ALLIANCE FOR american manufacturing

July 20, 2026

The Honorable John Gibbs
Assistant Secretary for Policy Development and Research
U.S. Department of Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

Re: Docket No. FR-6616-N-01, Request for Information Regarding Products and Categories of Products Used in Housing Programs Pursuant to the Build America, Buy America Act

Dear Assistant Secretary Gibbs:

The Alliance for American Manufacturing (AAM) appreciates the opportunity to submit comments in response to the U.S. Department of Housing and Urban Development's Request for Information Regarding Products and Categories of Products Used in Housing Programs Pursuant to the Build America, Buy America Act (BABA).

AAM is a non-profit, non-partisan partnership formed by leading domestic manufacturers and the United Steelworkers. Our mission is to strengthen American manufacturing and create good private-sector jobs through smart public policies. AAM strongly supports the Build America, Buy America Act (BABA) and appreciates HUD's efforts to solicit information on the availability of certain domestically manufactured products used in federally assisted housing and related infrastructure projects. This RFI is an important step toward improving the Department's implementation of BABA, accelerating project delivery where short-term market limitations exist, and ensuring that federal housing investments strengthen domestic manufacturing and support American workers.

President Trump's first-term executive orders established the policy framework that Congress later codified in the 2021 Infrastructure Investment and Jobs Act (IIJA). Executive Order 13788, "Buy American and Hire American," established that it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in the United States through federal procurement and federal financial assistance awards.[1] Executive Order 13858, "Strengthening Buy-American Preferences for Infrastructure Projects," built directly on that framework by directing agencies to maximize the application of Buy America preferences in federally assisted infrastructure projects.[2] Congress then codified a uniform domestic content framework in BABA as part of the IIJA, which applies across all federally assisted infrastructure projects and covers the materials and products used to construct them.[3]

The law is grounded in a simple but important principle: when federal tax dollars are invested in America's infrastructure, those investments should strengthen American production, support American

[1] Exec. Order No. 13,788, Buy American and Hire American, 82 Fed. Reg. 18,837 (Apr. 21, 2017).
[2] Exec. Order No. 13,858, Strengthening Buy-American Preferences for Infrastructure Projects, 84 Fed. Reg. 2,039 (Feb. 5, 2019).
[3] Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, div. G, tit. IX, §§ 70901-52, 135 Stat. 429, 1294-1314 (2021).

workers, bolster resilient domestic supply chains, and maximize the economic benefits of taxpayer-funded projects here at home. And Americans agree; According to October 2025 polling conducted by Morning Consult, support for using taxpayer dollars on American-made products for infrastructure projects is more than five times higher than support for using imports, with 69 percent supporting American-made products compared to 13 percent supporting imports. Support among Republicans is even higher at 79 percent.[4]

AAM appreciates the administration's support for Buy America. Properly implemented, BABA advances the administration's goals of growing domestic manufacturing, supporting American workers, and ensuring that hard-earned taxpayer dollars directed to federally assisted infrastructure projects are used to source U.S.-produced iron and steel, construction materials, and manufactured products.

Since BABA enactment in 2021, implementation has been inconsistent across federal agencies, and AAM has long been concerned with HUD's slow and uneven implementation. For several years after BABA was enacted, HUD relied heavily on broad general waivers that delayed full implementation of the law and effectively suspended application of BABA's domestic content requirements across large portions of the Department's housing portfolio. As a result, no market signal was made, no departmental expertise was generated, and the policies and procedures critically necessary to implement the law simply weren't developed, meaning taxpayer dollars continued to be spent on products and materials imported from abroad even when domestic manufacturers and American workers were ready and able to supply those projects.

During this same period, HUD did not establish the stakeholder engagement, waiver administration procedures, supply chain visibility, and compliance infrastructure necessary to support long-term implementation. Consequently, this RFI is a necessary step toward developing the market intelligence required to fully implement BABA as Congress intended. We therefore commend Secretary Turner and HUD for recognizing these shortcomings and taking meaningful steps to address them. We are pleased that HUD is using this RFI to gather information from domestic manufacturers, component suppliers, distributors, labor organizations, industry associations, developers, contractors, public housing agencies, and other stakeholders. The information collected through this process should serve as the foundation for a more transparent, efficient, and durable BABA implementation framework that strengthens domestic manufacturing while supporting timely housing delivery.

