

September 8, 2025

Gregory D. Cote,  
Acting General Counsel  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

*Re: Docket No. DOT-OST-2025-0468 – Advancing a Surface Transportation Proposal  
That Focuses on America's Most Fundamental Infrastructure Needs*

Dear Mr. Cote:

The Alliance for American Manufacturing (AAM) appreciates the opportunity to provide comments in response to the U.S. Department of Transportation's (DOT) Request for Information regarding the upcoming surface transportation reauthorization.

These comments cover two issues:

Strong Implementation and Enforcement of our Nation's Buy America Laws

Restricting PRC-Backed Companies from Federal Assistance Infrastructure Projects

AAM is a non-profit, non-partisan partnership formed in 2007 by some of America's leading manufacturers and the United Steelworkers. Our mission is to strengthen American manufacturing and create new private-sector jobs through smart public policies. We believe that an innovative and growing manufacturing base is vital to America's economic and national security, as well as to providing good jobs for future generations. AAM achieves its mission through research, public education, advocacy, strategic communications, and coalition building around the issues that matter most to America's manufacturers and workers.

**Strong Implementation and Enforcement of our Nation's Buy America Laws**

America's manufacturers and their workers stand to benefit from both a more efficient infrastructure network to move goods to market, but also the increased demand generated for domestically produced iron and steel, construction materials, and manufactured products through infrastructure projects. For decades, American workers have produced these materials and products that comprise the backbone of our country's public works infrastructure.

It is critical that DOT ensure that this remains the case by strengthening implementation and enforcement of existing Buy America laws and by rejecting any proposals that seek to undermine or erode them. Doing so will foster critical investments in our industrial base and enhance the security of supply chains that make our critical infrastructure system more resilient and less reliant on hostile or unreliable sources like China. These measures directly support America's workforce by creating opportunities for well-paying jobs and reinforcing the nation's economic foundation.

Furthermore, adherence to strong Buy America policies ensures that taxpayer-funded investments align with our labor and environmental standards – in effect rewarding firms that operate here in the United States. This approach discourages the offshoring of manufacturing capabilities to foreign producers in countries that pollute and disregard basic worker safety standards. Ultimately, fortifying domestic manufacturing not only benefits American workers but also safeguards public investments, amplifying their positive impact on the nation’s future and the resiliency of our infrastructure networks.

Buy America policies enjoy strong bipartisan support, with 83 percent of voters agreeing that projects should use American-made inputs (*National Tracking Poll of 1,800 Registered Voters Conducted November 6-9, 2024, by Morning Consult for AAM*).

President Trump has been an ardent supporter of Buy America policy, making clear in Executive Order 13881 that it “is the policy of the United States to buy American and to maximize...the use of goods, products, and materials produced in the United States”. President Trump’s first term executive actions successfully identified glaring deficiencies in existing Buy America laws and policies, recognizing quickly that U.S. tax dollars have been spent for decades to purchase products and materials from China and other countries. President Trump charted the course of action necessary to ensure that domestic companies and America’s workers have the first shot at supplying U.S.-produced materials and products for the construction of all infrastructure projects paid for by the taxpayer. In fact, President Trump’s first term Buy America executive orders propelled Congress to pass the 2021 *Build America, Buy America (BABA) Act. Public Law No: 117-58, November 15, 2021*. BABA is a transformational tool that directs the application of strong Buy America rules to *all* departments and agencies and its coverage to *all* materials and products sourced for the completion of federally assisted infrastructure projects. The framework for BABA closely mirrors the efforts of the President and his earlier executive actions, and it earned bipartisan support in Congress.

AAM appreciates Secretary Duffy’s consistent support of our Buy America laws. At his January 14, 2025, confirmation hearing at the U.S. Senate Committee on Commerce, Science, and Transportation, the Secretary noted his support for Buy America because “it matters for the country as a whole,” adding that he would work on issues such as unnecessary waivers that “are issued to get around the rules.” The Secretary committed to enforcing our Buy America laws, particularly for DOT programs that are “deficient” – defined in BABA to mean that they do not meet the requirements of the law or are undermined by waivers of general applicability. More recently at a July 16, 2025, hearing at the U.S. House Committee on Transportation and Infrastructure, Secretary Duffy said, “I believe in Buy America” and “I am committed to the Buy American provisions.”

BABA builds upon and strengthens DOT’s existing Buy America laws that have been administered for decades for highway, transit, rail, and airport improvement projects. Prior to BABA’s enactment, DOT’s existing Buy America laws were limited in their programmatic and product coverage, eroded by waivers, and narrowed further by agency loopholes. Billions of U.S. taxpayer dollars were being directed annually to federally-assisted infrastructure projects that relied on foreign products and materials – bypassing America’s workers and supply chains ready to manufacture these materials and products. BABA ensures that all federally assisted surface transportation infrastructure projects are constructed using U.S.-produced iron and steel, construction materials, and manufactured products.

