

USDA Rural Development Build America, Buy America Public Interest Waiver

Introduction

Congress passed the Build America, Buy America Act (BABA) that establishes strong and permanent domestic sourcing requirements across all federal financial assistance programs. The United States Department of Agriculture, Rural Development (RD) mission area is honored to play a leadership role in implementing these provisions and is proud of its history of successful implementation of American Iron and Steel provisions in its Water and Waste Disposal as well as Buy American provisions in its Telecommunications and Electric Programs. Through these efforts, RD will support efforts to catalyze domestic manufacturing, resilient supply chains, and good jobs – while successfully delivering a wide range of infrastructure projects. This is a transformational opportunity to build a resilient supply chain and manufacturing base for critical products here in the United States that will catalyze investment in good-paying American manufacturing jobs and businesses. USDA RD’s efforts to implement BABA will help cultivate the domestic manufacturing base for a wide range of products commonly used across the water sector but not made domestically. Given the wide variety of projects that can be funded by the agency full implementation will take time, and flexibility will be important to ensure that we can leverage critical rural infrastructure investments on time and on budget. As such, RD is requesting an adjustment to its implementation timeline pursuant to BABA.

Request

USDA Rural Development requests an adjustment to its BABA implementation timeline as follows:

- Waiver Type: Adjustment Period in the Public Interest
- Time Period: 6 months
- Dates: This BABA waiver is effective upon approval and will remain in effect for all RD federal financial assistance infrastructure projects for a period of six months from the date of final approval.
- Program Coverage: All iron/steel, manufactured products, and construction materials used in infrastructure projects in all RD Programs; Pre-existing American Iron and Steel and Buy American provisions related to RUS programs will continue to apply during the waiver period.
- Addresses: Interested persons will be invited to submit comments on this proposed general applicability waiver. To receive consideration as public comments, comments must be submitted through email at sm.OCFO.ffac@usda.gov

The period requested allows RD to implement the new requirements and shepherd its customers through a transition to BABA. The transition to BABA is significant and complex. Our goal is to ensure that customers understand BABA, the new requirements and how to continue to fully participate in RD programs in a way that continues to drive equitable economic development across rural America. RD will also be using the adjustment period to evaluate if additional time at the conclusion of the waiver to complete Tribal consultations.

Section 70921(b)(2) of BABA requires assessment of whether a significant portion of the cost advantage of the product is the result of the use of dumped steel, iron, or manufactured goods or the use of injuriously subsidized steel, iron, or manufactured goods. This waiver only seeks additional time for implementation of BABA. The Agency's assessment, therefore, at this time is that Section 70921(b)(2) is not relevant to this waiver.

Background and Summary

The Rural Development (RD) mission-area of the U.S. Department of Agriculture (USDA) requests an adjustment period waiver of 6 months for the implementation of the Build America, Buy America Act (BABA) preferences as described in OMB Memorandum M-22-11: *Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure*. RD requests the adjusted implementation period to avoid unintended negative impacts of immediate implementation to rural communities, residents, businesses, and the economy, such as:

- Delayed deployment of critical broadband, water, and community infrastructure.
- Reduced access to capital for rural businesses and critical community investments such as schools, hospitals and first responder facilities;
- Decreased investment for rural clean energy projects and transition away from fossil fuels;
- Slowed participation in the new USDA food supply chain programs resulting in continued food supply chain gaps for the country;
- Underinvestment in the upkeep and upgrading of multi-family housing facilities that house rural America's most vulnerable residents; and
- Creation of significant barriers to the use of RD programs by socially vulnerable, distressed and high poverty rural communities, including communities of color and Tribal Nations.

RD, through its more than 49 programs approves and executes nearly 170,000 loans, grant and loan guarantees each year, 82% of which are loans or loan guarantees. The additional adjustment period will allow . The additional adjustment period will help RD achieve its three primary goals for BABA which are to:

- 1) implement BABA in a way that aids our customers in compliance with the Act,
- 2) achieve the intent of the Act in a sustainable manner that embeds it into RD's programs long-term, and
- 3) minimize the risks articulated above and in compliance with the Act.

It will also provide the necessary time to:

- create or revise internal guides, staff instructions and loan documentation, that make clear which agency programs BABA applies to and what types of project within those programs are subject to BABA requirements.
- inform and train agency staff,
- create customer experience-centered tools such as external customer guides
- inform and provide support to customers, particularly to socially vulnerable communities who may experience challenges in adhering to BABA requirements, and
- implement the Act in a sustainable manner that advances the Administration's BABA goals long-term.

