**Department of Agriculture**

**Report to OMB on Relevant Items, Manufactured Goods, and Construction Materials Used in Infrastructure Projects**

On November 15, 2021, the Office of Management and Budget (OMB) issued a data all to assist agencies in identifying infrastructure programs. The data call indicated there are a total of 22 Assistance Listings are subject to the [Infrastructure Investment and Jobs Act](https://www.congress.gov/bill/117th-congress/house-bill/3684/text) (IIJA) at the Department of Agriculture. The following agencies responded to this data call. These agencies submitted a Report to the Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy American Provisions of the Infrastructure Investment and Jobs Act to OMB and Congress.

* Agricultural Marketing Service;
* Food and Nutrition Service;
* National Institute of Food and Agriculture;
* Natural Resources Conservation Service;
* Rural Business Cooperative Service; and
* Rural Utilities Service.

In order to implement the IIJA and [OMB Memorandum M-22-08](https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-08.pdf), “Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy American Provisions of the Infrastructure Investment and Jobs Act”, this report identifies typical iron and steel items, manufactured goods, and construction materials used in projects supported by such programs. For each item, product, or material listed, or, if appropriate, each category of items, goods, and materials listed they identified:

* Whether the item is relevant to any of the six critical supply chains identified in [Executive Order 14017, America’s Supply Chains](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-americas-supply-chains/) and listed in the [Securing America’s Critical Supply Chains Fact Sheet](https://www.whitehouse.gov/briefing-room/statements-releases/2021/02/24/fact-sheet-securing-americas-critical-supply-chains/).
  + Whether the agency is aware of limitations on the domestic manufacturing or production

of such item, good, or material.

* + Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.

**Agricultural Marketing Service**

**List of Infrastructure Programs:**

**10.180 – Meat and Poultry Interstate Shipment and Inspection Readiness Program**

This report asks agencies to identify typical materials used in projects supported by such programs. Please note, the Agricultural Marketing Service’ (AMS) Meat and Poultry Inspection Readiness Grant Program (MPIRG) is a new program where grants were recently issued within the past 1-2 months.  The requested information is not available, and the agency does not collect this level of detail from grant recipients due to the administrative burden it would impose on these small and mid-sized businesses.

**Food and Nutrition Service**

**List of Infrastructure Programs:**

**10.567** Food and Nutrition Act of 2008 (7 U.S.C 2011-2036) ( Food Distribution Program on Indian Reservation grants)

**(1) Whether the item is relevant to any of the six critical supply chains identified in Executive Order 14017, America’s Supply Chains and listed in the Securing America’s Critical Supply Chains Fact Sheet:**

* This program is not relevant to any of the six critical supply chains identified in Executive Order 14017. We read the request as an effort to seek information from agencies that have ongoing grants that support consistent infrastructure programs. While we previously noted that this one discretionary grant awarded in FY 2020 supported infrastructure needs in our Food Distribution Program on Indian Reservations, we typically do not have these types of grants. Also, it is important to note that this grant was a one-time discretionary award that was awarded prior to the issuance of the executive order. Having read the E.O. we do not believe any of our currently planned or new grants fall under these requirements.

**(2) Whether the agency is aware of limitations on the domestic manufacturing or production of such item, good or material:**

* The agency is not aware of any limitations on the domestic manufacturing or production used within this program, other than construction materials. It is reasonable to assume that the shortages of construction products have affected the prices associated with construction contracts for grantees, but we do not feel this is a significant limitation with respect to the funding.

**(3) Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.**

* The agency has **not** worked to increase or develop domestic production of construction supplies such as steel, framing lumber etc., as this type of infrastructure is not something that falls within our agency mission or purview.

**National Institute of Food and Agriculture**

**List of Infrastructure Programs:**

**10.203 The Hatch Act of 1887 (Regular Research Fund).**

*The Hatch Act of 1887, Section 361, 7 U.S.C. 1998*

**(1) Whether the item is relevant to any of the six critical supply chains identified in Executive Order 14017, America’s Supply Chains and listed in the Securing America’s Critical Supply Chains Fact Sheet:**

* This program is not relevant to any of the six critical supply chains identified in Executive Order 14017.

**(2) Whether the agency is aware of limitations on the domestic manufacturing or production of such item, good or material:**

* The agency is not aware of any limitations on the domestic manufacturing or production used within this program, other than construction materials. It is reasonable to assume that the shortages of construction products have affected the prices associated with construction contracts for grantees.

**(3) Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.**

* The agency has **not** worked to increase or develop domestic production of construction supplies such as steel, framing lumber etc.

**10.512 The Agricultural Research at 1890 Land Grant Institutions Section 1445 (Capacity Funding)**

*National Agricultural Research, Extension and Teaching Policy Act of 1977, Section 1445, 7 U.S.C. 3222*

**(1) Whether the item is relevant to any of the six critical supply chains identified in Executive Order 14017, America’s Supply Chains and listed in the Securing America’s Critical Supply Chains Fact Sheet:**

* This program is not relevant to any of the six critical supply chains identified in Executive Order 14017.

