APPALACHIAN REGIONAL COMMISSION

Guidance on the Implementation of the Buy America Preference Requirements in Grants for Infrastructure

I. Background

The domestic content requirements of the Buy America Preference (as defined in Section III below) deriving from of the Build America, Buy America Act ("BABA") apply broadly to ARC grants that fund infrastructure projects. These requirements originate in the Infrastructure Investment and Jobs Act ("IIJA") and apply to all Federal awards for infrastructure, regardless of whether the funding is provided under the IIJA itself. Per § 70914 of the IIJA, ARC may not obligate funds for an Infrastructure Project unless all of the iron, steel, manufactured products, and construction materials used in the infrastructure project are Produced in the United States.

The Buy America Preference applies to ARC Financial Assistance for projects involving the construction, alteration, maintenance, or repair of Infrastructure in sectors, including but not limited to transportation, water systems, energy, broadband, and public buildings. As further explained below, the Buy America Preference applies at the project level to the entire Infrastructure Project even where the project is funded by both ARC Financial Assistance and other funds or where Infrastructure is only a portion of a broader award. Generally, any project that uses ARC funding for these purposes must ensure that covered materials comply with the Buy America Preference requirements, unless a formal waiver applies.

II. Statutory and Regulatory Framework

The framework for the Buy America Preference is grounded in a set of interrelated statutes and federal guidance documents that collectively establish, interpret, and implement domestic sourcing requirements for federally funded infrastructure projects. Understanding these authorities is important for ensuring compliance.

A. Build America, Buy America Act

The statutory foundation for BABA is codified at §§ 70901–70927 of the IIJA. More specifically, § 70914 establishes BABA's applicability to Federal financial assistance for infrastructure. The statute defines covered product categories and establishes waiver authorities. The Office of Management and Budget ("OMB") serves as the primary policy-setting and coordinating body for BABA implementation and OMB's responsibilities in this area are grounded in § 70915, which directs the OMB Director to issue guidance to federal entities to assist in implementing BABA's domestic content preference. The Made in America Office (MIAO), established within OMB by § 70923 of the IIJA, serves as the central authority for enforcing BABA and supports a whole-of-government initiative to implement clear and consistent processes for reviewing waivers to BABA requirements.

B. OMB Memorandum M-22-11 (OMB's Initial Implementation Guidance)

In April, 2022**,** OMB issued Memorandum M-22-11, entitled *Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure* ("M-22-11") to provide the initial government-wide guidance for implementing BABA requirements. It directed federal entities on how to interpret the statute and begin applying domestic preference rules to financial assistance programs and functioned as a bridge between the statutory language and practical implementation.

C. 2 C.F.R. Part 184

On August 23, 2023, OMB issued a Notification of Final Guidance revising title 2 of the Code of Regulations ("Uniform Guidance") to add a new part 184 ("BABA Regulations") and revise § 200.322 of the Uniform Guidance. These BABA Regulations provide formal guidance to Federal entities on how to apply BABA to Federal awards for infrastructure projects. The revised 2 CFR § 200.322 clarifies existing domestic preference requirements applicable to procurements conducted under Federal financial assistance awards and further provides that Federal entities administering such assistance, together with recipients and subrecipients carrying out infrastructure projects, must, to the greatest extent practicable and consistent with law, implement the BABA requirements set forth in 2 CFR part 184 through all subawards, contracts, and purchase orders.

In addition to other regulatory objectives, Part 184 establishes formal definitions for covered products and materials, as well as specific standards for the application of BABA and the determination of domestic production. Furthermore, it prescribes the administrative procedures for the submission and approval of waivers. These definitions are incorporated into Section III of this Guidance.

D. OMB Memorandum M-24-02 ("OMB's Updated Implementation Guidance" or "M-24-02")

In October 2023, OMB issued Memorandum M-24-02, entitled *Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure* ("M-24-02"), to provide federal entities with updated guidance for implementing the Buy America Preference and 2 CFR Part 184. M-24-02 rescinds the M-22-11 to offer more detailed and standardized rules to resolve early implementation ambiguities of the Buy America Preference and strengthen enforcement consistency. Key updates include more precise definitions of construction materials and manufacturing processes, standardized waiver procedures with increased scrutiny, and enhanced requirements for award terms and conditions. M-24-02 marks a shift toward more rigorous and uniform compliance expectations.