Rural Development Overview: Distinct Programs Targeted to Rural America

The three agencies of the USDA Rural Development mission area, the Rural Housing Service (RHS), the Rural Business-Cooperative Service (RBCS), and the Rural Utilities Service (RUS) provide loans, grants and loan guarantees to help expand economic opportunities, create jobs and improve the quality of life for millions of Americans in rural areas. RD is the only federal agency whose programs are exclusively authorized and focused on rural areas. In many cases RD programs are the only affordable path for rural communities to make much needed investments to support existing and future services to those who live and work in rural areas. RD's assistance supports infrastructure improvements; business development; housing; community facilities such as schools, public safety and health care; and high-speed internet access in rural, tribal and high-poverty areas.

In FY 21 RD obligated nearly \$40 billion in loans, grants and guarantees to support 166,432 projects in all 50 states and territories. RD investments directly support Administration priorities. In FY 21:

- Climate Change
 - 10,285 total obligations to IWG-Energy Communities across all of RD. The amount of dollars funded was \$2,338,147,147
 - 1,482 obligations that totaled \$5,085,978,340 in funding for climate related investments

- Broadband
 - \$429,294,759 in broadband deployment
- Equity
 - \$5.7 billion (15% of obligations) were in distressed communities.
 - 13% of obligations were made in persistent poverty counties (462 Persistent Poverty counties received at least one investment)
 - 1,467 tribal related projects (42 RUS, 1,352 RHS, 73 RBCS)
 - \$9,027,757,240 invested in socially vulnerable communities (23% of funds obligated were invested in socially vulnerable communities)
- New Markets – COVID Recovery
 - RD made 23,770 investments across COVID High-Risk Counties worth 5.4 billion dollars, which is approximately 14% of our investment dollars. Out of 558 counties and county-equivalents we consider to be high risk for COVID-19, we reached 534 (96%) in FY21.
 - For commercial investments only (excludes SFH and MFH): RD made 1,100 investments across COVID High-Risk Counties worth 2.2 billion dollars, which is approximately 16% of our commercial investment dollars. Out of 558 counties and county-equivalents we consider to be high risk for COVID-19, we reached 337 (60%) in FY21.

RD implements 49 widely diverse programs (Attachment A) that support infrastructure and each program will need to be individually evaluated for its applicability under BABA. Additionally, RD implements several new programs related to the American Rescue Plan (ARP) which will also need to be evaluated for BABA applicability. These ARP programs include the Emergency Health Care Grants, Food Supply Chain Guarantees, Meat and Poultry Processing grants and loans and the forthcoming fertilizer program

RD's programs vary drastically, each with its own unique set of parameters based on program type, customer and beneficiary variation, project type, and filing timelines.

Program Types: The majority of RD programs and products are loans and loan guarantees. The majority of funding obligated each year is related to loans and loan guarantees. RD has approximately 12 grant-only programs that are subject to BABA. The number of loan-grant combination and guarantee programs is nearly double that number.

Customers: RD customers are diverse in type and sector. They include municipalities, utility districts, cooperatives, private broadband service providers, lenders who provide capital for energy projects, rural businesses, manufacturing, healthcare, non-profits and more. Implementation of the new ARP programs has expanded our customer base outside of RD's traditional customer base in the agriculture sector. In addition, because

BABA is construction related, consulting engineers, contractors, manufacturers and suppliers must be fully educated on the updated requirements.

Project Types: Use of funds across RD programs is not standardized in the authorizing statutes. Many programs where various types of projects can be funded that may or may not be subject to BABA. For example, the Water and Waste and Community Facilities programs can both fund equipment purchases (fire trucks, solid waste transport vehicles, etc.) that are not subject to BABA as well as infrastructure projects that are covered such as roads, bridges, water towers, and water treatment facilities.

Rural Business Development Grant (RBDG) can fund projects that include construction that is subject to BABA. Development or expansion of a business incubator or workforce center would be subject to BABA. RBDG feasibility studies or other planning activities funded under RBDG are not. As such a detailed program by program analysis is needed for every RD loan, loan/grant combination and guarantee program.

