Are waivers available if a project cannot meet domestic content requirements?

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The Federal agency providing funding for the project may apply for a waiver to the requirement. To approve a waiver, the head of the Federal agency must find that one of the following apply:

1. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest;
2. Nonavailability Waiver: types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
3. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

Existing waivers are available on the madeinamerica.gov website. To the greatest extent practicable, waivers are targeted to specific products and projects.

- OMB Memo dated April 18, 2022

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