E. ARC Code

The definitive statement of Commission's current policy is the ARC Code. ARC (the "Code" or "ARC Code"). ARC Code Section 1.1. The Code provides that ARC grants for construction of infrastructure projects fall into one of two categories: grants awarded by ARC and administered by a Registered State Basic Agency (RSBA) or grants awarded and administered for the Commission by a basic federal agency ("Federal Basic Agency"). *See* ARC Code Section 8.1. Projects involving significant construction must be administered either by an RSBA or a Federal Basic Agency. *See* ARC Code 8.1(d).

In general, the RSBA will follow its grants management policies and procedures for the administration of other Federal grants that are not inconsistent with the ARDA, the ARC Code and ARC Project Guidelines. RSBA's must also follow appropriate OMB guidance and such other requirements as the ARC Federal Co-Chairman and Alternates may from time to time approve, including, without limitation, this Guidance. *See* ARC Code Section 8.1(b).

ARC Federal Basic Agency grants must be administered in accordance with the regulations of the respective basic agencies that are not inconsistent with the ARDA or the ARC Code and such other requirements as ARC's federal co-chairman and alternates may from time to time approve, including, without limitation, this Guidance. *See* ARC Code Section 8.1(c).

III. Definitions

The following definitions govern the application of BABA to ARC awards that fund infrastructure. These definitions are derived from 2 CFR § 184.3 and apply throughout this guidance. Terms not defined in this section have the same meaning as provided in 2 CFR § 200.1, except for the terms "equipment," "expenditures," and "supplies," which are not specifically defined for purposes of Part 184. Acronyms used in this guidance have the same meaning as provided in 2 CFR § 200.0.

"ARC Financial Assistance" means funds or benefits received or administered in the form of grants, subawards, cooperative agreements, non-cash contributions or donations of property, direct assistance, and other types of financial assistance ARC may provide.

"Build America, Buy America Act" means division G, title IX, subtitle A, parts I through II, §§ 70901 through 70927 of the Infrastructure Investment and Jobs Act, Public Law 117-58.

"Buy America Preference" means the domestic content procurement preference set forth in § 70914 of the Build America, Buy America Act.

"Component" means an article, material, or supply, whether manufactured or unmanufactured, incorporated directly into a manufactured product or, where applicable, into an iron or steel product.

"Construction materials" means articles, materials, or supplies that consist of only one of the items listed in this definition, except as provided below. To the extent one of the listed items contains as inputs other items on the list, it is nonetheless a construction material. The listed items are:

- non-ferrous metals;
- plastic and polymer-based products, including polyvinylchloride, composite building materials, and polymers used in fiber optic cables;
- glass, including optic glass;
- fiber optic cable, including drop cable;
- optical fiber; lumber;
- engineered wood; and
- drywall.

For purposes of this definition, minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization as construction material.

“Infrastructure” means public infrastructure projects that will serve a public function, including whether the project is publicly owned and operated, privately operated on behalf of the public, or is a place of public accommodation, as opposed to a project that is privately owned and not open to the public, including, at a minimum, the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging. The foregoing list is illustrative and not exhaustive.

"Infrastructure Project" means any activity related to the construction, alteration, maintenance, or repair of Infrastructure, regardless of whether infrastructure is the primary purpose of the project.

"Iron or Steel products" means articles, materials, or supplies that consist wholly or Predominantly of Iron or Steel or a combination of both.

"Manufactured products" means articles, materials, or supplies that have been processed into a specific form and shape, or combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies. If an item is classified as an Iron or Steel Product, a Construction Material, or a Section 70917(c) Material under the definitions set forth in this section, then it is not a Manufactured Product. However, an article, material, or supply classified as a Manufactured Product may include components that are Construction Materials, Iron or Steel Products, or Section 70917(c) Materials.

"Manufacturer" means the entity that performs the final manufacturing process that produces a Manufactured Product.

"Predominantly of Iron or Steel or a combination of both" means that the cost of the iron and steel content exceeds 50 percent of the total cost of all components. The cost of iron and steel is the cost of the iron or steel mill products, such as bar, billet, slab, wire, plate, or sheet, as well as castings or forgings utilized in the manufacture of the product, and a good faith estimate of the cost of iron or steel components.

"Produced in the United States":

- for Iron or Steel products means that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- for Manufactured products means that the product was manufactured in the United States and that the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, as determine pursuant to Section VII of this Guidance, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product.
- for Construction Materials means that all manufacturing processes for the construction material occurred in the United States, with the meaning of all manufacturing processes for Construction Materials, pursuant to standards set forth in Section VIII of this Guidance.

"Section 70917(c) Materials" means cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.

