

January 25, 2021

## President Biden To Sign ‘Buy American’ Executive Order

Today, President Biden will sign an Executive Order (EO) aimed at pushing the federal government to buy more goods produced in the United States. This EO is a step toward fulfilling his "Made In All Of America" plan, calling for a \$400 billion, four-year increase in government purchasing of U.S.-made products and services.

The new policies will include tightening the government procurement rules to make it harder for federal agencies to purchase imported products, revising the definition of American-made products and raising local-content requirements. The executive order also ensures that small and midsize businesses will have better access to information needed to bid for government contracts.

"President Biden's executive action will ensure that the federal government is investing taxpayer dollars in American businesses—both small and large. These investments will help create well-paid, union jobs, and build our economy back better so that everybody has a fair shot at the middle class," The White House said in a statement. "They will buy from all of America—including minority entrepreneurs and businesses in every region in our country. And, they will support the manufacturing capabilities and technology needed to build a clean energy future and strengthen our national security, and give our workers and companies the tools they need to compete globally for decades to come."

### **The Executive Order:**

- **Directs agencies to close current loopholes in how domestic content is measured and increase domestic content requirements**
  - Existing Buy American rules establish a domestic content threshold – the amount of a product that must be made in the U.S. for a purchase to qualify under Buy American law. **This EO directs an increase in both the threshold and the price preferences for domestic goods** – the difference in price

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over which government can buy a product from a non-US supplier. It also updates how government decides if a product was sufficiently made in America, building a stronger foundation for the enforcement of Buy American laws.

- **Appoints a new senior leader in the Executive Office of the President in charge of the government's Made-in-America policy approach**
  - The new Director of Made-in-America at the Office of Management and Budget (OMB) will oversee the implementation of this EO, make sure the President's new rules are followed, work with key stakeholders, and carry through the President's vision in conjunction with their executive agency partners.
- **Increases oversight of potential waivers to domestic preference laws**
  - The EO creates a central review of agency waivers of Buy American requirements, fulfilling the President's commitment to crack down on unnecessary waivers. It also directs the General Services Administration (GSA) to publish relevant waivers on a publicly available website.
- **Connects new businesses to contracting opportunities by requiring active use of supplier scouting by agencies**
  - The EO directs agencies to utilize the Manufacturing Extension Partnership -- a national network in all 50 states and Puerto Rico, that supports small and medium-size manufacturers -- to help agencies connect with new domestic suppliers who can make the products they need while employing America's workers.
- **Reiterates the President's strong support for the Jones Act**
  - The Jones Act is a federal law that regulates maritime commerce in the United States. The Jones Act requires goods shipped between U.S. ports to be transported on ships that are built, owned, and operated by United States citizens or permanent residents. The President will continue to be a strong advocate for the Jones Act. With the signing of the 2021 National Defense Authorization Act, the Jones Act has also been affirmed as an opportunity to invest in America's workers as we build offshore renewable energy, in line with the President's goals to build our clean energy future here in America.
- **Directs a cross-agency review of all domestic preferences**
  - The EO requires agencies to report on their implementation of current Made in America laws and make recommendations for achieving the President's Made in America goals, and to continue to do so on a bi-annual basis. This review includes a requirement that agencies submit recommendations for ways to ensure items offered to the general public on federal property are Made in America --- to the fullest extent possible—and to consider service industries in addition to manufacturing.

### **Draft List of Executive Orders That President Biden Will Sign In January**

#### ***January 25: Federal procurement***

- Using Federal procurement power to buy American

***January 26: Supporting equity***

- Voting
- Improving prison conditions
- Curtailing use of private prisons
- Housing
- Xenophobia against AAPI community

***January 27: Climate***

- Focus on delivering union jobs and environmental justice
- Deliver on early commitments that Biden made in the Climate space

***January 28: Health Care***

- Shoring up ACA
- Rescinding Global Gag rule
- Begin to revise/rollback Trump Title X rule

***January 29: Immigration***

- Family reunification
- Undocumented immigrants Migrants

***January 30: Foreign Policy***

Re-invest in foreign policy/national security workforce

**Related People**

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