



Surprises Lurk in "Buy American" Requirements of Stimulus Package

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Soon-to-be-published regulations implementing "Buy American" requirements of the recently enacted stimulus package (the American Recovery and Reinvestment Act) will surprise some U.S. and foreign producers of iron, steel, manufactured goods, textiles and apparel, as well as many local government agencies. The statute's plain language has already caused befuddlement, because it seems both to impose "Buy American" requirements and to waive them in many instances. Once regulations appear, however, U.S. producers who had previously inferred that the requirements would always work in their favor, and municipalities and foreign producers who had previously expected that the requirements could never apply to them, will likely receive an unpleasant shock. Therefore, anyone involved in an infrastructure or textile-laden, homeland-security project that will spend stimulus funds should carefully examine the requirements now, lest "shovel-ready" good intentions fall victim to poor planning.

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