Filing Timelines: RD programs vary in timing for submission of applications. Stand-alone grant programs typically have discreet filing windows that are triggered through a funding notice. Many of these announcements have already been issued and are pending selection of awardees. (See Attachment B) Awardees will only learn of this new requirement when they receive their offer letter. Most of our loan and guarantee programs accept applications on a rolling basis throughout the year. The requirements for these programs are covered in regulations and customers may be working on applications for projects that are in various phases of development without understanding the new requirements.

In addition to administering over 50 programs, RD staff also implement, service and manage a loan and grant portfolio of more than \$240 billion with limited staffing resources.

Rural Development's Progress in Implementation of the Act

Since the enactment of Infrastructure Investment and Jobs Act (IIJA), Rural Development has worked diligently to implement the Buy American preference pursuant to the initial draft OMB guidance.

Report: Consistent with the requirements of section 70913 of the Act, USDA has produced a report that identifies and evaluates all of USDA's Federal Financial Assistance programs with potentially eligible uses of funds that include infrastructure, as defined by the Act, to determine which programs would be in compliance with BABA and which would be considered inconsistent, and thus "deficient" as defined by section 70913(c) of the Act. That report was focused on **grant** programs that would be subject to BABA based on the language of the statute. It was not known at that time whether loans would be covered. The report also only considered programs in operation at the time. RD has since, and is expected to, stand up new Food Security related programs.

The report was submitted to Congress and the Office of Management and Budget (OMB), and notification was published in the Federal Register within 60 days after the date of

enactment of the Act on January 20, 2022, at 87 Fed. Reg. 3070. Specifically, USDA published notification of the report in a notice entitled “Report of Federal Financial Assistance Programs for Infrastructure Administered by USDA as required by the Infrastructure Investment and Jobs Act” in compliance with section 70913.

New Web Site: In addition, USDA has developed a webpage for providing information and where the report can be found at <https://www.ocfo.usda.gov/federal-financial-assistance-policy/USDABuyAmericaWaiver>.

Stakeholder Engagement: The Agency has been responsive to questions from program participants regarding BABA while preparing formal guidance and outreach plans. The additional time pursuant to this waiver will allow the agency to complete guidance and conduct appropriate outreach and education to participants.

Need for Adjustment Period

RD requests that our BABA implementation deadline be adjusted to October 2023 for two reasons, including:

1. **Program and Constituent Impacts:** The negative impacts of immediate implementation on program delivery, Administration priorities and rural constituents, including socially vulnerable communities and tribal communities; and
2. **Actions Required Due to Change in Policy:** The volume and complexity of actions still needing to be completed to effectively implement BABA, especially due to the change in policy.

These reasons are elaborated on below.

1. Program and Constituent Impacts

Regardless of whether an adjustment is granted, RD must still complete its analysis and build out basic guidance and tools. If an adjusted implementation timeline is not granted, program activities are slowed and customer frustrations will increase. An adjusted timeline would allow the RD agencies to continue making critical investments in rural areas and transition customers to the new requirements, particularly as RD program application cycles for FY2022 are already underway. Changing mid-cycle would cause confusion and garner distrust that undermines Administration goals. Without an adjustment period there will be significant harm to RD program delivery, relationships with rural constituents, and deployment of critical infrastructure and service in rural areas. Below are several examples:

Extended Delay in Obligations and Increased Cost (Due to Interest Rates) to Rural Communities:

- Community Infrastructure
 - With a broad interpretation of BABA, nearly all Community Facility and Water and Waste loans would be impacted. Loan applications are developed after months or years of preparation. The added costs associated with BABA guidance will likely decrease demand for Community Facilities funding and mean that projects, including many that are years in process and close to obligation, will stall and not move forward.
 - There are 195 loan and 180 grant water and waste infrastructure requests totaling \$1.5 billion, being processed or awaiting obligation. These projects cannot move to obligation without appropriate guidance to staff and customers, which will delay construction of approval-ready projects.
 - Interest Rates for Water and Community Facilities Direct Loans are projected to increase in the next 30 days. Delay in obligations due to BABA implementation will significantly increase project costs, which may drive applicants away from applying for funds for much needed critical infrastructure.
- Tribes Loans and Grants
 - Additional time is needed for consultation with Tribal governments regarding implementation with BABA. In the interim there are existing pending applications from tribal entities for funding to support critical infrastructure projects.
 - 21 Native American or Native Alaskan Water projects, totaling \$60 million, under consideration for FY 22 funding will not be able to be obligated in RD covered programs. Applications will need to be revised and processing/underwriting will need to be repeated. As a result, funds for tribal projects will not be fully obligated this FY and critical tribal investments will either be delayed or cancelled.
 - For example, Congress doubled the available funding for Tribal College Initiative Grants to \$10 million. USDA Rural Development has been consulting with the 1994 Land Grant Institutions (Tribal Colleges) regarding their plans to utilize the funds to make capital improvements to their educational facilities. Many of these proposed projects have been under consideration for years, but they will likely have to be revisited if the additional cost associated with BABA are implemented now. Most of these entities do not have the financial flexibility to ~~just~~ increase the applicant contribution.
 - Tribal entities are critical participants for the ongoing ReConnect Round 3 awards for broadband and delays will have a negative impact on the Tribal entities.