IV. Applicability and Application to ARC Financial Assistance

In May 2022, the Appalachian Regional Commission ("ARC") issued the *APPALACHIAN REGIONAL COMMISSION Interim Implementation Guidance on the Application of the Buy America Preference in ARC Grants for Infrastructure* ("ARC Interim Guidance") to implement the Buy America Preference. ARC issues this guidance ("Guidance"), which reflects updated OMB BABA Guidance and the BABA Regulations to supersede and replace the ARC Interim Guidance and provide enhanced support of the implementation of BABA, assist in the implementation of BABA for projects funded with ARC Financial Assistance, and describe the process to request applicable BABA waivers for said projects. In the event of incompatibility or conflict between the provisions in the ARC Interim Guidance and this Guidance, this Guidance shall prevail. Projects carried out or managed by a Federal Basic Agency will be bound by the Federal Basic Agency's BABA guidance and the applicable terms and conditions of said agency.

BABA applies to all ARC Financial Assistance where funds are appropriated for or otherwise made available for Infrastructure Projects, regardless of whether Infrastructure is the primary purpose of the award or whether or not funded through Infrastructure Investment and Jobs Act. Every ARC award that includes an Infrastructure Project must incorporate the Buy America Preference in the terms and conditions of said award. BABA requirements must further be included in all subawards, contracts, and purchase orders for work performed or products supplied under the ARC award or any subaward. That is, the terms and conditions of an ARC award also flow down to subawards and subrecipients unless a particular section of the terms and conditions of the ARC award specifically indicates otherwise. There will be a manual issued with more detailed implementation tools for RSBAs ("ARC RSBA BABA Manual") and another manual issued with more detailed implementation tools for recipients ("ARC Recipient BABA Manual") (collectively, the "ARC BABA Manuals"). For example, more detail on required provisions in awards and subawards and procedures for monitoring compliance with BABA for ARC awards is contained in the ARC BABA Manuals. Recipients of ARC Financial Assistance must follow the requirements of this Guidance and the ARC Recipient BABA Manual. RSBAs must follow the requirements of this Guidance and the ARC RSBA BABA Manual.

BABA only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. It does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does the Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of or permanently affixed to the structure. In the interest of clarity, BABA only applies to the iron and steel, manufactured products, and construction materials incorporated into an Infrastructure Project.

Every article, material, or supply incorporated into the Infrastructure Project must be classified into one of four categories: Iron or Steel Products, Manufactured products, Construction Materials, or Section 70917(c) Materials. No article, material, or supply should be considered to fall into more than one of these categories. Except that, in some cases, an article, material, or supply may not fall under any of the four categories in which case it may not need to meet Buy America Preference requirements. Classification must be made based on the status of the article, material, or supply at the time it is brought to the work site for incorporation into the Infrastructure Project. The work site is generally the location of the Infrastructure Project at which the Iron or Steel products, Manufactured products, or Construction Materials will be incorporated. An article, material, or supply incorporated into an Infrastructure Project must meet the Buy America Preference requirements for only the single category into which it is classified.

To provide clarity to item, product, and material manufacturers and processers, items that consist of two or more of items listed in the definition of Construction Material that have been combined together through a manufacturing process, and items that include at least one of said listed materials combined with a material that is not listed, should be treated as manufactured products, rather than as construction materials. For example, a plastic framed sliding window should be treated as a manufactured product while plate glass should be treated as a construction material.

Iron or Steel products, Manufactured products and Construction Materials that are incorporated into the Infrastructure Project receiving ARC Financial Assistance must be Produced in the United States. However, § 70917(c) of BABA excludes Section 70917(c) Materials from the Construction Material's Buy America Preference requirements and therefore these need not be Produced in the United States to be compliant. The exemption simplifies compliance for bulk materials, ensuring that raw construction materials like sand, gravel, and cement are not restricted by strict sourcing rules. While raw Section 70917(c) Materials are excluded, if they are incorporated into a Manufactured product (e.g., precast concrete), that final product is subject to the Buy America Preference. Wet concrete and hot mix asphalt delivered to a work site are generally not considered Manufactured products and are therefore exempt.

The Buy America Preference also does not apply to expenditures for assistance authorized under §§ 402, 403, 404, 406, 408, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"), codified at 42 U.S.C. §§ 5170a, 5170b, 5170c, 5172, 5174, or 5192, relating to a major disaster or emergency declared by the President under § 401 or § 501, respectively, of that Act, codified at 42 U.S.C. §§ 5170 and 5191, or for pre- and post-disaster or emergency response expenditures.

