

How to Submit a Public Comment on a USDA Build America, Buy America Waiver Request

The Build America, Buy America (BABA) Act requires the United States Department of Agriculture (USDA) make a proposed waiver available for a 15 day public comment period before a waiver is issued. USDA will consider comments it received during the 15 day period when it evaluates a waiver request.

Note: The guidance provided on this webpage is subject to change if the Office of Management and Budget (OMB) guidance on the application of Buy America preference in Federal financial assistance programs for infrastructure is updated.

SUBMIT A COMMENT

USDA posts all of its Build America, Buy America waiver requests on the ***Build America, Buy America (BABA) Act*** webpage. When a waiver request is posted, the public has 15 days to review the waiver and submit comments. USDA will consider all comments received during the 15 day comment period in its evaluation of a waiver request.

To submit a comment on a waiver, go to the ***View Waiver Requests Open for Public Comment, Approved, Withdrawn, or Denied*** section on the ***Build America, Buy America (BABA) Act*** webpage. Find the waiver request open for comment on which you would like to comment. Every waiver listed on the ***Build America, Buy America (BABA) Act*** webpage will have a status showing where it is in the review process. Waivers that are eligible for comments will be identified as ***Waiver Requests Open for Comment***.

Send your comments to USDA via email to ffac@usda.gov. The email subject line must reference the title of the waiver on which you would like to comment. You will receive an email response letting you know that your comment was received. USDA may reach out to you for more details or information in its review of your comment. If you do not receive an email response confirming your comment were received, USDA has not received your comment.

PUBLIC COMMENT USE

USDA agency or staff office will review all comments submitted for each waiver request and use the information provided in deciding whether to approve each waiver. The agency or staff office will summarize the public comments. The agency or staff office will submit the proposed waiver with a summary of all comments received and their responses to the Office of the Chief Financial Officer (OCFO). OCFO will submit the proposed waiver to the Made in America Office (MIAO) at the OMB for final determination. The MIAO will make the final decision to approve or disapprove a waiver request.