

## 25.201 Policy.

(a) Except as provided in [25.202](#), use only *domestic construction materials* in *construction* contracts performed in the *United States*.

(b) The Buy American statute restricts the purchase of *construction materials* that are not domestic *construction materials*. For manufactured *construction materials*, the Buy American statute, [E.O. 13881](#), and [E.O. 14005](#) use a two-part test to define *domestic construction materials*.

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

(2)

(i) Except for *construction material* that consists wholly or predominantly of iron or *steel* or a combination of both, the cost of domestic *components must* 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 (c) 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\(a\)](#)).

(ii) For *construction material* 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 such *construction material* (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 *construction material* 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*.

(c)

(1) A contract with a period of performance that spans the schedule of domestic content threshold increases specified in paragraph (b)(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, see [25.1102\(a\)\(3\)](#) or (c)(4) 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.

**Parent topic:** [Subpart 25.2 - Buy American-Construction Materials](#)