Pre-disaster and post-disaster or emergency response expenditures, for purposes of this exemption, consist of expenditures for financial assistance that are authorized by statutes other than the Stafford Act and that are made in anticipation of or in response to an event or events that qualify as an "emergency" or "major disaster" within the meaning of the Stafford Act at 42 U.S.C. § 5122(1) and (2). For purposes of this paragraph, an emergency and a major disaster are defined as follows:

a. “emergency” means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

b. “major disaster” means any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

V. Compliance for Projects Receiving Funding from Multiple Sources

As stated above, the Buy America Preference applies at the project level to the entire Infrastructure Project even where the project receives both ARC Financial Assistance and funds from sources other than ARC or where Infrastructure is only a portion of a broader award.

Should an infrastructure project receive ARC Financial Assistance and also funding from any other source(s), including from a state or Federal agency, said project must nonetheless comply with the provisions of this Guidance and the ARC BABA Manuals, including regarding waivers and all other relevant provisions. A recipient of a direct ARC Financial Assistance may not rely on another federal agency’s or other federal entity’s guidance or waivers to comply with the Buy America Preference as it relates to the project receiving an ARC award, including for any portion of said project.

When a recipient receives funds for an infrastructure project from an entity other than ARC, the recipient should consult with said other agency on the need to comply with BABA as it relates to the other agency’s or entity’s funds. Failure to follow ARC’s requirements contained herein may result in noncompliance, even if the recipient were to satisfy another agency’s or entity’s standards. (See ARC BABA Manuals for further guidance, including for the process of seeking or applying BABA waivers in cases involving multiple funding sources.)

VI. Consistency with International Agreements.

Under § 70914(e) of BABA, the Buy America Preference must be applied in a manner consistent with United States obligations under international agreements. A number of States administering ARC grants have opted to obligate their procurement activities to the terms of one or more international trade agreements and, as such, are included in schedules to the international trade agreements.

If a State that has assumed procurement obligations pursuant to the World Trade Organization Government Procurement Agreement or any other international trade agreement is the recipient of ARC Financial Assistance, ARC will consider applications for BABA public interest waivers to allow the State to comply with its international agreement obligations. For a list of States and covered entities subject to U.S. Obligations under International Agreements please consult the ARC BABA Manuals.

VII. Cost of Components for Manufactured Products

In determining whether the cost of components of a Manufactured product that are mined, produced, or manufactured in the United States exceeds 55 percent of the total cost of all components of the Manufactured product, the following rules apply:

a. For components purchased by the manufacturer, the cost of a component is its acquisition cost, including transportation costs to the place of incorporation into the Manufactured product, whether or not those transportation costs are paid to a domestic firm, and any applicable duty, whether or not a duty-free entry certificate is issued.
b. For components manufactured by the manufacturer itself, the cost of a component is all costs associated with the manufacture of that component, including transportation costs as described above plus allocable overhead costs, but excluding profit. In either case, the cost of components does not include any costs associated with the manufacture of the final Manufactured product itself.

VIII. Construction Material Standards

BABA applies to the Construction Materials when incorporated into Infrastructure Projects. As explained below, for each category of construction material listed in the definition, a distinct standard defines what it means for that material to be produced in the United States. Except as specifically noted, only a single standard applies to a single Construction Material.

A. Non-ferrous metals are Produced in the United States if all manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
B. Plastic and polymer-based products are Produced in the United States if all manufacturing processes, from the initial combination of constituent plastic or polymer-based inputs or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.

C. Glass is Produced in the United States if all manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
D. Fiber optic cable, including drop cable, is Produced in the United States if all manufacturing processes, from the initial ribboning where applicable, through buffering, fiber stranding, and jacketing, occurred in the United States. The standard for fiber optic cable also incorporates the standards for glass and optical fiber, but not the standards for non-ferrous metals or plastic and polymer-based products.
E. Optical fiber is Produced in the United States if all manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
F. Lumber is Produced in the United States if all manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.
G. Drywall is produced in the United States if all manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.
H. Engineered wood is Produced in the United States if all manufacturing processes from the initial combination of constituent materials until the wood product is in its final form occurred in the United States.

X. BABA Waivers

ARC is responsible for processing and approving all BABA waiver requests relating to ARC Financial Assistance, including waivers requested by recipients and on behalf of subrecipients consistent with the procedures in 2 CFR 184.7. Every waiver must be reviewed by the MIAO. To the greatest extent practicable, waivers should be targeted to specific products and projects.

