

June 29, 2023

Office of Management and Budget
Office of Information and Regulatory Affairs
Administrator Richard Revesz
Eisenhower Executive Office Building
Washington, DC 20503

RE: OMB Control Number 2502-XX HUD Build America, Buy America (BABA) Waiver form

Dear Administrator Richard Revesz:

The Department of Housing and Urban Development (HUD) respectfully requests a six (6) month PRA Emergency approval (as detailed under 5 C.F.R § 1320.13) within the next seven (7) business days for waiver's submitted to HUD pursuant to Section 70914(c) of the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. No. 117-58, whereby the head of a Federal agency may waive the application of a Buy America preference under an infrastructure program in which the head of the Federal agency finds that –

- (1) applying the domestic content procurement preference would be inconsistent with the public interest (a "public interest waiver"); or
- (2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a "nonavailability waiver"); or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an "unreasonable cost waiver").

Emergency approval is vital for HUD grantees subject to BABA, enabling them to submit waiver requests for HUD's due diligence, approval, or rejection of waivers in the event a Buy America preference cannot be satisfied. The absence of an emergency approval may cause significant delay in project completion. The emergency authorization is necessary because it would cause significant delay in funding to the grantees for project completion. These delays could ultimately lead to a failure to provide affordable housing and have a detrimental impact on HUD's mission. This determination satisfies the requirement 5 C.F.R § 1320.13(a)(2)(i) that "Public harm is reasonably likely to result if normal clearance procedures are followed" and 5 C.F.R § 1320.13(a)(2)(iii) that "The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed." During these 180 days, as well as the additional time it would take to conduct internal departmental clearance and await OMB approval, HUD grantees will be without a proper method to submit information to HUD to initiate waiver requests. Emergency approval of the BABA waiver form will allow HUD to conduct the normal PRA process, including the 60-days of public comment, without the harm to public interest or delays

in funding to the grantees who need an immediate method of informing HUD that their project or product cannot meet the BABA requirements.

The attached provides the emergency PRA package for OMB Collection 2502-XX HUD BABA Waiver form.

I appreciate your prompt attention to our 7-day request for a six-month emergency PRA approval. If you have any questions, please direct them to September Secrist, Chief of Staff, Office of the Chief Financial Officer at September.secrist@hud.gov.

Sincerely

Vinay Singh
Chief Financial Officer
Office of the Chief Financial Officer