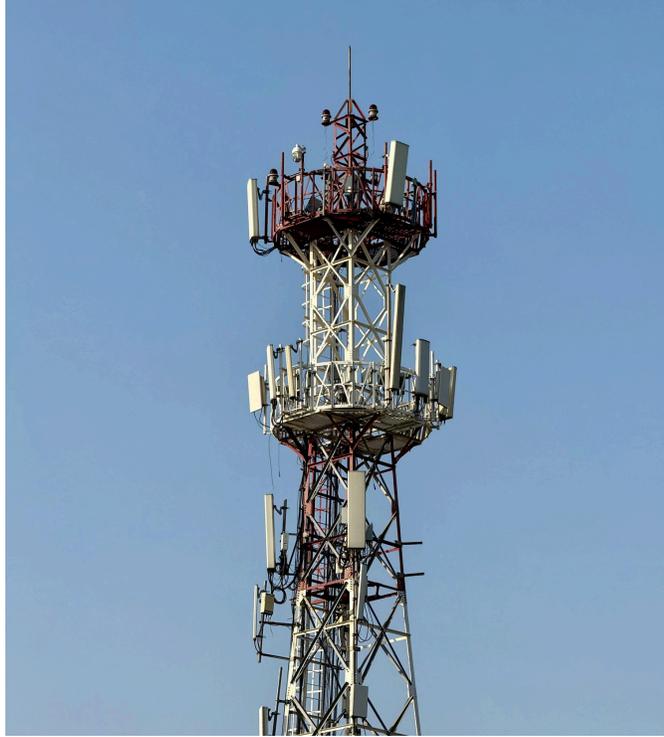


BUILD AMERICA, BUY AMERICA COMPLIANCE FOR BEAD

All BEAD subgrantees must ensure that all products used in BEAD-funded projects are produced in America in accordance with the Build America, Buy America Act (BABA). Specific documentation verifying compliance with BABA must be maintained by each subgrantee for all products used in the project.



AT A GLANCE

Compliance

- Manufacturer Certification Letters
- Waived Electronics Tracker
- Audit and Review Compliance

Waivers

- Limited General Applicability Nonavailability Waiver
- De Minimis Infrastructure Project Purchases Waiver



Note: NTIA maintains a list of manufacturers that have self-certified to BABA compliance for specific products. The list can be accessed on [NTIA's website](#).

OVERVIEW

Per BABA, the following materials used in BEAD-funded projects must be produced in the United States:

- Iron and steel
- Manufactured products
- Construction materials

All manufacturing processes for these materials must occur in the United States. In the case of manufactured products, the cost of the components that are mined, produced, or manufactured in the U.S. must be greater than 55% of the total cost of all components of the product.

COMPLIANCE DOCUMENTS

Subgrantees must obtain and maintain letters from product manufacturers certifying BABA compliance for specific products. Subgrantees must also track all waived electronics used in the project and report them to UBC with each grant project report. Templates for these documents are available on UBC's technical assistance webpage. Compliance documentation must be shared with NTIA upon request.

NTIA WAIVERS

Limited General Applicability Nonavailability

Lists specific products that are exempted from BABA compliance due to limited availability of U.S. produced items.

De Minimis Infrastructure Project Purchases

Exempts small purchases (up to either 5% of the total material costs or \$1,000,000, whichever is lower) from BABA compliance. Once that threshold has been reached, all other applicable project purchases must be BABA compliant.

NTIA LIMITED GENERAL APPLICABILITY NONAVAILABILITY WAIVER OVERVIEW



OVERVIEW

NTIA's [Limited General Applicability Nonavailability Waiver](#) exempts certain project products from BABA compliance. It does not exempt subgrantees from complying with the Covered Communications Equipment clause of the Infrastructure Investment and Jobs Act, which prohibits using BEAD funds to purchase fiber optic cable or optical transmission equipment manufactured in the People's Republic of China. No iron or steel products are included in this waiver.

DE MINIMIS WAIVER RESTRICTIONS

The nonavailability waiver specifies that the de minimis waiver cannot be applied to these products:

- Optical fiber and fiber optic cable
- OLTs, rOLTs, OLT line cards, optic pluggables, and standalone ONTs/ONUs
- Enclosures

MATERIALS INCLUDED

Construction Materials

- Non-optic glass inputs to preforms used to manufacture optical fiber and fiber optic cable
- Fiber optic cable connectors

Manufactured Products

- All electronics, with the exception of optical line terminals and remote line terminals; OLT line cards; optical pluggables; standalone optical network terminals and optical network terminals and optical network units. The 55% cost of components requirement is waived for these four categories.
- Passive optical equipment (splitters, multiplexers, connectors, etc.)
- Enclosures (cabinets, vaults, pedestals, closures, and terminals) **must be produced in the U.S. and are subject to the 55% cost of components requirement.**