



Build America Buy America (BABA) Act Refresher

This document is intended solely to assist recipients in better understanding the Broadband Equity, Access, and Deployment (BEAD) Program and the requirements set forth in the Infrastructure Investment and Jobs Act, [Notice of Funding Opportunity \(NOFO\)](#), as modified by the [BEAD Restructuring Policy Notice \(RPN\)](#). This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, the terms and conditions of the award, or the specific application requirements set forth in the NOFO not modified by the RPN. In all cases, statutory and regulatory mandates, the terms and conditions of the award, and follow-on policies and guidance, shall prevail over any inconsistencies contained in this document.



Build America Buy America

The **Build America Buy America (BABA) Act** establishes a domestic content procurement preference across all Federal financial assistance programs for infrastructure, including the BEAD program.



What does BABA apply to?

The Buy America Preference requires that all iron, steel, manufactured products, and construction materials used in a federally funded infrastructure project are produced in the United States. This applies any construction, alteration, or repair of broadband infrastructure under the BEAD Program.



How can Eligible Entities prepare for BABA compliance?

Review the Department of Commerce's BABA waivers

Review the NTIA's BABA Compliance and Reporting Requirements

Ensure subrecipients:

- Are aware of the Buy America Preference
- Are prepared to comply with all applicable BABA requirements including the use of BABA compliant products in BEAD projects

NOTE: BEAD Program recipients and subrecipients are responsible for compliance with BABA requirements



BABA Waivers

The Department Of Commerce has established a **general applicability waiver of certain BABA requirements** for the BEAD Program, as well as a Department-wide public interest waiver for de minimis infrastructure project purchases.

The BEAD BABA waiver addresses iron, steel, manufactured products, and construction materials related to BEAD. Review the waiver for specific requirements related to:

- Optical fiber and fiber optic cable
- Electronics
- Enclosures
- Other network equipment



How does an Eligible Entity request a BABA waiver?

Waiver requests from Eligible Entities are considered on a **case-by-case basis**. Waivers must be approved by the Department of Commerce and the Office of Management & Budget's (OMB) Made in America Office.

NOTE: Retroactive waivers cannot be granted. Waivers apply to expenditures incurred after the waiver's effective date.

Build America Buy America

Common BABA Questions

Q: Do products purchased with BEAD Program matching funds need to comply with BABA requirements?

A: Yes, the entire BEAD project, including purchases made with matching funds (regardless of source) and in-kind match, must comply with the BABA requirements per OMB M-24-02.

Q: Who determines if a product is subject to the Buy America Preference?

A: The Eligible Entity is responsible for determining whether a product is subject to the Buy America Preference. Eligible Entities and subrecipients should ensure that products delivered to the project site properly document BABA compliance, and Eligible Entities should require contractors and vendors to verify their BABA compliance.

Q: Does BABA apply to BEAD Low Earth Orbit (LEO) projects?

A: Yes, BABA applies to all BEAD projects. To the extent that placing radios into a LEO system includes “any activity related to the construction, alteration, maintenance, or repair of infrastructure,” the components used in that construction/alteration would be subject to BABA, even if the electronics were waived.

Additional BABA Resources

Resource	Description
BABA FAQs	Frequently asked questions related to BABA Requirements associated with the BEAD Program
BEAD FAQs	Frequently asked questions related to the BEAD Program
BABA Compliance and Reporting Requirements and Procedures	Guide to the compliance and documentation requirements and procedures that NTIA’s OICG will use to monitor compliance with BABA by recipients of NTIA grants subject to BABA requirements
BEAD BABA Reporting Subrecipient Tracker	BABA compliance subgrantee reporting tracker for finished waived electronics
BEAD BABA Self Certification Intake Form	Intake Form for BABA Self-Certification List for the BEAD Program
BEAD BABA Self Certification List	List of companies that have certified certain equipment they sell meets the domestic manufacturing requirements enumerated in the BABA waiver for BEAD and can be considered compliant with the Buy America preference