



UNITED STATES DEPARTMENT OF EDUCATION

September 15, 2022

MEMORANDUM

TO: Lindsay Abate
Office of Management and Budget Desk Officer

FROM: Ayisa Crowe *Ayisa Crowe*
Director, Grants Management Policy Division

RE: Emergency request for Paperwork Reduction Act (PRA) approval

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 CFR 1320, the U.S. Department of Education (the Department) requests that the following collection of information, *Build America, Buy America Act (BABAA) Domestic Sourcing Requirements Waiver - United States Department of Education BABAA Waiver Request Form* (BABAA Waiver Request Form), be processed in accordance with section 1320.13 Emergency Processing. This information is essential to the Department's ability to effectively approve waiver requests for Department grantees as required in accordance with section 70914 of the [Build America Buy America Act \(Pub. L. No. 117-58 §§ 70901-70953\) \(BABAA\)](#) and OMB Memorandum [M 22-11](#), *Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure*. If normal processing were to be followed, the Department would not be able to implement the BABAA Waiver Request Form on October 1, 2022, which is the date that it must implement BABAA requirements under its currently OMB approved adjustment period waiver. Delays in implementing resulting from normal processing would likely result in overall delays to critically important project goals and objectives and would inhibit grant infrastructure projects and activities from moving forward.

The Infrastructure Investment and Jobs Act (IIJA), which includes BABAA was signed into law by the President on November 15, 2021. The IIJA ensures that Federal infrastructure programs require the use of materials produced in the United States, increases the requirement for American-made content, and strengthens the waiver process associated with Buy American provisions.

In accordance with section 70914 of the BABAA, grantees funded under the Department of Education's (the Department) programs that allow for infrastructure projects (e.g., construction and broadband infrastructure) may not use their grant funds for these infrastructure projects or activities unless they comply with the BABAA Buy America Domestic Sourcing requirements.

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This is a new information collection and it includes the following two documents: 1) the Build America, Buy America Act (BABAA) Domestic Sourcing Requirements Waiver - United States Department of Education BABAA Waiver Request Form (BABAA Waiver Request Form); and 2) a document listing the BABAA Waiver Request Form data elements.

The Department is requesting an emergency clearance of the BABAA Waiver Request Form from OMB by September 30, 2022. Given the inability to seek public comment in advance of OMB approval, as part of the emergency notice in the Federal Register, the Department will simultaneously solicit 60-days of public comment for the regular information collection as required by 5 CFR 1320.8(d).