**(2) Whether the agency is aware of limitations on the domestic manufacturing or production of such item, good or material:**

* The agency is not aware of any limitations on the domestic manufacturing or production used within this program, other than construction materials. It is reasonable to assume that the shortages of construction products have affected the prices associated with construction contracts for grantees.

**(3) Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.**

* The agency has **not** worked to increase or develop domestic production of construction supplies such as steel, framing lumber etc.

**10.513 Facilities Grants Program (Competitive Funding)**

*National Agricultural Research, Extension, and Teaching Policy Act of 1977, Section 1447, 7 U.S.C. 3222b*

**(1) Whether the item is relevant to any of the six critical supply chains identified in Executive Order 14017, America’s Supply Chains and listed in the Securing America’s Critical Supply Chains Fact Sheet:**

* This program is not relevant to any of the six critical supply chains identified in Executive Order 14017.

**(2) Whether the agency is aware of limitations on the domestic manufacturing or production of such item, good or material:**

* The agency is not aware of any limitations on the domestic manufacturing or production used within this program, other than construction materials. It is reasonable to assume that the shortages of construction products have affected the prices associated with construction contracts for grantees.

**(3) Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.**

* The agency has **not** worked to increase or develop domestic production of construction supplies such as steel, framing lumber etc.

**Natural Resources Conservation Service**

**List of Infrastructure Programs:**

**10.904 Watershed Protection and Flood Prevention Act – Watershed Operations**

1. **Whether the item is relevant to any of the six critical supply chains identified in Executive Order 14017, America’s Supply Chains and listed in the Securing America’s Critical Supply Chains Fact Sheet.**

* The six critical supply chains (EO 14017) referenced are commodity products, which do not pertain to the awards made by the NRCS Infrastructure Programs.

1. **Whether the agency is aware of limitations on the domestic manufacturing or production of such item, good, or material.**

* Not Applicable

1. **Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.**

* Not Applicable.

**10.916 Watershed Protection and Flood Prevention Act - Rehabilitation**

1. **Whether the item is relevant to any of the six critical supply chains identified in Executive Order 14017, America’s Supply Chains and listed in the Securing America’s Critical Supply Chains Fact Sheet.**

* The six critical supply chains (EO 14017) referenced are commodity products, which do not pertain to the awards made by the NRCS Infrastructure Programs.

1. **Whether the agency is aware of limitations on the domestic manufacturing or production of such item, good, or material.**

* Not Applicable.

1. **Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.**

* Not Applicable.

**10.923 Emergency Watershed Protection Program and 10.927 Disaster Relief Act**

**(1) Whether the item is relevant to any of the six critical supply chains identified in**

**Executive Order 14017, America’s Supply Chains and listed in the Securing America’s**

**Critical Supply Chains Fact Sheet.**

* The six critical supply chains (EO 14017) referenced are commodity products, which do not pertain to the awards made by the NRCS Infrastructure Programs.

**(2) Whether the agency is aware of limitations on the domestic manufacturing or production of such item, good, or material.**

* Not Applicable.

**(3) Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.**

* Not Applicable.

**Rural Business Cooperative Service**

**Negative response for the following Assistance Listings identified in the 60-day IIJA report:**

**10.767 Intermediary Relending Program**

*Health & Human Services Act of 1986, Section 407, 7 U.S.C. 1932*

**10.874 Delta Health Care Service Grant Program**

*Anticultural Act of 2014*

**Rural Utilities Service, Water and Environmental Programs**

**List of Infrastructure Programs:**

**10.760 Water and Waste Disposal Systems for Rural Communities**

**10.763 Emergency Community Water Assistance Grants**

**10.770 Water and Waste Disposal Loans and Grants (Section 306C)**

**10.864 Grant Program to Establish a Fund for Financing Water and Wastewater Projects**

**Typical iron and steel items, manufactured goods, and construction materials used in projects supported by such programs:**

Pipes (iron, steel, and composites), valves (of many varied types), fittings, hydrants, pumps, motors, blowers, aerators, filters, chemical feed equipment, other treatment equipment, instrumentation and controls, electrical equipment, storage and treatment tanks, wells, buildings, structural steel, municipal castings, steel reinforcement (re-bar), pre-cast reinforced concrete, specialized energy recovery equipment, solar panels and equipment, and many other items.

1. **Whether the item is relevant to any of the six critical supply chains identified in Executive Order 14017, America’s Supply Chains and listed in the Securing America’s Critical Supply Chains Fact Sheet.**

* None

1. **Whether the agency is aware of limitations on the domestic manufacturing or**

**production of such item, good, or material.**

* WEP is aware of intermittent production limitations of specific sizes of products covered by American Iron and Steel (AIS) requirements, based on market research for individual items covered by AIS that individual projects report as unavailable. WEP does not conduct market research on manufactured goods or construction materials and is not aware of limitations for these items.

