

'Buy American' Drug Decision Opens Door to Foreign Supplies

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Partner Curt Dombek spoke with *Bloomberg Law* regarding a recent Federal Circuit ruling on the origins of a hepatitis drug, which could allow federal contractors to rely more on foreign-made parts or components while still satisfying "Buy American" restrictions. According to Curt and others, the ruling's impact could extend well beyond the drug industry.

According to Curt, "the court's decision also could create an opening for other industries like electronics to make more use of foreign parts and stay TAA-compliant... how much of a product needs to be made, or assembled, in the U.S. for a product to qualify as American made, is now up for debate. An interesting question, which could be the subject of significant litigation, is whether the interpretation adopted in the decision would allow an already functional electronics item, like a computer circuit board with CPU, to be brought into the U.S. and have other simpler components like power supply and a monitor attached, with the resulting laptop treated as a U.S.-made end product."

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Practice Areas

International Trade and Investment