Critically, HUD should use this RFI as the first step in an ongoing, transparent, and data-driven process to improve BABA implementation. That process should strengthen the law, not weaken it.

HUD Has the Tools and Authorities Necessary to Implement BABA Robustly While Addressing Short-Term Market Limitations

HUD does not need new statutory carveouts or broad statutory exemptions from BABA to address implementation challenges. Congress already gave agencies the tools necessary to deal with legitimate short-term market limitations. BABA authorizes waivers where applying the domestic content preference would be inconsistent with the public interest, where products are not produced in the United States in sufficient and reasonably available quantities or of satisfactory quality, or where using

[4] Alliance for American Manufacturing, Morning Consult Poll, Infrastructure and Buy America Findings (Oct. 2025).

domestic products would increase project costs by an unreasonable amount. To be clear, HUD has existing general waiver and project-specific waiver authority that can be used when justified.

The proper policy response is therefore not to bypass or weaken BABA. It is to make HUD's implementation process work better. HUD should accelerate review of *ad hoc*, project-specific waivers, provide clearer instructions to applicants, engage domestic manufacturers earlier in the process, and identify whether narrow, product-specific, time-limited general waivers are justified for a limited set of manufactured products that are not currently produced or produced in insufficient quantities domestically.

The waiver process should be viewed as a tool to strengthen domestic supply chains, not as an end-around to avoid BABA. When administered properly, waivers identify supply chain gaps, create market signals, and incentivize companies to invest in U.S. production to fill those voids. When waivers are overly broad, indefinite, or opaque, they do the opposite. They reduce demand certainty, undermine domestic investment, and encourage continued reliance on foreign supply chains.

Accordingly, any general waiver that results from this RFI should be transparent, targeted, time-limited, and periodically reviewed. HUD should clearly identify the product covered, the factual basis for the waiver, the expected duration of any market limitation, the steps needed to restore or expand domestic production, and the process by which the Department will revisit the waiver as companies bring additional production online. HUD should also ensure that any future waiver extension is supported by current market conditions and a documented evidentiary record demonstrating that the underlying supply constraint continues to exist, rather than being granted automatically or as a matter of course.

The RFI Is Appropriately Focused on a Select Set of Manufactured Products

AAM appreciates that the RFI is focused on a select set of items in the "manufactured products" category that HUD grantees, builders, and other stakeholders have identified as difficult to source. The RFI lists product categories such as HVAC systems, heat pumps, plumbing fixtures, door hardware, elevators, fire alarm and fire suppression systems, solar panels, electrical components, and wood trusses. In some cases, the relevant product may be assembled domestically but rely on imported components. In other cases, manufacturers may be expanding domestic capacity but need clearer demand signals, certification pathways, or supplier visibility to support investment.

HUD should use this RFI to distinguish among these situations carefully and consider whether a phased compliance approach is appropriate for certain manufactured products where domestic final assembly already occurs in the United States but supply chains have not yet fully developed enough to satisfy the statutory 55 percent domestic content threshold. In cases where a robust domestic assembly base exists and manufacturers are actively working to source additional components domestically, HUD should not discourage or penalize these capital investments. Rather it should thoughtfully consider narrowly tailored, temporary waivers that require U.S. manufacturing while providing manufacturers and suppliers timelines to bring component sourcing into compliance. Such an approach would preserve demand for U.S.-based production, create clear incentives for additional domestic investment, and provide manufacturers with the certainty needed to develop and identify U.S. supply chains. Any such waiver should be narrowly targeted, time-limited, periodically reviewed, and accompanied by clear expectations regarding progress toward full compliance with BABA's manufactured product requirements. Waivers can serve as a transitional tool to help the marketplace move toward full compliance where domestic manufacturing capacity already exists and domestic content sourcing is expanding.

At the same time, the RFI should not serve as the basis of a presumption that broad categories of housing-related products are unavailable. For many product categories, domestic production exists, is expanding, or can be more effectively identified through better outreach, supplier scouting, and industry-led certification tools. HUD should take care to distinguish between true nonavailability challenges and administrative friction, lack of marketplace visibility, documentation challenges, or unfamiliarity with BABA compliance procedures.