1. **Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.**

* As part of its implementation of American Iron and Steel (AIS), coordinated with the US Environmental Protection Agency (EPA), USDA issued a short-term national waiver for stainless steel nuts and bolts in pipe restraint-type products. Before renewing the waiver each year, USDA reviewed the availability of the products. Based on information provided by manufacturers, and in coordination with EPA, USDA terminated the short-term waiver for stainless steel nuts and bolts used in pipe restraint-type products.

**Rural Utilities Service, Electric Program (EP), Rural Development**

**List of Infrastructure Programs:**

**10.850 Rural Electrification Loans, Rural Electrification Act 7 U.S.C. 901 et seq.**

**10.858 Denali Commission Grants, Rural Electrification Act 7 U.S.C. 918a.**

**10.859 High Energy Cost Grants, Rural Electrification Act 7 U.S.C. 918a.**

**Typical iron and steel items, manufactured goods, and construction materials used in projects supported by such programs:**

Poles (iron, steel, concrete, and composites), pole-line hardware (nuts, bolts, brackets, fittings), electrical conductor, transformers, reclosers, motors, instrumentation and controls, electric meters, specialized energy recovery equipment, solar panels and equipment, and many other items.

A comprehensive list of electric system construction materials can be found in [Information Publication 202-1 List of Materials Acceptable for Use on Systems of USDA Rural Development Electrification Borrowers](https://www.rd.usda.gov/files/UEP_LoM.pdf), which are certified by the manufacturer to be domestically produced.

1. **Whether the item is relevant to any of the six critical supply chains identified in Executive Order 14017, America’s Supply Chains and listed in the Securing America’s Critical Supply Chains Fact Sheet.**

* None.

1. **Whether the agency is aware of limitations on the domestic manufacturing or**

**production of such item, good, or material.**

* EP is aware of intermittent production limitations of manufactured goods and construction materials such as pole-line hardware, electric meters, and transformers. EP does not conduct market research. However, based on some requests made by Borrowers for alternative materials, awareness has been raised regarding shortages and excessive lead-times to obtain certain electric system components mentioned above.

1. **Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.**

* EP has always worked to increase or develop domestic production of such items, goods, or materials via the “Buy American” provision of the Rural Electrification Act of 1936 (RE Act), which requires, to the extent practicable and the cost of which is not unreasonable, that RUS awardees use RUS funds only for such manufactured articles, materials, and supplies as have been manufactured in the United States or in any eligible country, substantially all from articles, materials, or supplies mined, produced or manufactured, as the case may be, in the United States or any eligible country. In addition the [7 CFR 1787 The “Buy American” Requirement](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-XVII/part-1787) specifically implements the details of this requirement.

**Rural Utilities Service, Telecom Program, Rural Development**

**List of Infrastructure Programs:**

**10.752 Rural eConnectivity Program**

**10.851 Telecommunications Infrastructure Loan Program**

**10.855 Distance Learning and Telemedicine Program**

**10.863 Community Connect Grant Program**

**10.886 Rural Broadband Loans, Loan/Grant Combinations, and Loan Guarantees**

**Typical iron and steel items, manufactured goods, and construction materials used in projects supported by such programs:**

Transmission equipment, Switching equipment, Electronic Circuit Blades, Fiber and Copper cables, Conduit, Fiber Optic Splitters, Fiber and Copper Splicing connectors and cases, Pedestal and Cabinet housings, Pre-fabricated Manholes/Handholes with hardware & fixtures, Antenna towers, Pre-fab Huts, Customer Premises equipment, Poles (iron, steel, concrete, wood, and composites), aerial pole-line hardware (nuts, bolts, brackets, fittings), grounding rods with connectors and wire, and many other items.

1. **Whether the item is relevant to any of the six critical supply chains identified in Executive Order 14017, America’s Supply Chains and listed in the Securing America’s Critical Supply Chains Fact Sheet.**

* None.

1. **Whether the agency is aware of limitations on the domestic manufacturing or production of such item, good, or material.**

* Telecom Program does not conduct market research. However, telecom is aware of intermittent production limitations of manufactured goods and construction materials such as fiber optic cable, based on some requests made by Borrowers for alternative materials and awareness has been raised regarding shortages and excessive lead-times to obtain certain telecom materials.

1. **Whether the agency has successfully worked to increase or develop domestic production of such items, goods, or materials in the past.**

* Telecom Program has always worked to increase or develop domestic production of such items, goods, or materials via the “Buy American” provision of the Rural Electrification Act of 1936 (RE Act), which requires, to the extent practicable and the cost of which is not unreasonable, that RUS awardees use RUS funds only for such manufactured articles, materials, and supplies as have been manufactured in the United States or in any eligible country, substantially all from articles, materials, or supplies mined, produced or manufactured, as the case may be, in the United States or any eligible country. In addition, the [7 CFR 1787 The “Buy American” Requirement](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-XVII/part-1787) specifically implements the details of this requirement.