BABA FAQs on HUD Exchange

ID	Related IDs OPTIONAL	Question REQUIRED	Answer REQUIRED	Topic/Subtopic REQUIRED	Related Programs/Systems OPTIONAL	Date Published REQUIRED
Notes: • For internal reference only.	Notes: • Include the ID from the first column to "relate" FAQs.	Notes: • This appears as "title" text on the FAQ page, try to keep as concise as possible. • Use acronyms in question text.	Notes: • You can include links, text styling, etc. • Establish acronyms in answer text. • Use descriptive link text/avoid "click here"	Note: • Please list as ***Topic > Subtopic*** for each FAQ.	Note: This will be a predetermined list of programs/systems that will allow filtering on the page. (Example)	Note: This is the date that will appear on the FAQ page.
1	2	What is HUD's Tribal Recipients waiver?	A General Applicability Public Interest Waiver to Indian Tribes has been issued by eight agencies, including HUD. The Buy America Preference (BAP) does not apply to awards or subawards of Federal financial assistance (FFA) to Tribes, Tribally Designated Housing Entities, and other Tribal Entities that are less than or equal to $2.5 million. Tribal entities with FFA obligated between January 10, 2025, and September 30, 2026, are permitted to purchase non-compliant manufactured products. The waiver is effective until January 9, 2030. View the General Applicability Public Interest Waiver to Indian Tribes here: https://www.doi.gov/sites/default/files/documents/2025-01/doi-multi-agency-tribal-public-interest-waiver.pdf	Waivers > General Waivers	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
2	3, 23, 24, 25	Are there any waivers that could apply to my project?	There are two types of available waivers: general waivers and project-specific waivers. HUD has issued several general waivers that apply to all HUD programs. Grantees do not need to request HUD approval to use a general waiver but should maintain documentation of their determination that a general waiver applies in their	Waivers > General Waivers	CDBG HOME HTF RHP ESG	

			project file. General applicability waivers currently in effect can be viewed at https://www.hud.gov/hud-partners/baba. Project-specific waivers may be available for specific projects on a case-by-case basis. Grantees must submit a waiver request to HUD for review, using HUD's BABA Waiver Submission System at https://babawaiver.hud.gov/s/. Review of project-specific waivers includes a 15-day public comment period, and all waivers must receive final approval from the Made in America Office (MIAO) at the Office of Management and Budget (OMB). View the Notice for additional information.		CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
3	2	How would a grantee apply HUD's Small Grants waiver to a project?	The Small Grants waiver waives the "Buy America Preference (BAP)" for all infrastructure projects whose total cost (from all funding sources) is equal to or less than the simplified acquisition threshold at 2 CFR 200.1 which is currently $350,000. The total cost of the project includes materials, labor, and all other costs from both Federal and non-Federal sources. (The simplified acquisition threshold increased to $350,000 as of October 1, 2025. The small grants waiver is tied to the simplified acquisition threshold.) If the total project cost ultimately exceeds $350,000, the entire project would be subject to BAP. Grantees may consider requesting a project-specific waiver if, in the event of a cost increase, it would not be feasible to replace existing products with new products that would meet BAP requirements.	Waivers > General Waivers	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
4		What does "obligation" mean for the purpose of applying BAP?	Obligation is the point at which HUD is legally committed to make funds available to a grantee. For example, in the Community Development Block Grant	General Requirements >	CDBG HOME HTF	

			(CDBG) Program and most other Community Planning and Development (CPD) programs, the date of obligation is the date the grant agreement is signed by HUD. Note that this is the date on which HUD obligates funds to the grantee and should not be confused with the date on which a grantee commits funds to a specific project. View the definitions in the Notice for additional information.	Effective Dates/Obligation	RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
5		What is an infrastructure project?	Under BABA, an infrastructure project is defined as a project involving the construction, alteration, maintenance, or repair or infrastructure in the United States. Infrastructure may include, but is not limited to: roads, highways, bridges, public transportation, railroads, water and wastewater systems, energy infrastructure, broadband, airports, and public buildings. It also includes facilities and equipment that generate, transport, or distribute energy, such as electric vehicle (EV) charging infrastructure. Please note that the definition of infrastructure project includes multifamily housing projects with 5 or more units. For the full definition, see 2 CFR 184.4(c) and the Notice for additional information.	General Requirements > General Information	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	