ARC may waive the application of BABA requirements in any case in which it finds that one of the following grounds for waiver has been established:

1- The first ground is that applying BABA would be inconsistent with the public interest, which is referred to as a public interest waiver.
2- The second ground is that types of iron, steel, manufactured products, or construction materials are not Produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality, which is referred to as a non-availability waiver.
3- The third ground is that the inclusion of iron, steel, manufactured products, or construction materials Produced in the United States will increase the cost of the overall infrastructure project by more than 25 percent, which is referred to as an unreasonable cost waiver.

Recipients may request a waiver from ARC if the recipient reasonably believes that a waiver is justified under one of the previously listed grounds. Further guidance and the criteria, procedures and requirements for seeking and processing waivers are set forth in the ARC BABA Manuals, including waiver request submission instructions and guidance on the format, contents, and supporting materials required for waiver requests from recipients, which must include a detailed written explanation for the proposed determination to issue the waiver based on one of the enumerated grounds.

All waiver requests must meet the requirements in the ARC BABA Manuals, including, without limitation, a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States and a certification that there was a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, or nonproprietary communications with potential suppliers. Furthermore, to the greatest extent practicable, the waiver request must include the following items:

- Waiver type (nonavailability, unreasonable cost, or public interest).
- Recipient name and Unique Entity Identifier (UEI).
- ARC Financial Assistance program name.
- ARC Financial assistance funding amount.
- Total estimated Infrastructure expenditures, including all ARC Financial Assistance funds and other funds (if applicable).
- Infrastructure project description and location (to the extent known).
- List of Iron or Steel item(s), Manufactured products, and Construction Material(s) proposed to be excepted from Buy America requirements, including name, cost, country(ies) of origin (if known), and relevant Product and Service Code (PSC) and North American Industry Classification System (NAICS) code for each.
- A description of efforts made (e.g., market research, industry outreach, etc.) by the recipient in an attempt to avoid the need for a waiver. Such a description may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
- Market research, should include relevant details, including who conducted the market research, when it was conducted, sources that were used, and the methods used to conduct the research.
- Anticipated impact if no waiver is issued.

Before issuing a final waiver, ARC must make the proposed waiver and the detailed written explanation publicly available, including as prescribed by OMB, provide a period of not less than 15 calendar days for public comment on the proposed waiver and submit the waiver determination to the MIAO for final review, pursuant to § 70923(b) of BABA. Waivers of general applicability that apply generally across multiple awards require a public comment period of not less than 30 calendar days.

XI. Relationship to Other Domestic Content Regimes

Domestic content requirements under BABA differ from those of other domestic content regimes which do not apply to ARC Financial Assistance. The Buy American Act of 1933, for example, applies to Federal procurement contracts rather than financial assistance and uses different domestic content thresholds. Federal Transit Administration Buy America requirements apply to transportation programs under separate statutory authority. The Inflation Reduction Act domestic content bonus provides a tax incentive rather than a procurement requirement and applies different standards. Compliance with one regime does not establish compliance with another, and projects subject to multiple regimes must be analyzed independently under each applicable framework. This Guidance only applies to the Domestic Preference requirements set forth by BABA.

XII. Compliance and Oversight

Responsibility for compliance rests primarily with the recipient of the ARC Financial Assistance. Recipients must ensure that all materials incorporated into the project meet domestic content requirements pursuant to this Guidance and the ARC Recipient BABA Manual, include BABA provisions in all subawards, contracts, and other relevant documents, maintain documentation demonstrating compliance, and support oversight activities such as audits and reviews. These awards and all subawards must contain the BABA requirements for Infrastructure Projects term and condition requiring use of domestically produced iron, steel, manufactured products, and construction materials in the infrastructure project. (See ARC Recipient BABA Manual.)

Sub-awardees and contractors are responsible for compliance through the terms of their agreements with the recipient. Recipients are responsible for incorporating BABA requirements into sub-award terms and all relevant documents, monitoring subrecipient compliance, and administering waiver processes in accordance with this Guidance and the ARC BABA Manual.

The RSBA, in coordination with ARC, shall have oversight responsibilities in the implementation of the Buy America Preference set forth in this Guidance and the ARC RSBA BABA Manual. Recipients of ARC Financial Assistance shall first direct their inquiries about the implementation of this Guidance and on the processing of BABA waivers through its RSBA.

XIII. Effective Date

This *Guidance on the Implementation of the Buy America Preference Requirements in Grants for Infrastructure* will be effective on August 1st, 2026, and will apply to ARC grant awards approved on or after that date. ARC grants approved before August 1st, 2026, will apply the *"Interim Implementation Guidance on the Application of the Buy America Preference in ARC Grants for Infrastructure."*