

COMPLIANCE WITH “BUY AMERICAN” LAWS: AGENCY REPORTS DUE SEPTEMBER 15, 2017

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Public Policy and Law Alert

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On April 18, 2017, President Trump ordered federal agencies to prioritize procurement of domestically produced goods, assess agency compliance with "Buy American" laws, and minimize the use of waivers. As we noted in our earlier [Public Policy and Law Alert](#), the President's order could have far-reaching implications for U.S. policies on government procurement.

Office of Management and Budget Director Mick Mulvaney and Commerce Secretary Wilbur Ross recently issued guidance to agencies outlining evaluation and reporting requirements regarding enforcement of domestic preferences in accordance with Buy American laws. Secretary Ross will provide a final report to the President by November 23, 2017.

Agency reports, due September 15, 2017, should address a wide range of issues related to the implementation of and compliance with Buy American laws, including the following:

- The level of spending and most prevalent products that were subject to waivers or other exemptions.
- Agency waiver process and actions the agency is taking to review and improve that process.
- An inventory of existing federal financial assistance programs (e.g., grant programs) and evaluation of recipient compliance with Buy American laws, if applicable.
- Ideas for strengthening and applying Buy American laws that may require statutory, executive, regulatory, or administrative action across the government.

The review of Buy American laws is on an expedited schedule — with policy changes possible before the end of 2017. Companies need to pay close attention to agency actions and consider engaging directly with agency officials as they develop new policies to ensure federal procurements maximize the use of domestic materials and products.

We can help. The K&L Gates International Trade and Government Contracts & Procurement Policy teams are well positioned to assist interested parties to assess the impact on business interests at home and abroad, provide input to and engage with government officials, and assist government contractors with respect to Buy American laws and other regulatory and transactional matters.

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