

*BetaLED® products including THE EDGE™ and LEDway® streetlights, meet the requirements of the Buy American provision; Section 1605 of the American Recovery Reinvestment Act (ARRA).*

### **Q. What is the Buy American provision within the Recovery Act?**

- A. The Buy American provision restricts the purchase of supplies that are not domestic end products. There is no requirement with regard to the origin of components or subcomponents in manufactured goods used in a project, as long as, manufacturing occurs in the United States.

### **Q. What are the conditions of the Buy American Act within the ARRA?**

- A. When using funds appropriated under the American Recovery and Reinvestment Act of 2009, the definition of “domestic manufactured end product” requires that the product be manufactured in the United States, but does not include the requirement with regard to the origin of the components.

### **Q. Does the Buy American provision apply to all projects funded by the Recovery Act?**

- A. No. The law covers Recovery Act funded federal contracts and Recovery Act funded state and local public works projects. Recipients of Federal contract awarded directly from the Federal government must comply with a different set of criteria.

### **Q. Do BetaLED products meet these conditions?**

- A. Yes, BetaLED products are manufactured in the United States.

### **Q. Are there any exceptions to the Buy American Act?**

- A. Yes. Exceptions are allowed for cases:
1. applying the Buy American restriction would be “inconsistent with the public interest.”
  2. iron, steel, or manufactured goods are not produced in the United States in sufficient and reasonably available quantities and/or of satisfactory quality.
  3. inclusion of U.S. products would increase overall project cost by 25 percent.

### **Q. Is LED lighting considered a “supply” item and therefore exempt from Buy American restrictions?**

- A. No, LED lighting for outdoor applications is not considered a “supply” item according to the Department of Energy. The concept of a “supply” item has no significance in the context of section 1605 (the Buy American provision) of the Recovery Act. [Letter of explanation from DOE](#)

### Q. What if a project falls under U.S. obligations under international agreements?

- A. Buy American restrictions shall not be applied where the iron, steel, or manufactured goods used in the project are from a Party to an international agreement, and the recipient is required under an international agreement to treat the goods the same as domestic goods. This obligation only applies to projects with an estimated value of \$7.4M or more.

It is important to note, as the Appendix indicates, many states have exceptions to the trade agreements depending upon the items be purchased. In particular, NAFTA (Canada and Mexico) does not apply to most states and entities listed in the Appendix.

[See listing of international agreements by state](#)

### Q. Where can I find more information about the Buy American Act?

- A. You can visit [www1.eere.energy.gov/recovery/buy\\_american\\_provision.html](http://www1.eere.energy.gov/recovery/buy_american_provision.html) or [www.recovery.gov](http://www.recovery.gov) for more information.

### Q. Is the Buy American Act the same as “Made in the USA”?

- A. No. They are two different claims. Made in the USA claims are governed by the Federal Trade Commission (FTC).

### Q. What is the standard for a product to make an unqualified claim of Made in USA?

- A. For a product to claim Made in USA, or of domestic origin without qualifications or limits on the claim, the product must be all or virtually all made in the U.S.

### Q. What does all or virtually all mean?

- A. All or virtually all means that all significant parts and processing that go into the product must be of U.S. origin. That is, the product should contain no or negligible foreign content.

### Q. If BetaLED products are manufactured in the U.S., why don't they meet the unqualified Made in the USA statement?

- A. While BetaLED products are manufactured domestically and use a majority of components of U.S. origin, by necessity; they use a minimal number of parts that are either packaged or produced in foreign countries. BetaLED products do meet the qualified statement “Made in the USA of U.S. and imported parts.”

### Q. Where can I find more information about the Made in the USA statement?

- A. You can visit [www.ftc.gov](http://www.ftc.gov) for more information.

### Q. Who should I contact for more information?

- A. Contact BetaLED at (800) 236-6800 or email [sales@betaled.com](mailto:sales@betaled.com).

The Difference You Can See