Reduced Program Participation Due to Lack of Understanding of Requirements

- RD serves the smallest and most vulnerable communities who often have limited resources and capacity to participate in RD programs without assistance and guidance from our network of field employees.
- For example, in RD's Community Facilities Program the typical applicant is a volunteer fire department, child-care center, homeless shelter or other rural non-profit, which lacks the level of sophistication needed to comply with the BABA requirements. These entities and many of the smaller public bodies will need hands on BABA technical assistance by our RD field staff. Without time to properly implement BABA, these applicants will not be able to participate in RD programs.

Supply Chain Issues for Rural Areas

- Rural areas face unique challenges in obtaining materials for construction projects due to increased transportation costs and diminished availability. This issue has already been exacerbated by the COVID-19 pandemic. Making the transition to BABA will require that applicants have additional time to re-source for projects.

2. Actions Required Due to Change in Policy

The adjustment period is necessary to allow RD sufficient time to analyze and effectively implement BABA pursuant to final guidance in which *loan* and *loan guarantee* programs as covered in addition to grant programs. The approximately 20 additional covered loan and guarantee programs serve customers of various types and capacities. RD has not had sufficient time to analyze which programs and uses of funds would be covered, nor to design and develop communications and training tools needed to educate and transition staff and customers to the new requirements.

The great majority of Rural Development's programs have not been previously subject to the Buy American preference. In fact, only RUS programs have had existing Buy American or American Iron and Steel requirements. This represents approximately 20% of the RD programs. Other RD programs have not had Buy American requirements with the exception of projects obligated under the American Reinvestment and Recovery Act of 2009.

RD does not yet have a full understanding of BABA's impact to the larger group of covered programs and many RD customers have no experience with Buy American preferences or BABA. Our goal is to implement BABA in a way that drives compliance and achieves the intent of the Act in a sustainable way that embeds it into RD's programs long-term. Below is a list of key analysis, tools and actions that RD must complete to achieve this goal.

- Alignment of BABA with Buy American preference and American Iron and Steel (AIS) Requirements - RD has programs with existing Buy American preferences and AIS requirements. Existing regulatory provisions, processes, procedures, guidance documents

and financial document provisions will need to be aligned with or replaced by BABA documents across several large programs. This will require significant effort. In addition, clear and effective guidance will be needed to avoid confusion and ensure compliance.

- Reporting Requirements and Burden Assessments - RD anticipates that it will need to identify new reporting requirements concerning the types of information necessary to demonstrate compliance with the Buy American preference or to seek product- or project-specific waivers under the Act to readily provide the public with an opportunity to evaluate the burdens associated with the information to be collected.
- Financial Assistance Instruments - All Federal award instruments for identified programs will need to be modified to ensure they are legally sufficient to implement BABA requirements. Given the large number of covered programs, the number of instruments needing modification will be in the hundreds. In addition, all *participating commercial lenders* in covered programs will need to update their lender agreements with the Agency, and then in turn these lenders will need to update their lending instruments for use with their borrowers, as applicable. RD anticipates that hundreds of commercial lenders will need to modify their existing lending instruments, which will take considerable time.
- Evidence Standards – RD needs to develop standards for documentation of BABA compliance by our recipients. To maximize customer experience and compliance the guidance must be clear, easy to understand and centrally available. Because of the diversity of our programs this task may require multiple types of specialized guidance.
- Communications and Training Materials – RD needs to design and develop guidance and training for staff and customers across a wide variety of programs. To implement the requirement for some programs, RD may need to host listening sessions or issue requests for information to gain customer input.
- Tribal Consultation – The U.S. government needs to perform due diligence for consultation to fulfill its trust responsibilities with tribal entities. The adjustment period is needed to maintain carefully nurtured relationships with tribal nations who were not consulted prior to the publication of the guidance document. Sufficient time to coordinate and conduct tribal consultations is essential to faithfully implementing the President’s commitment to a respectful government-to-government relationship with America’s tribes. Implementation of BABA will have a significant impact on Native American tribes and other RD recipients who serve them. RD needs to solicit information from the public, including tribal entities, about RD’s potential information collection needs and the associated burdens that would be placed on recipients arising from compliance and monitoring. Lastly, RD must ensure that any procedures put into place do not conflict with the new final Buy Indian Act regulations that became effective on March 14, 2022, and which expand application of the Buy Indian Act to all construction including the planning, design and construction of health care facilities, personnel quarters, and water supply and waste disposal facilities.

