



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

August 27, 2020

M-20-30

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Michael Rigas
Acting Deputy Director for Management

SUBJECT: Data Call – Buy-American Preference for Infrastructure Projects due Tuesday
September 1, 2020

It is the policy of this Administration to maximize, consistent with law, the use of goods, products and materials produced in the United States, in Federal procurements and through the terms and conditions of Federal financial assistance awards. Executive Order 13858 (Strengthening Buy-American Preferences for Infrastructure Projects) was issued on January 31, 2019 as an amendment to Executive Order 13788 2017 (Buy American and Hire American) which was issued on April 18. These Executive Orders, in aggregate, required that the head of each Executive Department and Agency administering a covered program shall, as appropriate and to the extent consistent with law, encourage recipients of new Federal financial assistance awards pursuant to a covered program to use, to the greatest extent practicable, iron and aluminum as well as steel, cement, and other manufactured products produced in the United States in every contract, subcontract, purchase order, or sub-award that is chargeable against such Federal financial assistance award.

In order to ensure that Federal financial assistance is being deployed consistent with Executive Orders 13858 and 13788 the head of every executive department and agency (agency) shall submit a report to the Director of the Office of Management and Budget (“OMB”) for all Federal financial assistance provided for fiscal years 2014, 2015, 2016, 2017, 2018 and 2019 as detailed below.

Contacts:

- If there are any general questions on this data call, please contact Patrick Corrigan at 202-881-6535
- Technical questions on accessing or using the MAX Community: MAX Support (202-395-6860) or MAXSupport@omb.eop.gov

Key Links: The following MAX Community page has been set up to collect responses for this data request: <https://community.max.gov/x/5TTtg>

Note: *If you do not have a MAX account, it is easy to obtain one by going to <https://max.omb.gov/maxportal/registrationForm.do> . If your e-mail address is from a pre-approved Federal Government e-mail domain and your name is sufficiently represented in your e-mail address, you will automatically be granted access. If not, you will receive additional instructions to gain access. If you have any questions, please contact MAX Support.*

Purpose: To collect historical data from fiscal years 2014-2019 which breaks down Federal financial assistance in order to determine what portion was used to procure domestically manufactured goods and services vs. foreign, and also to quantify the waivers that were issued.

Background: Executive Order 13858 (Strengthening Buy-American Preferences for Infrastructure Projects) was issued on January 31, 2019 as an amendment to Executive Order 13788 2017 (Buy American and Hire American) which was issued on April 18. These Executive Orders, in aggregate, required that the head of each Executive Department and Agency administering a covered program shall, as appropriate and to the extent consistent with law, encourage recipients of new Federal financial assistance awards pursuant to a covered program to use, to the greatest extent practicable, iron and aluminum as well as steel, cement, and other manufactured products produced in the United States in every contract, subcontract, purchase order, or sub-award that is chargeable against such Federal financial assistance award. On August 13, OMB published revisions to guidance at 2 CFR 200 to implement that requirement as part of its Uniform Guidance, effective within 90 days. This data call is to collect information on the extent to which programs currently covered by Buy American Hire American laws have increased the proportion of their funds going to domestic sources.

Action Required: Departments and agencies should enter requested data according as follows:

Deadline: 5:00PM on Tuesday 9/1/2020.

Amounts: Amounts should be entered in millions of dollars.

Timeframe: Departments and agencies should provide spending data for FY 2014, 2015, 2016, 2017, 2018 and 2019.

Categories:

1. Total dollar value of awards for this program in each of the fiscal years from 14-19

For each of the above listed years:

2. Dollar value of funds used to purchase goods domestically (provide dollar value)
3. Dollar value of funds used to purchase foreign goods (provide dollar value)
4. Number of waivers granted (provide number from 0 +)
5. Total dollar value of waivers granted (provide dollar value)
6. Before granting a waiver, was a determination made that there was a significant portion of the cost advantage of a foreign-sourced product as the result of the use of dumped steel, iron, or manufactured goods or the use of injuriously subsidized steel, iron, or manufactured goods (yes or no)

Informational call: Understanding that various agencies may have different degrees of access to the data described above, OMB will host a call on Thursday 8/27 at 2:00PM to answer questions and provide more specific resources and instructions.