

Lighting Systems is proud to offer a wide variety of solutions for your Buy America(n) opportunities. We created this document to help our customers better understand the varied terminology and requirements. Lighting Systems will help you select the appropriate lighting fixtures/controls and will work closely with our manufacturers to make sure we address your needs. Please reach out to your sales representative for additional guidance.

What is the Buy American Act? (Far §52.225-9)

- The term “Buy American” is often used generically to describe a variety of laws and regulations that impose domestic content requirements. The Buy American Act of 1933 (“BAA”) is the major domestic preference statute governing procurement by the federal government. This legislation protects domestic labor by requiring a preference for domestic end products and construction materials.
- Where applicable, the BAA restricts purchases of supplies and construction materials to domestic end products and construction materials unless an exception or waiver (for example under the Trade Agreements Act) applies.
- Non-domestic products may be offered for a BAA job, but the contracting officers will add a cost factor when comparing them to offers of domestic products.
- Products that satisfy the BAA qualify as “domestic construction material” per (i) FAR §52.225-9 Buy American-Construction Materials and (ii) FAR §52.225-11 Buy American-Construction Materials under Trade Agreements. In other words, a product that satisfies FAR §52.225-9 will also satisfy FAR §52.225-11 (but not vice versa).

What is the Trade Agreements Act? (FAR §52.225-11)

- Under the Trade Agreements Act of 1979 (“TAA”), the President may waive BAA requirements such that products from certain countries are not treated less favorably than domestic products.
- Generally, if the specification includes a TAA waiver, products from certain designated countries (including Free Trade Agreement countries like Mexico and Taiwan) receive equal consideration with domestic products.
- Products that satisfy the TAA qualify as “designated country construction material” per FAR §52.225-11 Buy American-Construction Materials under Trade Agreements.

How is the Buy American Act different from the Buy America Act?

- The Buy America Act (note there is no “n”) is the popular name for a group of domestic content restrictions that attach to funds administered by the Department of Transportation. In short, various domestic content requirements apply to purchases made with federal transportation funds. The source of the money is federal but the purchases are not made directly by the federal government.
- This could include projects for the FTA (49 USC 5323(j)); FHWA (23 USC 313), FAA (49 USC 50101 & 50103) or AMTRAK (49 USC 24305).

How do I know if a product qualifies for one of the Buy America Projects (FTA, FHWA, FAA or AMTRAK)?

- There are different requirements for each of the Buy America regulations. Through your local Lighting Systems representative, we will review and respond to your inquiry on interested products. To locate your representation, [click here](#).

Is the Buy American Act the same as “Made in the USA”?

- No. “Made in the USA” claims are governed by the Federal Trade Commission (FTC). For a product to claim “Made in the USA”, the product must be all or virtually all made in the United States.

How do I know which regulation I need to satisfy?

- Check your solicitation; consult with Contracting Officer/General Contractor/Project manager responsible for procurement.