.
- NTIA waived the Buy America preference for non-optic-glass inputs (e.g., an overclad cylinder) which are used as an input to the preform manufacturing process of optical fiber.

Four Electronic Categories Require Domestic Production

**Optical Line
Terminals**
(OLTs & rOLTs)

**Line Cards with
OLT Functions**

**Subscriber
Facing -Optic
Pluggables**

**Standalone
Optical
Network
Terminals**
(ONTs & ONUs)

NTIA provides **specific guidance regarding manufacturing processes** that must occur in the United States for these categories of electronics to be BABA compliant.

Enclosures Require Domestic Production

Enclosures are defined as manufactured products used to protect and house a network function.

Fiber Distribution Frame@Optical Hub Cabinet



Cabinets



Vaults and
Other Below-
Ground
Housings

Pedestals and
Other Above-
Ground Housings



Closures and
Terminals



Closure



Terminal

- NTIA defines and provides **specific guidance regarding manufacturing processes** that must occur in the US for these four categories of enclosures.
- NTIA upholds **the 55 percent cost of components test**.

How Do Companies Prove BABA Compliance?

There are currently two ways companies can show proof of BABA compliance:

- Manufacturers must provide a “Manufacturer’s Certification letter” for all equipment sold into TBCP II projects that require domestic production.
- Companies can also certify that certain equipment they produce meets the domestic manufacturing requirements detailed in the TBCP II BABA waiver. An officer from that company must certify, subject to fine or imprisonment, that their products are compliant with the Buy America Preference.

The certification list can be found on the DOC website:
<https://www.commerce.gov/oam/files/baba-self-certification-list>.

How Do TBCP Recipients Prove BABA Compliance?

- Recipients will report on BABA compliance semi-annually and at closeout via the **Build America, Buy America Compliance Reporting Tracker Addendum** on the Performance (Technical) Report.

Recipients will include the following information on the addendum:

- | | |
|-----------------------|-----------------------|
| ▪ Manufacturer | ▪ Country of Origin |
| ▪ Electronic Category | ▪ Product description |
| ▪ HS Code | ▪ Quantity |
| ▪ Product Identifier | |

Performance (Technical) Report BABA Addendum

OMB Control No. 0660-0047 Expiration Date: 7/31/2028

TBCP II BABA Compliance: Recipient Reporting Tracker for Finished Waived Electronics

Recipient Organization:		Award Identification Number:	
Recipient Street Address:		Report Submission Date (MM/DD/YYYY):	
City, State, Zip Code:		UEI Number:	
Reporting Period Start Date (MM/DD/YYYY):		Report Type:	Performance (Technical) Report
Reporting Period End Date (MM/DD/YYYY):			

Finished Waived Electronics

Manufacturer	Electronic Category	HS Code (10 digit)	Product Identifier (e.g., SKU, Product ID, etc.)	Common language description of product function	Country of Origin	Quantity
	Router					
	Switch					
	Power System					
	Optical Amplifiers					
	Radio					
	Power Management System					
	Antennas & Antenna Arrays					
	FR Conditioning					
	Network-facing optic pluggables					
	Other					



Resources

General BABA Resources

- [2 CFR Part 200: Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards](#)
- [2 CFR Part 184: Buy America Preferences For Infrastructure Projects](#)
- [OMB Guidance for Grants and Agreements](#), 88 Fed. Reg 57,750 (Aug. 23, 2023) (OMB Final Guidance)
- OMB Memorandum [M-24-02](#), *Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure* (OMB M-24-02) (or any successor M-Memorandum or guidance)
- [BABA Compliance and Self Certification](#)

TBCP-Specific BABA Resources

- [NOFO 2 Requirements](#) (see page 59)
- **Approved BABA Waivers:**
 - [Active DOC Waivers](#)
 - [TBCP I Waiver](#)
 - [TBCP II Waiver](#)
 - [De Minimis Waiver](#)
- [Self-Certification List](#)
- **BEAD and TBCP BABA Frequently Asked Questions (FAQ)**
- **TBCP 2 Performance (Technical) Report Addendum**

Thank You!

If you have any questions or concerns,
please contact your Federal Program
Officer (FPO) via email and
TBCP@NTIA.Gov.

