

- use of domestic goods would be contrary to the United States' public interest;
- the products are unavailable in the United States in sufficient quality or quantity;
or
- the products are to be used outside the United States, or resold in commissaries.

The United States may use alleged national security concerns to prohibit Canadian firms from bidding on certain defence contracts. Annual defence funding also contains various Buy American provisions, including:

- the Berry Amendment, which requires the Department of Defense to buy food, clothing, fabrics and specialty metals that are products of the United States; and
- the Byrnes-Tollefson Amendment, which prohibits any foreign construction of U.S. ships or foreign supply of major ship components.

The Buy American provisions on federal contracts with all agencies for the construction or repair of public buildings are a direct barrier to U.S. government contracts. They are also an indirect barrier to sales in the United States as a whole, because U.S. distributors and wholesalers may refuse to carry Canadian products that cannot be used on government projects.

Materials used in the construction, alteration or repair of any public building or public work in the United States must be of U.S. origin or manufacture, and the cost of American-origin components must exceed 50 per cent of the cost of all of its components, except when:

- the head of the concerned agency determines that use of a particular domestic construction material would unreasonably increase the project cost, or would be impracticable; or
- the required materials are unavailable in sufficient quality or quantity in the United States. The individual agency determines whether any product meets that description for its purposes. There is no requirement to use a minimum per cent guideline in making such a determination.