

## 25.101 General.

(a) The Buy American statute restricts the purchase of *supplies* that are not *domestic end products*. For manufactured

*end products*, the Buy American statute, [E.O. 13881](#), and [E.O. 14005](#) use a two-part test to define a *domestic end product*.

(1) The article *must* be manufactured in the *United States*; and

(2)

(i) Except for an end product that consists wholly or predominantly of iron or *steel* or a combination of both, the cost of domestic *components shall* exceed 60 percent of the cost of all the *components*, except that the percentage will be 65 percent for items delivered in calendar years 2024 through 2028 and 75 percent for items delivered starting in calendar year 2029. But see paragraph (d) of this section. In accordance with [41 U.S.C. 1907](#), this domestic content test of the Buy American statute has been waived for *acquisitions* of COTS items (see [12.505\(a\)](#)) (but see paragraph (a)(2)(ii) of this section).

(ii) For an *end product* that consists wholly or *predominantly of iron or steel or a combination of both*, the cost of *foreign iron and steel must* constitute less than 5 percent of the cost of all the *components* used in the *end product* (see the definition of "*foreign iron and steel*" at [25.003](#)). The cost of *foreign iron and steel* includes but is not limited to the cost of foreign iron or *steel mill products* (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the *end product* and a good faith estimate of the cost of all foreign iron or *steel components* excluding COTS *fasteners*. This domestic content test of the Buy American statute has not been waived for *acquisitions* of COTS items in this category, except for COTS *fasteners*.

(b) The Buy American statute applies to small business set-asides. A manufactured product of a small business concern is a *U.S.-made end product*, but is not a *domestic end product* unless it meets the domestic content test in paragraph (a)(2) of this section.

(c) Exceptions that allow the purchase of a *foreign end product* are listed at [25.103](#). The unreasonable cost exception is implemented through the use of an evaluation factor applied to low *foreign offers* that are not *eligible offers*. The evaluation factor is not used to provide a preference for one *foreign offer* over another. Evaluation procedures and examples are provided in [subpart 25.5](#) .

(d)

(1) A contract with a period of performance that spans the schedule of domestic content threshold increases specified in paragraph (a)(2)(i) of this section *shall* be required to comply with each increased threshold for the items in the year of delivery, unless the *senior procurement executive* of the *contracting* agency allows for application of an *alternate* domestic content test for that contract under which the domestic content threshold in effect at time of contract award will apply to the entire period of performance for the contract. This authority is not delegable. The senior

*procurement executive shall* consult the Office of Management and Budget's Made in America Office before allowing the use of the *alternate* domestic content test.

(2)When a *senior procurement executive* allows for application of an *alternate* domestic content test for a contract—

(i)See [25.1101\(a\)\(1\)\(ii\)](#) or [25.1101\(b\)\(1\)\(v\)](#) for use of the appropriate *Alternate* clause to reflect the domestic content threshold that will apply to the entire period of performance for that contract; and

(ii)Use the fill-in at [52.213-4\(b\)\(1\)\(xviii\)\(B\)](#) instead of including [52.225-1 Alternate I](#) when using [52.213-4](#), Terms and Conditions—Simplified *Acquisitions* (Other Than *Commercial Products* and *Commercial Services*).

**Parent topic:** [Subpart 25.1 - Buy American-Supplies](#)