



Construction Industry Round Table

Regulatory News

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4/01/09 - Interim Final Rule Implements the Stimulus Package's Buy American Requirements

On March 31, 2009, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the "Councils") issued an interim final rule amending the Federal Acquisition Regulation ("FAR") to implement the U.S. stimulus package's "Buy American" requirements. The interim rule clarifies the scope and substance of the American Recovery and Reinvestment Act of 2009 ("ARRA") provisions as they apply to direct construction procurements by federal agencies (e.g. the interim rule narrows the definition of "public work" so that it only "applies to construction projects" using ARRA funds, also under the new rule an item is a "domestic construction material" and eligible for use in an ARRA-funded project if it is manufactured in the U.S. regardless of the origin of its components). Rules for the application of the Buy American provision to the stimulus bill funded procurements by state and local governments are yet to be issued by the Office of Management and Budget.