6	5	Are housing projects subject to the BAP?	Sometimes. As described in the Notice, housing projects with one to four units should be classified as private infrastructure and are therefore not subject to the Buy America Preference (BAP) under BABA. Housing projects with five or more units should be considered public infrastructure and are therefore subject to the BAP unless another waiver or exemption applies. View the Notice for additional information.	Programs/ Projects > Infrastructure	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
7		Does BAP apply to subgrantees, subrecipients, or contractors?	Yes. The Build America, Buy America Act (BABA) requirements are incorporated in the terms and conditions of all HUD awards obligated on or after November 15, 2022. The "Buy America Preference (BAP)" requirements apply to any grantee, subrecipient, contractor, or vendor carrying out or assisting with a project or activity using Federal financial assistance. For example, if a grantee hires a contractor to rehabilitate a public facility with Community Development Block Grant (CDBG) funds and the needed building improvements involve the use of covered materials, BABA would be triggered. The grantee, through their contractor, would need to ensure that the project complies with the BAP requirements. View the Notice for additional information.	General Requirements > General Information	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
8	33	What does "covered materials" mean?	Covered materials include all iron and steel, all manufactured products, and all construction materials used in an infrastructure project, as defined under BABA. For detailed definitions of each category, see the 2 CFR 184 and the Notice for additional information.	Materials > Covered Materials	CDBG HOME HTF RHP ESG CoC	

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9		What training resources are available?	The Build America, Buy America Act (BABA) page on the HUD Exchange includes links to existing quick guides and webinars for Community Planning and Development (CPD) Programs. Tribal grantees can visit the BABA for Tribal Recipients page on the HUDExchange.	Resources > Quick Guides, Webinars, etc.	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
10		Is there any required HUD reporting for BABA?	Yes, CPD grantees are required to respond to a Build America, Buy America Act (BABA) question when creating a new activity in the Integrated Disbursement and Information System (IDIS) or the Disaster Recovery Grant Reporting System (DRGR), depending on the program. The question will ask whether the new activity qualifies as an infrastructure project under BABA. Responses should be based solely on whether the activity meets the definition of infrastructure, not on the use of any waivers or exemptions.	Recordkeeping and Compliance > Reporting	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	

11		Is there any standard language that grantees can include in their subrecipient/bid contract documents?	Yes, there is standard language. The terms and conditions of Federal awards apply to the Federal Financial Assistance (FFA) and flow down to subrecipients, contractors, developers and other partners at all tiers. This means that any entity receiving Covered CPD Program funds from a CPD grantee must comply with BABA requirements. Grantees must include language notifying subrecipients that the procurement of materials for public infrastructure projects is subject to the BAP. This language must be included in all subawards, contracts, purchase orders, requests for proposals, and all other relevant procurement and bid documents. Below is sample language grantees may use: "Pursuant to the Build America, Buy America Act (BABA), enacted as part of the Infrastructure Investment and Jobs Act (IIJA). Pub. L. 117-58, 41 U.S.C. § 8301 note, the Federal Financial Assistance used to fund this infrastructure project is required to apply a domestic content procurement preference (the "Buy America Preference" or "BAP") for all construction, alteration, maintenance, or repair of infrastructure, including buildings and real property, unless application of the BAP has been waived by HUD. Additional details on fulfilling the BABA requirements can be found at https://www.hud.gov/hud-partners/baba." View the Notice for additional information.	Resources > Agreement Language	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	