It has been nearly four years since BABA's November 2021 enactment, and there are opportunities to improve implementation at DOT. Congress has already provided the authorities and tools necessary to close loopholes, address implementation challenges, and ensure that all federal aid projects are constructed using U.S.-produced iron and steel, construction materials, and manufactured products. Thus, while legislative changes are not necessary in the surface transportation reauthorization bill, DOT and the administration are responsible for improving implementation of Buy America using those tools provided in the 2021 BABA law.

Outlined below are key areas where DOT should focus on strengthening implementation of Buy America:

1. *Deficient Programs.* DOT has yet to fully implement BABA for all “deficient” programs, as defined in BABA Section 70912, where Buy America continues to not be applied as required by Sec. 70914. As such, it is understood that federal assistance awards at certain OAs continue to be directed for projects that source foreign content instead of products and materials produced in the United States. DOT should ensure that DOT's OAs are fully applying and enforcing BABA for “deficient” programs.
2. *Fewer General Waivers.* It should not be a surprise that after decades of deindustrialization, targeted Buy America waivers are needed to overcome short-term market limitations as companies work to expand their U.S. supply chains. However, DOT and its OAs should make a concerted effort to shift away from using general waivers of Buy America that for decades have operated to exclude entire programs and categories of spending from a clear congressional directive. Instead, OAs should rely on the *ad hoc*, product-specific waivers authorized and intended by Congress to overcome short-term market limitations such as product non-availability or unreasonable cost. These waivers, when issued in a narrow, transparent manner and on a project-specific basis, identify supply chain gaps and create powerful market signals that induce companies to confidently make U.S. factory investments. Waivers that are applied too broadly, such as public interest waivers of general applicability, bypass domestic companies and America's workers and diminish market signals for U.S. investments. DOT should stop issuing new general waivers, discontinue those which undermine the clear intent of Buy America laws, and instead issue targeted waivers when justified in a timely and transparent manner.
3. *Manufactured Products Final Rule.* Congress has twice directed FHWA to apply Buy America to manufactured products – both in the 1982 STAA and the 2021 IIJA. Yet, FHWA continues to maintain a nationwide, general waiver of “manufactured products” that was issued in 1983 and is responsible for staggering sums of tax dollars purchasing foreign products rather than those produced by U.S. companies and their workers. An FHWA final rule issued on January 14, 2025, establishes a timeline to phase in Buy America for this category of products in two phases: first, in October 2025 products must meet the manufacturing / assembly requirement; and second, in October 2026 products must meet the statutory component content threshold. DOT should ensure that FHWA adheres to this timeline.
4. *BABA Savings Provision.* Contrary to clear congressional intent and the express requirements in BABA, FHWA's final rule to discontinue its manufactured products general waiver reverses and substantially weakens longstanding Buy America coverage for iron and steel components of manufactured products. Even though the entire product category has

been subject to a general waiver for more than 40 years, FHWA has nevertheless required that iron and steel components be produced (i.e., melted and poured) in the United States. However, FHWA's final rule greatly narrows this longstanding coverage to only two product categories (precast concrete products and enclosures for intelligent traffic systems). This is a clear violation of the BABA Section 70917 "savings provision" which Congress included to preserve existing application of Buy America to iron and steel components of a manufactured product. Congress clearly intended for FHWA to strengthen Buy America, not weaken it, during BABA implementation. It is confounding that while Buy America is set to be phased in gradually for manufactured products, the erosion of coverage for iron and steel components appears to have had immediate effect. DOT and FHWA should immediately correct this unacceptable outcome.

5. *Waiver Process Efficiencies.* As FHWA prepares to apply Buy America to the manufactured products category, it should be prepared to review and, if necessary, approve requests for targeted waivers. Where there is a demonstrated need, FHWA should seek public comment on proposed waivers as required by statute at the earliest opportunity. However, DOT should carefully scrutinize any proposals that would impose rigid statutory timelines on the waiver approval process. While AAM supports an efficient system for waivers, we are deeply concerned that imposing strict timelines could result in the issuance of inappropriate waivers of certain items that are produced in the United States by America's workers; or it may lead to the issuance of unnecessary general waivers which Congress has discouraged. When issued narrowly, Buy America waivers serve as a powerful tool for the identification of supply chain gaps and to create strong market signals for companies to make investments and hire workers. In fact, the issuance of *ad hoc*, project-specific waivers where there is a justification is an indication that our Buy America laws are being effectively administered. DOT should scrutinize legislative changes to the Buy America waiver process and reject any proposals that undermine the law.
6. *DOT Buy America Loopholes.* Several DOT implementing policies – including small grants and *de minimis* exceptions – run afoul of the BABA Section 70917 "savings provision," which was included to ensure that no existing Buy America laws or policies would be weakened. Regrettably, during the initial implementation process, DOT used the guise of its BABA implementation to justify the imposition of *de minimis* thresholds and small grant waivers of preexisting modal-specific Buy America laws where no thresholds previously applied. These loopholes remain in effect today and, as a result, a concerning share of assistance awards are not subject to BABA or to existing, longstanding Buy America laws. FHWA should strictly adhere to the BABA "savings provision" and ensure that BABA implementation results in more coverage, not less. Any implementing policies that violate BABA Section 70917 should be immediately corrected.

