

BABA – CROSS PROGRAM CONSIDERATIONS

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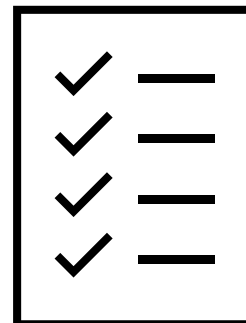
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COMMON FEDERAL REQUIREMENTS?

- Yes.
 - One law
 - Central instructions at Made In America
 - Long haul convergence of practice
- And No.
 - Program implementing instructions
 - Agency general waivers
 - Project specific waivers
 - Timing varied by agency and project
 - Shorter term variations in practice



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TOP LEVEL GENERAL GUIDANCE

- Made In America list of agency specific waiver sites
<https://www.madeinamerica.gov/waivers/financial-assistance/>
 - Some agency sites are up, some are down.
 - Tax/tariff context may affect costs as some products are primarily US made but may cross international boundaries for some processes or components during manufacture.
- To **manage uncertainty**, check program rule status, waivers, product availability/costs at key points during project planning and implementation.
 - Be prepared for loss of funds or delays. What is your contingency plan for a rule change?
- Be aware that using CDBG to match or cost share for another program means that all of both programs' requirements must be met.

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TIPS FOR STACKING OR BRAIDING FUND SOURCES

Each federal agency is responsible for monitoring its grantees' compliance with BABA, and each grantee is responsible for requiring that its program participants, contractors, and subrecipients comply.

Stay current. Make sub-grantees and contractors aware if requirements shift.

Design and document your activity documentation for the strictest requirements applicable to the financing sources. You might get monitored for each program in a project.

If CDBG and another federal grant assist the same project, pay special attention to program implementation for all cross-cutting rules, not just BABA. (Environmental review, labor standards, local hiring, etc.)

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NOT APPLICABLE OR AMBIGUOUS

- **Disaster recovery:** HUD has determined that BABA requirements do not apply to funds used for disaster or emergency response infrastructure spending, such as CDBG-DR grants. FEMA also [maintains a list of programs subject/not subject to BABA](#) on its site.
- **Private homes:** Projects consisting solely of the purchase, construction, or improvement of a private home for personal use, for example, would not constitute a public infrastructure project for purposes of BABA. The requirements would also not apply to non-residential buildings not used for public purposes (such as a business). However, there may be case-specific exceptions to this (e.g., for some mixed-use projects).