12		Should we amend our policies and procedures for subrecipient agreements and contracts if they do not contain BABA provisions?	Yes. The Build America, Buy America Act (BABA) language should be included in all contracts and agreements using federal funds, whether it is an infrastructure project subject to the "Buy America Preference (BAP)" or not. View the Notice for additional information.	Resources > Agreement Language	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
13	41, 44	How long should grantees maintain compliance documentation?	Grantees should follow the recordkeeping requirements for the HUD program that is funding the project and 2 CFR § 200. For example, Community Development Block Grant (CDBG) Program grantees should maintain Build America, Buy America Act (BABA) documentation in accordance with the recordkeeping requirements in 24 CFR § 570.	Recordkeeping and Compliance > Record retention	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
14	5, 46, 14	How can a grantee assess whether a project is subject to BABA?	The Notice outlines a six-step process to determine whether BABA requirements apply to a project. Grantees should assess the following: • Is the project considered an infrastructure project? • Are covered program funds being used? • Are covered materials being used?	General Requirements > General Information	CDBG HOME HTF RHP ESG CoC HOPWA	

			• When were the funds obligated by HUD? • Does a general waiver apply? • Is a project-/product-specific waiver needed? Grantees must complete and document this assessment for every project, even if the outcome determines that BABA does not apply. View the Notice for additional information.		SHOP EDI PRO Housing PRICE PSH	
15	17	Will HUD provide a form or template for tracking and documenting compliance?	No. HUD does not require a specific format for Build America, Buy America Act (BABA) compliance tracking. Grantees have flexibility to develop their own approach as each material category, project, or supplier may offer different means of documenting the production source. Records may be maintained in hard copy, electronically, or embedded in construction or grants management software, as long as they are accessible for HUD monitoring and meet applicable records retention requirements. The Notice outlines guidance on documenting compliance with BABA. Grantees should establish clear policies and procedures for collecting and retaining records that demonstrate: - The determination of BAP applicability to covered materials used in the public infrastructure project - If a project is subject to the BAP, documentation that all covered materials were procured from BABA-compliant sources - If a general waiver was applied to the project, documentation that supports that the project meets the conditions of the waiver - If a project-specific waiver was obtained for the project, a copy of the approved waiver and relevant market research	Recordkeeping and Compliance > Record retention	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	

			Grantees are encouraged to coordinate with contractors, subrecipients, and suppliers early in the procurement and construction process to ensure compliance documentation is gathered and retained consistently across all BABA-covered projects. View the Notice for additional information and examples of the types of records that can demonstrate compliance.			
16	17	Are there any resources available to help locate American made products?	Yes, the National Institute of Standards and Technology (NIST) Manufacturing Extension Partnership (MEP) provides a supplier scouting service that grantees, subrecipients, and contractors may use to conduct market research and identify manufacturers who can meet demand for American made products. The Small Business Administration has launched a new onshoring portal that links to resources that can help identify manufacturers who are producing BABA-compliant products. Visit their website here: https://www.sba.gov/priorities/american-manufacturers/make-onshoring-great-again-portal	Resources > Quick Guides, Webinars, etc.	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
17	15	How do grantees ensure that a product is produced or manufactured in the United States in accordance with BAP's requirements?	Grantees should include the "Buy America Preference (BAP)" requirements in all solicitations, requests for proposals, agreements, and sub-agreements. Grantees should require subrecipients, contractors, and vendors to make their compliance records available in accordance with grantee policies and procedures. The use of signed certification letters for a project may be an effective form of compliance documentation for ensuring products used on site are Build America, Buy America Act (BABA) compliant prior to their installation. Some manufacturers provide documentation of the specifications for products they manufacture, which may	Recordkeeping and Compliance > Record retention	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	