- Other Considerations – The agency will also need to analyze the impact that rural workforce shortages and supply chain issues will impact recipients in covered programs and achievement of program goals for rural areas.

Waiver Decision

Congress passed the Build America, Buy America Act to establish strong and permanent domestic sourcing requirements across Federal programs to benefit all Americans. The statute is clear that Congress intended implementation of BABA on May 14, 2022. USDA Rural Development understands the importance of BABA and prompt implementation. However, the Agency must weigh the timing of implementation against other critical public interests.

The absence of a reasonable adjustment period will slow projects; result in customer confusion; delay the processing of funding obligations for much needed infrastructure investments; disrupt established supply chains; increase the need for cost overrun awards due to project delays; and represent an unanticipated change in the rules for program applicants who submitted applications to open funding opportunities without the benefit of knowing the breadth or effect of the BABA guidance.

Considering all factors, USDA Rural Development determines that a 6-month adjustment period for implementation is in the public interest and that issuing this waiver is critical to advancing the long-term success of BABA.

During the adjustment period, long-standing Buy America and American Iron and Steel (AIS) statutes and regulations will be in effect for RUS Infrastructure programs.

A project schedule of implementation activities is included in Attachment C.

Approved By: _____

Issue Date: _____

Attachment A

Rural Development Program Areas

<u>SAM Code</u>	<u>Rural Utilities Service</u>
10.751	Rural Energy Savings Program (RESP)
10.752	Rural eConnectivity Pilot Program (ReConnect)
10.759	Part 1774 Special Evaluation Assistance for Rural Communities and Households (SEARCH)
10.760	Water and Waste Disposal Systems for Rural Communities (Includes Guarantees, and Rural Alaskan Village Grant (306D) programs)
10.761	Technical Assistance and Training Grants
10.762	Solid Waste Management Grants
10.763	Emergency Community Water Assistance Grants
10.770	Water and Waste Disposal Loans and Grants (Section 306C)
10.850	Rural Electrification Loans and Loan Guarantees
10.851	Rural Telephone Loans and Loan Guarantees
10.855	Distance Learning and Telemedicine Loans and Grants
10.858	Denali Commission Grants and Loans
10.859	Assistance to High Energy Cost Rural Communities
10.862	Rural Decentralized Water Systems Grant Program
10.863	Community Connect Grant Program
10.864	Grant Program to Establish a Fund for Financing Water and Wastewater Projects (aka Revolving Loan Fund program)
10.886	Rural Broadband Access Loans and Loan Guarantees
<u>SAM Code</u>	<u>Rural Business-Cooperative Service</u>
10.350	Technical Assistance to Cooperatives
10.351	Rural Business Development Grant
10.352	Value-Added Producer Grants
10.377	Agriculture Innovation Center Demonstration Program
10.379	Rural Energy Pilot Program Grant
10.379	Rural Energy Pilot Program Grant
10.380	Food and Supply Chain Guarantee Loan Program
10.381	Meat and Poultry Processing Expansion Program
10.754	Higher Blends Infrastructure Incentive Program
10.755	Rural Innovation Stronger Economy
10.767	Intermediary Relending Program
10.768	Business and Industry Loans
10.771	Rural Cooperative Development Grants
10.782	Appropriate Technology Transfer for Rural Areas
10.854	Rural Economic Development Loans and Grants
10.865	Biorefinery Assistance
10.867	Bioenergy Program for Advanced Biofuels
10.868	Rural Energy for America Program
10.870	Rural Microentrepreneur Assistance Program
10.871	Socially-Disadvantaged Groups Grant

