

Public Comment on OMB Control No. 9000-0024 — Information Collection for Buy American, Trade Agreements, and Duty-Free Entry

NOVA Power Solutions respectfully submits the following comments on the proposed extension of OMB Control No. 9000-0024 covering Buy American Act (BAA), Trade Agreements Act (TAA), and Duty-Free Entry (DFE) clauses under FAR/DFARS. See Federal Register notice dated December 11, 2025; comments due February 9, 2026.

I. Burden Estimate Accuracy and Small Business Impacts

We support continued information collection authority but believe the current burden estimates under the Paperwork Reduction Act (PRA) understate the effort required of small and mid-sized contractors. In particular:

- Elevated BAA domestic-content thresholds and multi-tier supply chains increase the effort to validate country of origin and compute component-cost percentages for manufactured end products.
- Duty-Free Entry workflows often require coordination through PIEE/DCMA, brokers, and contracting officers; these steps add hours not fully captured in current estimates.
- Periodic threshold adjustments under Subpart 25.4 (TAA) further complicate compliance planning and documentation.

Recommendation: Update burden estimates to reflect (a) elevated BAA thresholds, (b) actual hours for COO/DFE documentation across multi-tier supply chains, and (c) the time associated with electronic portal submissions and PIEE coordination.

II. Harmonized, Digital Templates and Submission Standards

To reduce duplicative entries and errors across solicitations and contracts, we recommend that the FAR Council publish standardized electronic templates (with accompanying schema) for:

- BAA/TAA certificates and COO representations; and

- DFE request packages (including broker instructions and required entry markings).

A harmonized set of digital forms—aligned to the clause prescriptions in FAR/DFARS—would lower burden, improve data quality, and simplify audit trails.

III. Clarification on Domestic Content Calculations

Additional guidance is needed on:

- Treatment of embedded software/firmware when computing the BAA component-cost test for manufactured end products; and
- Documentation expectations for mixed-origin assemblies and qualifying-country components under TAA/DFARS.

Such clarification would reduce inadvertent misinterpretation and improve uniformity in certifications across agencies.

IV. Duty-Free Entry (DFE) Process Efficiency

We support the policy basis for DFE and its cost-avoidance benefits to DoD programs but recommend:

- Streamlining PIEE/DCMA approvals to speed certificate issuance; and
- Providing a broker-facing checklist to minimize entry errors and shipment delays.

These improvements would help contractors consistently leverage DFARS 252.225-7013 and avoid pass-through costs.

V. Concerns Regarding Class Waivers and Nonavailability Determinations (FAR 25.103; DFARS 225.103)

NOVA's experience is that BAA/TAA requirements are frequently circumvented via class waivers or broad nonavailability determinations. While waivers are lawful, their breadth can undermine domestic-preference policy and small-business competitiveness.

Examples of Current Class Waivers:

- Commercial Information Technology Products (FAR 25.103(e)): Blanket waiver for IT hardware/software, allowing foreign-origin laptops, servers, and networking gear without BAA compliance.
- Certain Medical Supplies and PPE (COVID-era waivers): Extended beyond emergency periods, still

impacting domestic manufacturers.

- Specialty Metals and Fasteners under DFARS 225.7002 exceptions: Historically waived for specific programs citing availability constraints.
- Nonavailability Determinations for Bearings and Valves: Frequently renewed for shipboard components despite emerging U.S. sources.

Recommendations:

- 1) Transparency & Justification
- 2) Scope Limitation & Sunset
- 3) Small Business Impact Analysis
- 4) Formal Comment Process
- 5) Reporting & Metrics

VI. Digital Compliance Enablement

We support development of API-based submission options for certifications and DFE packages to reduce manual uploads, improve data quality, and speed reviews. Align these APIs with clause prescriptions and threshold logic under Subpart 25.4 so systems can pre-validate inputs against current applicability thresholds.

VII. Audit and Enforcement Transparency

Publish agency audit criteria and common pitfalls for BAA/TAA/DFE to improve compliance and reduce inadvertent violations. Standardizing checklists across agencies would materially reduce burden and improve outcomes under OMB Control No. 9000-0024.

Conclusion

NOVA Power Solutions appreciates the opportunity to comment. We support maintaining high integrity in domestic-preference policies while reducing unnecessary administrative burden. The recommendations above—especially on class waiver transparency, harmonized digital templates, clarified domestic-content calculations, and streamlined DFE processing—will improve compliance efficiency, protect small-business participation, and enhance the resilience of the defense industrial base.

Respectfully submitted,
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