			be available from suppliers and distributors who make information available that could be used as compliance documentation for products supplied to projects View the Notice for additional information.			
18	13, 15, 17	How do recipients ensure that their subrecipients, subcontractors, and vendors comply with BABA's provisions?	The "Buy America Preference (BAP)" conditions applicable to HUD-funded projects require that the HUD grantee includes the BAP conditions in any subaward or subcontract. The grantee is responsible for ensuring that all subrecipients comply with BAP's requirements. This may include: Communication of requirements through written policies and procedures that include BABA terms and conditions in financial assistance agreements, project solicitations, and contracts. Records of the materials used to complete the project with manufacturer information or material certifications that reference the product/material content requirements under the Build America, Buy America Act (BABA), with statements verifying that the products meet the BABA requirements. Use of a certification form for contractors and subrecipients. An example form is included in the BABA Implementation Notice and can be used or adapted by grantees. View the Notice for additional information.	Recordkeeping and Compliance > Record retention	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
19	2	What types of project-specific waivers can I request for my project?	Project-/product-specific waivers are available on a limited, case-by-case basis, after HUD's review, a public comment period, and final approval from the Office of Management and Budget (OMB)'s Made in America Office (MIAO). Project-specific waivers are generally available for three reasons:	Waivers > Project Specific Waivers	CDBG HOME HTF RHP ESG CoC	

			Nonavailability: Covered materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality. Unreasonable cost: Inclusion of domestically produced covered materials will increase the cost of the overall project by more than 25 percent. Public interest: Adhering to the "Buy America Preference (BAP)" would be inconsistent with the public interest. If more than one federal agency is funding an infrastructure project, project-specific waivers will require coordination among those Federal agencies prior to a determination by the MIAO. View the Notice for additional information.		HOPWA SHOP EDI PRO Housing PRICE PSH	
20	22	What is the process for applying for a project-specific waiver?	Grantees should reach out to their local CPD Field Office if they require additional assistance with determining Buy America Preference (BAP) applicability. The process to seek a waiver, as defined in the Notice, is as follows: - Complete the BAP analysis to confirm the project is subject to the BAP and that the grantee has maximized the flexibility provided by HUD general waivers. - Complete the necessary market research to support the need for a waiver. - Use HUD's BABA Waiver Submission Site to prepare and submit a waiver application (https://babawaiver.hud.gov/s/) HUD may request additional information as part of the review process. If an application is approved, HUD will post the proposed waiver on HUD's website and MadeInAmerica.gov for public comment and submit the	Waivers > Project Specific Waivers	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	

			request for final approval by MIAO. If approved, the waiver is posted on MadeInAmerica.gov. Only a direct HUD recipient can submit the waiver request. Project-/product-specific waivers cannot be approved retroactively for items that have already been purchased or incorporated into a project. View the Notice for additional information.			
21	20	Is there an estimate on how long it takes for a grantee to get a decision on a BABA waiver request?	Processing time for BABA waivers can vary substantially, depending on how complete a grantee's initial request is and the type of waiver they are requesting (nonavailability, unreasonable cost, or public interest). The process can take at least 90 days to complete. • Grantees should submit BABA waiver requests with as much lead time as possible. • All BABA waivers must be reviewed and approved by both HUD and the OMB Made in America Office (MIAO). • The waiver processing timeframe includes a 15-day public comment period.	Waivers > Project Specific Waivers	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
22	20	What is the process to submit a waiver?	HUD has an online waiver application system. This is the only method to submit an application. The application submission will require documentation of the cost or unavailability of domestic projects. The waiver submission site is available here: https://babawaiver.hud.gov/s/. If you encounter technical difficulties with the waiver system, please contact CPDBABA@hud.gov for assistance. View the Notice for additional information.	Waivers > Project Specific Waivers	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing	