<u>SAM Code</u>	<u>Rural Housing Service</u>
10.405	Farm Labor Housing Loans and Grants
10.410	Very Low to Moderate Income Housing Loans
10.411	Rural Housing Site Loans and Self-Help Housing Land Development Loans
10.415	Rural Rental Housing Loans
10.417	Very Low-Income Housing Repair Loans and Grants
10.420	Rural Self-Help Housing Technical Assistance
10.427	Rural Rental Assistance Payments
10.433	Rural Housing Preservation Grants
10.438	Section 538 Rural Rental Housing Guaranteed Loans
10.446	Rural Community Development Initiative
10.447	The RD Multi-Family Housing Revitalization Demonstration Program (MPR)
10.448	Rural Development Multi-Family Housing Rural Housing Voucher Demonstration Program
10.494	Multi-Family Housing Non-Profit Transfer Technical Assistance Grants
10.495	Farm Labor Housing Technical Assistance Grants
10.766	Community Facilities Loans and Grants (Includes Guarantees, Emergency Rural Health Care Grants and Tribal College Initiatives Grants)

Attachment B

RD Filing Windows

Rolling/Continuous Filing

- Community Facilities Direct Loans and Grants
- Water and Waste Disposal Direct Loans and Grants
- Emergency Community Water Assistance Grants
- 306C Native American and Colonia Water and Waste Grants
- 306D Rural Alaskan Village Grants (Water)
- Telecom Infrastructure Program
- Electric Loans
- MFH Section 538 Guarantees
- Food Supply Chain Guarantees
- OneRD Guarantee
 - Business and Industry Loan Guarantee
 - Community Facilities Loan Guarantees
 - Rural Energy for America Program
 - Water and Waste Disposal Loan Guarantees

FY 22 Filing Windows

The chart below provides information on programs with specific filing windows for FY 22.

Title	Agency	Application Open Date	Application Closed Date	Obligations Complete?
RMAP Notice FY 2022	RBCS	7/30/2021	Q1: 09/30/21 Q2: 12/31/21 Q3: 03/31/22 Q4 06/30/22	Q1-3 complete, Q4 will be complete by 9/30/2022
REDLG Notice FY 22	RBCS	9/7/2021	Q1: 09/30/21 Q2: 12/31/21 Q3: 03/31/22 Q4: 06/30/22	Q1-3 complete, Q4 will be complete by 9/30/2022
RBDG-Transportation Notice FY 22	RBCS	1/14/2022	4/14/2022	No, will be complete in by 9/30/2022
IRP Notice FY 22	RBCS	12/23/2021	Q2: 12/31/21 Q3: 03/31/22 Q4 06/30/22	Q2-3 complete, Q4 will be complete 9/30/2022

RBDG Notice FY 22	RBCS	9/27/2021	2/28/2022	No. will be complete by 9/30/2022
RISE Notice FY 22	RBCS	12/20/2021	5/19/2022	No, will be complete by 9/30/2022
REAP FY 2022 Notice	RBCS	EA/REDA 02/02/21 EA/REDA up to 50% setaside 04/01/21 RES/EEI remaining setaside 11/01/21 RES/EEI regardless of grant request 04/01/21	EA/REDA 01/31/22 EA/REDA up to 50% setaside 10/31/21 RES/EEI remaining setaside 03/31/22 RES/EEI regardless of grant request 03/31/22	Yes No. - June 30 deadline No. - June 30 deadline No. Obligations anticipated by 9/30/2022
Biorefinery, Renewable Chemical and Biobased Product Manufacturing Assistance Program (Sec. 9003) Notice FY 22	RBCS	April 2, 2021 October 2, 2021	October 1, 2021 April 1, 2022	Ongoing
Delta Health Care Services (DHCS) NOSA FY 22	RBCS	5/13/2022	7/12/2022	No, will be complete by 9/30/2022
Rural Energy Pilot Program	RBCS	Open Date 01/19/22	LOI due 4/19/2022 - LOI is prerequisite to application Application: 7/18/2022	No, will be complete by 9/30/2022
Meat and Poultry IRP	RBCS	5/27/2022	7/25/2022	No, will be complete by 9/30/2022
Meat and Poultry Processing Expansion Program (MPPEP)	RBCS	2/25/2022	5/11/2022	No, will be complete by 9/30/2022
MFH Preservation and Revitalization Demonstration Loans and Grants	RHS	3/15/2022	5/16/2022	No, will be complete in Q4
CF Emergency Pilot - American Rescue Plan Act	RHS	8/12/2021	10/12/2021	No. Obligations are ongoing and will continue throughout FY 2022 and into FY 2023.