#### **Restricting PRC-Backed Companies from Federal Assistance Infrastructure Projects**

Concerned about the flow of U.S. taxpayer dollars to state-owned and state-championed PRC entities, Congress enacted the *Transportation Infrastructure Vehicle Security Act* (TIVSA) in December 2019 as part of the *FY 2020 National Defense Authorization Act*. The TIVSA law restricts certain federal assistance administered by the Federal Transit Administration (FTA) from being used to purchase rail cars, buses, and other forms of rolling stock from China's state-owned, backed, and controlled companies. Congress took this action because U.S. tax dollars in the form of federal financial assistance for public transportation infrastructure projects

were flowing to Chinese firms with reported connections to China's Communist Party (CCP), the People's Liberation Army (PLA), and entities like Huawei.<sup>1</sup> Chinese firms like BYD and CRRC were securing lucrative transit contracts in major U.S. cities. On a bipartisan basis, Congress agreed that tax dollars should not support business models that rely on importing near complete vehicles, components, and subcomponents from China to the United States for final assembly because it threatens to displace domestic supply chains. Moreover, serious national security concerns have been raised about the wisdom of U.S. tax dollars enabling, if not supporting, China's penetration into and operational control over critical U.S. infrastructure. These concerns are even more well-understood today, some six years after enactment. TIVSA was signed into law by President Trump during his first term and while it has effectively limited the use of tax dollars for the purchase of transit rolling stock vehicles from PRC-backed entities, it is necessary for DOT and Congress to continue working to address this and similar threats to our industrial base and critical infrastructure.

Accordingly, AAM strongly supports the bipartisan, bicameral *STOP China Act* (S. 1711 / H.R. 4361), which builds upon the 2019 TIVSA law. The bill would ensure that entities covered by the TIVSA funding restriction cannot "spin-off" operations as a means of evading the law. The sponsors [make clear](#) that "no federal assistance awards granted by the Department of Transportation (DOT) may be used to purchase 'rolling stock' vehicles or powertrain components from companies under China's influence."

The urgent need for Congress to pass the *STOP China Act* is presaged in a [May 21, 2025, letter](#) sent by members of the House Committee on Homeland Security to BYD North America LLC ("BYD") and RIDE Mobility LLC ("RIDE"), in which they write:

"We are...concerned by your companies' recent efforts to rebrand operations under the RIDE Mobility banner, a move that appears designed to portray your business as a U.S.-based domestic manufacturer. While rebranding is not itself improper, public representations made by RIDE fail to account for ongoing corporate and operational entanglements with PRC-based entities. This creates the appearance that your companies are seeking to circumvent procurement restrictions or avoid scrutiny applied to PRC-affiliated firms seeking access to the U.S. electric vehicle market."

Addressing this issue has clear implications for the health of the U.S. industrial base and our national security interests. The U.S. auto sector and its extensive domestic supply chain face a growing threat from Chinese competitors, buoyed by the Chinese state. The Chinese auto industry's growth has been exponential and now leads the world in EV production and sales by wide margins. China's auto champions – including mammoth entities like BYD, SAIC Motor, and battery maker CATL – appear to be expanding rapidly without consideration to supply and demand and basic market forces, so much that the Chinese auto sector is estimated to have a production overcapacity of millions of vehicles per year. That overcapacity is now facing outward, in search of new markets to soak up the largesse.

The Alliance for American Manufacturing issued a 2024 [report](#) entitled, "[On a Collision Course: China's Existential Threat to America's Auto Industry and its Route Through Mexico](#)," that documents the threat of Chinese autos to U.S. national security and economic stability. The

<sup>1</sup> See Radarlock papers about [BYD](#) and [CRRC](#) at:  
<https://www.americanmanufacturing.org/wp-content/uploads/2020/03/BYD.pdf>  
<https://www.railwayage.com/wp-content/uploads/2019/11/Raderlock-CRRC-Report-October-2019.pdf>

report states that “[t]he introduction of cheap Chinese autos – which are so inexpensive because they are backed with the power and funding of the Chinese government – to the American market could end up being an extinction-level event for the U.S. auto sector, whose centrality in the national economy is unimpeachable.”<sup>2</sup>

DOT should support enactment of the *STOP China Act* and, in the meantime, utilize all existing authorities – including those available under the 2019 TIVSA law and Section 768 of the 2024 FAA Reauthorization Act – to close loopholes and prevent circumvention and evasion of the clear intent of the law.

AAM appreciates the opportunity to share these comments.

**Alliance for American Manufacturing**

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<sup>2</sup> AAM Report Entitled, On a Collision Course: China's Existential Threat to America's Auto Industry and its Route Through Mexico  
<https://www.americanmanufacturing.org/research/on-a-collision-course-chinas-existential-threat-to-americas-auto-industry-and-its-route-through-mexico/>