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23	2	What is HUD's Pacific Island/Territory Recipients waiver?	A General Applicability Public Interest Waiver to Pacific Island Territories is currently in effect. The waiver has been issued by eight agencies, including HUD, for all FFA awarded to Pacific Island Territories until January 8, 2030. The waiver excludes purchases of telecommunications infrastructure, grid-connected utility-scale energy generation and stationary storage, and cargo handling equipment. View the General Applicability Public Interest Waiver to Pacific Island Territories here: multi-agency-pacific-island-territory-public-interest-waiver-final.pdf	Waivers > General Waivers	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
24	2	What is HUD's Exigent Circumstances waiver?	The Exigent Circumstances waiver applies when there is an urgent need by a grantee to immediately complete an infrastructure project because of "exigent circumstances," or a threat to life, safety, or property of residents and the community. This waiver is currently in effect as of November 23, 2022, and is effective through November 23, 2027. For example, an ESG-funded shelter is damaged by a burst hot water pipe in the middle of winter. Repairs to the damaged structure must be completed immediately to protect the life, safety, and property of the community. The exigent circumstances waiver could be applied to this project to facilitate emergency repairs.	Waivers > General Waivers	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
25	2	How would a grantee apply HUD's de minimis waiver to a project?	The de minimis waiver gives grantees the flexibility to waive the "Buy America Preference (BAP)" for a 5 percent de minimis portion of materials used in a project if domestically produced equivalents cannot be identified, up to $1 million.	Waivers > General Waivers	CDBG HOME HTF RHP ESG	

			To determine the de minimis limit for a project, first calculate the total cost of covered materials (iron and steel, construction materials, and manufactured products) used in the project. Then, find 5 percent of that total. For example, if the total cost of materials in a project is $450,000, and you are unable to locate a domestically produced material, you have the flexibility to procure up to $22,500 in materials from foreign sources using the de minimis waiver. Note: The de minimis limit is always calculated based on the total cost of covered materials, regardless of where a project falls on HUD's phased implementation timeline.		CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
26	33	Are cement and aggregates subject to BAP?	Generally no, but there are exceptions. Cement; cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives are not subject to the "Buy America Preference (BAP)," according to Section 70917(c) of the Build America, Buy America Act (BABA) (PL 117-58). These materials are not considered manufactured products when they are used or combined at a work site, such as wet concrete or hot asphalt mix. However, Section 70917(c) materials can be considered components of manufactured products if they are processed into a specific shape or form before being delivered to a work site. For example, precast concrete is considered a manufactured product and is therefore subject to BAP. View 88 FR 57750 preamble for more detailed explanations. View the Notice for additional information.	Materials > 70917(c) Materials	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	

27	8	How are construction materials that are combined with a manufactured product or another construction material treated under BAP's requirements?	Items that consist of two or more of the listed construction materials that have been combined through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed through a manufacturing process, should be treated as manufactured products, rather than as construction materials. For example, a vinyl-framed sliding window should be treated as a manufactured product while plate glass should be treated as a construction material. Accordingly, should any of the listed construction materials be combined with a second listed material or with a non-listed item, then the product should be considered a manufactured product. View the Notice for additional information.	Materials > Manufactured Products	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
28	8	How do I classify the materials used in my project for purposes of BAP?	All materials used in infrastructure projects should be classified as either iron or steel, construction materials, or manufactured products. These materials are defined at 2 CFR § 184.3 and in the Notice. All product classifications should be made based on the state of materials when they arrive at the project site. Grantees should follow the six-step process identified in the Notice to analyze whether the Buy America Preference (BAP) applies to the materials used in a project according to HUD's Phased Implementation schedule. View the Notice for additional information.	Materials > Manufactured Products	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
29	8	Do BAP's provisions apply to equipment used for the purposes of construction?	No. The requirements do not apply to tools, equipment and supplies brought to a construction site and removed at or before the completion of the project, as they are temporary in nature. For example, a crane used to lift items, or the hammers and scaffolding used on a	Materials > Covered Materials	CDBG HOME HTF RHP ESG	