MFH - Sec. 514 & 516 Off-Farm Labor Housing Grants - Short Notice	RHS	R1 02/05/21 R2 08/2/21 R3 5/16/22 04/21/22	R1 08/02/21 R2 05/02/22 R3 07/15/22 07/15/22	R1 – 100% obligated R2- by 7/15/22 R3 – by 12/15/22
MFH - Off-FLH 514 Loans/516 Grants Repair/Rehab	RHS	3/9/2022	4/25/2022	No, complete by 10/15/22
SFH- Housing Preservation Grants	RHS	5/26/2022	7/11/2022	No
ReConnect FOA	RUS	11/24/2021	2/22/2022	No
Guaranteed Underwriter Program (313A) NOSA FY 22	RUS	3/14/2022	5/13/2022	No, will be made in Q4

Attachment C

Projected Implementation Schedule

The following projected schedule takes into account existing workloads and anticipated leave cycles for key staff. Additional activities may be added as deemed necessary after program analysis.

	Projected Target Dates	Activity
1	July 15	Analysis of RD programs and BABA coverage
2	July 15	Alignment of prior Buy American and American Iron and Steel requirements with new BABA requirements for RUS programs <ul style="list-style-type: none"> • Identify current requirements, internal and external guidance documents, evidence and documentation standards, etc. • Analyze differences and decide how best to create new or revised guidance.
3	July 31	Develop and Implement Project Level Waiver Process <ul style="list-style-type: none"> • Design Process; determine what level authorization • Develop SOP or Staff Instruction • Develop Waiver Template • Develop Guidance for staff and customers • Design Tracking Mechanism
4	July – September 2022	Reporting Requirements and Burden Assessments <ul style="list-style-type: none"> • Identify new reporting requirements • Evaluate the burdens associated with the information to be collected and update information collection packages as needed
5	August 30, 2022	<ul style="list-style-type: none"> • Initial Analysis of supply chain and workforce shortages on implementation to determine whether waivers are needed (coordination with EPA)
6	July – October 2022	<ul style="list-style-type: none"> • Tribal Consultations – 2 virtual in collaboration with OTR • Evaluate whether waivers are warranted (general or project type) • Implement and Inform tribes.
7	September 30, 2022	Development of Implementation Schedule <ul style="list-style-type: none"> • stand-alone Grants • loan/grant combinations • guarantees
8	September 30, 2022	Development of Training Plan
9	August 1, 2022	Development of a Long-Term Communications plan

		<ul style="list-style-type: none"> Urgent Communications have started
10	August - October 15 2022	<p>Financial Assistance Instruments</p> <ul style="list-style-type: none"> Draft language for all covered programs and agreements Complete updates of agreement templates Modify existing agreement as necessary (conditional commitments, letters of conditions, grant agreements) Commercial Lender Agreements and Loan Documents <ul style="list-style-type: none"> Draft language for lenders to include in loan documents to ultimate borrowers Notify lenders and ensure compliance. implement BABA requirements.
11	August 2022	<p>Evidence Standards</p> <ul style="list-style-type: none"> Determine standards for documentation of BABA compliance across covered programs Develop customer guides
12	October/November 2022	<p>Design and Implement updates to RD BABA web site</p> <ul style="list-style-type: none"> Borrower, lender, and other applicant guidance Templates for filing waivers
13	October-November 2022	<p>Develop Communications/Outreach Materials</p> <ul style="list-style-type: none"> External Customers Internal Staff
14	August – November 2022	<p>Develop Training Materials</p> <ul style="list-style-type: none"> External Customers Internal Staff
14a	November/December 2022	<p>Deliver Training External/Internal</p>
15	November 2022	<p>Finalize/Implement Tracking mechanism</p> <ul style="list-style-type: none"> Build/Finish waiver tracker or update data
16	October – December 2022	<p>Outreach to constituencies (National Webinars, field outreach; partner outreach)</p> <ul style="list-style-type: none"> Consulting Engineers and Architects Community Programs Applicants and stakeholder groups <ul style="list-style-type: none"> CF applicants. NRWA Tribal Outreach Lender Outreach Electric/Telecom