

March 27, 2024

TO: Fiana Arce  
Office of Information and Regulatory Affairs  
Office of Management and Budget

FROM: The Grants Management Policy Division (GMPD) within the Office of  
Acquisition, Grants, and Risk Management (OAGRM) *CK*  
U.S. Department of Education

RE: Nonmaterial and Nonsubstantive Edits to 1894-0018

We have made several technical revisions to the Department of Education's BABAA Waiver Request Form (OMB Control Number 1894-0018; Expiration 02/28/2026) to reflect consistency with guidance issued by OMB in 2 CFR part 184 and in OMB Memorandum 24-02, which were issued as final in October 2023. These changes do not impact the form's burden statement. The changes are as follows:

Page 1 –

- The form's title has been revised to: Build America, Buy America Act (BABAA) Domestic Content Procurement Preference Requirements Waiver, United States Department of Education BABAA Waiver Request Form
- "Domestic sourcing requirements" has been replaced with "domestic content procurement preference requirements."
- The following bulleted item was added: **Grant Award Date:** Was the grant awarded prior to October 1, 2022? If yes, your grant is not subject to the BABAA domestic content procurement preference requirement, and you do not need to complete this form.
- The De Minimis, Small Grants, and Minor Components bulleted item was revised to reflect: **Agency Level Waivers:** Can the grant project implement any of the agency level waivers established by the Department? The Department's agency level waivers are posted here [Build America Buy America Waivers](#) under the Approved Agency Level Waivers heading. If so, you do not need to complete this form.
- The infrastructure projects definition item was revised to reflect: **Manufactured Products and Construction Materials Definitions:** Are you aware of the items considered to be "manufactured products" or "construction materials"? For grants awarded on or after October 1, 2022 and prior to October 23, 2023, please see the list of those items and their definitions in [M 22-11, Office of Management and Budget Memorandum Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#). For grants awarded on or after October 23, 2023, see [M-24-02 Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#) applies and [2 CFR Part 184 -- Buy America Preferences for Infrastructure Projects](#).

#### Section 1 –

- “Domestic sourcing requirements” has been replaced with “domestic content procurement preference requirements.”

#### Section 4 –

- “Domestic sourcing requirements” has been replaced with “domestic content procurement preference requirements.”

#### Section 5 -

- The following option has been added: We request the waiver to apply to a broad grouping of products, e.g., all drywall or all manufactured products.
- “Domestic sourcing requirements” has been replaced with “domestic content procurement preference requirements.”
- Both PSC **and** NAICs codes are required

#### Section 6 -

- “Domestic sourcing requirements” has been replaced with “domestic content procurement preference requirements.”
- Other minor edits made.

#### Section 7 -

- “Domestic content procurement preference requirements” was added to the first bullet.
- “And the market research and/or industry outreach you have performed to make this determination’ was added to the 1<sup>st</sup> and 2nd bullets.
- Minor clarification edits were made to the final bullet.
- A separate field was added where the “anticipated impact if the waiver is disapproved” information can be added.

#### Section 9 –

- “Domestic sourcing requirements” has been replaced with “domestic content procurement preference requirements.”