			construction site are not subject to the “Buy America Preference (BAP)” because they are not incorporated into the building or public work.		CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
30	8	Does the BAP apply to household appliances?	No, the BAP does not apply to household appliances, such as stoves, dishwashers, microwaves, refrigerators, and washing machines. The BAP only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. Household appliances are generally considered building contents. This exception does not apply to integral building systems, such as HVAC systems or hardwired fire alarm systems.	Materials > Covered Materials	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
31	8	What is a "manufactured product"?	As defined in 2 CFR § 184.3, “manufactured product” means: Articles, materials, or supplies that have been either: Processed into a specific form or shape Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under 2 CFR § 184.4(e) and the definitions set forth in this section, then it is not a manufactured product. However,	Materials > Manufactured Products	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	

			an article, material, or supply classified as a manufactured product under 2 CFR § 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials. View the Notice for additional information.			
32	8	For products made of iron and steel, what is the difference between "predominantly" and "primarily" iron and steel?	HUD considers the terms "predominantly" and "primarily" to be interchangeable. "Predominantly" means the cost of the iron and steel content exceeds 50 percent of the total cost of all the item's components. View the Notice for additional information.	Materials > Iron and Steel	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
33	8	Which materials does BAP apply to?	The "Buy America Preference (BAP)" applies to all iron and steel, construction materials, and manufactured products used in an infrastructure project funded with federal financial assistance (FFA). View the Notice for additional information.	Materials > Covered Materials	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	

34		Which CPD programs does the BAP apply to?	The “Buy America Preference (BAP)” applies to most Community Planning and Development (CPD) programs. However, the BAP does not apply to projects that exclusively use funds appropriated for disaster and emergency response purposes, including the following programs: Community Development Block Grant Disaster Recovery (CDBG-DR), CDBG Mitigation (CDBG-MIT), CDBG CARES Act (CDBG-CV), Emergency Solutions Grants CARES Act (ESG-CV), HOME-ARP, and Housing Opportunities for Persons With AIDS Coronavirus (HOPWA-CV). View the Notice for additional information.	Programs/ Projects > Programs (covered and not covered)	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
35		Does the BAP apply to a public infrastructure project that is being completed in response to a presidentially declared disaster but using funding that was not specifically appropriated for disaster response?	No. The BABA exemption for “pre-and-post disaster or emergency response expenditures” applies to CPD funding (for example, a regular CDBG formula allocation) that was not specifically appropriated for a disaster, if the infrastructure project is being completed in response to a presidentially declared disaster. Grantees who utilize this exemption should maintain documentation in the project file of the disaster declaration, demonstrating that the grantee is located within the designated disaster area and a brief justification of how the project specifically responds to that disaster.	Programs/ Projects > Programs (covered and not covered)	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
36	5	Does demolition fall under alteration?	Generally, no. Demolition alone is not considered an infrastructure activity and is not subject to the “Buy America Preference (BAP).” However, if demolition is a part of a larger infrastructure project that includes construction, alteration, maintenance, or repair, the entire project may be subject to the BAP.	Programs/ Projects > Infrastructure	CDBG HOME HTF RHP ESG CoC HOPWA	

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37	39	How is a “project” defined for BABA purposes?	The term “project” means the construction, alteration, maintenance, or repair of infrastructure in the United States. For the purpose of assessing the total cost of a project, grantees should define the project scope consistent with the regulatory definition of “project” for the Federal funding source being used (for example, the definition of a “project” at 24 CFR 92.2 for HOME-funded projects). If no program-specific definition of a project exists, grantees should consider the project to include “all integrally related activities, designed by the recipient to accomplish, in whole or in part, a specific objective,” consistent with 24 CFR § 58. Projects cannot be artificially subdivided to reduce the total cost of a project for purposes of applying HUD’s small grants waiver. View the Notice for additional information.	General Requirements > Definitions	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
38	37	Does the BAP apply to my project if I am only using Federal funds for “soft costs” or pre-development costs?	Yes, if the project is an infrastructure project that involves construction, alteration, maintenance, or repair of infrastructure. When any Federal financial assistance is used in a project, the entire project is subject to the BAP. Grantees cannot split an infrastructure project to avoid application of BABA to the project, such as dividing procurements, subgrants, cooperative agreements, etc., into separate and smaller awards or contracts, particularly where the procurements, subgrants,	General Requirements > Funding	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI	

			cooperative agreements, etc., are integrally and proximately related to the whole project.		PRO Housing PRICE PSH	
39	37	Is the total cost of the project based on a single contract or all of the contracts that comprise the work?	The total cost of a project includes all the work that goes into that project, regardless of the number of contracts or funding sources involved.	General Requirements > Funding	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
40		Does BABA end or sunset?	No, the Build America, Buy America Act (BABA) is a permanent law.	General Requirements > Effective Dates/Obligation	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
41	44	What is the effective date of BABA?	The Build America, Buy America Act (BABA) went into effect for HUD programs on November 15, 2022. HUD's Phased Implementation waiver establishes the schedule by which Community Planning and Development (CPD) grantees must apply the "Buy America Preference (BAP)"	General Requirements > Effective Dates/Obligation	CDBG HOME HTF RHP	

			to specific programs and materials. All new HUD Federal financial assistance awards made after the effective date must comply with BABA. Compliance may include the application of HUD general waivers in effect at the time of obligation. View the Notice for additional information.		ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
42		What is BABA?	On November 15, 2021, the Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58 was signed into law, which includes the Build America, Buy America Act (BABA). Pub. L. No. 117-58, §§ 70901-52. BABA strengthens Made in America laws and will bolster America's industrial base, protect national security, and support high-paying jobs. BABA requires that all iron, steel, manufactured products, and construction materials used for federally funded infrastructure projects are produced in the United States, unless otherwise exempt or subject to an approved waiver. This requirement is known as the "Buy America Preference (BAP)" and the specific requirements are codified at 2 CFR § 184. BAP requires that on or after May 14, 2022, the head of each covered federal agency shall ensure that "none of the funds made available for a federal financial assistance program for infrastructure… may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States." BABA P.L. 117-58, Secs 70911 - 70917). HUD is a covered agency. BAP applies to all federal financial assistance as defined in 2 CFR § 200.1 —whether or not funded through IIJA— where funds are appropriated or otherwise made	General Requirements > General Information	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	

			available and used for an infrastructure project. View the Notice for additional information.			
43	4	Does BABA apply to funds obligated by HUD before November 15, 2022?	No, the Build America, Buy America Act (BABA) does not apply to HUD federal financial assistance obligated before November 15, 2022. Community Planning and Development (CPD) programs may have a later effective date in accordance with HUD's Phased Implementation waiver. Grantees are encouraged to review the waiver to determine the effective date for their program. View the Notice for additional information.	General Requirements > Effective Dates/Obligation	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
44	41	I have a project funded with funds obligated by HUD before November 15, 2022. I need to add new funds that were obligated after BAP began to apply. Does BAP now apply to the project?	Yes. The Build America, Buy America Act (BABA) would apply to the entire project due to the inclusion of supplemental CPD funds that were obligated on or after the effective date identified in HUD's Phased Implementation Waiver. Depending on the CPD program and materials used, some projects may be covered by a HUD General Waiver. Grantees are encouraged to contact their field office representative if they encounter this scenario.	General Requirements > General Information	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
45		Is program income subject to BAP?	No. The BAP does not apply to projects funded solely with program income generated through any covered CPD program. Program income is not considered Federal financial assistance.	General Requirements > Funding	CDBG HOME HTF RHP	

			View the Notice for additional information.		ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	
46		What is Federal Financial Assistance?	Federal financial assistance (FFA) is assistance that grantees receive or administer in the form of grants, cooperative agreements, non-cash contributions or donations of property, direct assistance, loans, loan guarantees, and other types of financial assistance. View the Notice for additional information and 2 CFR 200.1.	General Requirements > General Information	CDBG HOME HTF RHP ESG CoC HOPWA SHOP EDI PRO Housing PRICE PSH	