Iron and Steel Products Are Readily Available in the United States

The RFI is rightly not focused on items in the iron and steel product category. These supply chains are mature, well understood, and already governed by decades of parallel Buy America requirements at agencies within the Department of Transportation and the Environmental Protection Agency. Contractors and developers are familiar with sourcing requirements for domestic iron and steel, and there is ample U.S. capacity to supply the iron and steel products used in federally assisted housing projects. Iron and steel products used in housing and related infrastructure can include beams, rebar, joists, columns, studs, roofing and decking, railings, frames, nails, screws, fasteners, plumbing and conduit, pipe, tube, structural steel, and fabricated steel products. These products are widely produced in the United States and should remain fully subject to BABA's domestic content requirements.

The administration's trade actions under Section 232 are also helping stabilize and strengthen the domestic steel sector in the face of persistent global overcapacity and trade cheating by other countries. The industry has ample capacity to serve these markets. According to the American Iron and Steel Institute, adjusted year-to-date raw steel production through July 4, 2026, was 48.112 million net tons at a capability utilization rate of 78.8 percent. That is up 6.0 percent from the same period last year, when production was 45.400 million net tons and the capability utilization rate was 76.8 percent. Even with that improvement, the industry remains below the 80 percent utilization level frequently cited as important for mill profitability and long-term investment.[5]

That data underscores an important point: there is ample capacity in the United States for domestic producers to supply steel products necessary for federally assisted housing projects and for other federally assisted infrastructure projects covered by BABA. Therefore, any unjustified actions that weaken or waive BABA for iron and steel products would not address housing affordability or project delivery. It would simply redirect taxpayer dollars away from domestic steel mills, fabricators, and workers.

Construction Materials Are Readily Available in the United States

The same principle applies to construction materials. BABA's construction materials category includes items that are primarily made of a single material. This includes lumber, aluminum, copper and other

[5] American Iron and Steel Institute, *Weekly Raw Steel Production*, adjusted year-to-date production through July 4, 2026, available at AISI Industry Data.

non-ferrous metals, drywall, glass, engineered wood, and fiber optic cable and optical fiber. For instance, the softwood lumber industry has already made clear that there is no justification for encouraging increased purchases of foreign lumber with American taxpayer dollars. The U.S. Lumber Coalition has opposed broad Buy America exemptions for housing programs and has explained that softwood lumber is a small share of the cost of a new home, that supporting increased U.S. lumber production contributes to more stable and reliable supply, and that expanded reliance on imported lumber would transfer opportunities away from U.S. workers and producers. The coalition further notes that the U.S. industry includes hundreds of manufacturing facilities and supports hundreds of thousands of jobs across the country.[6]

Regrettably, some opponents of BABA have attempted to use housing affordability concerns as a justification for broad exemptions that would reach far beyond any products where genuine sourcing issues may exist. That approach would be misguided. Housing affordability challenges are driven by many factors, including interest rates, land use restrictions, labor availability, permitting delays, financing conditions, and local market dynamics. Weakening Buy America for readily available construction materials would not solve those unrelated challenges.

Many Manufactured Products Are Available or Becoming Available, and HUD Should Encourage Certification, Supplier Visibility, and Investment

A range of manufactured products used in housing and related infrastructure are already domestically produced or are supported by growing U.S. investment. Appliances, siding, windows, certain electrical products, wiring devices, lighting, distribution equipment, building controls, and related products are available from domestic sources depending on the specific application. To the fullest extent possible, HUD should use this RFI to develop a granular understanding of these products rather than rely on broad assumptions.

AAM especially encourages HUD to look closely at existing third-party and industry-led certification efforts. For instance, the National Electrical Manufacturers Association's (NEMA) has developed a Make It American program to help manufacturers, contractors, and agencies navigate BABA compliance. NEMA's approach is as a constructive model for helping industry sectors align on sector-specific origin substantiation frameworks for BABA compliance and product certifications, which could facilitate compliance.[7]

AAM strongly encourages HUD and other departments to examine these third-party and industry-led certification efforts. Some stakeholders have called upon HUD to replace project-specific compliance certifications with a static departmental list, but AAM warns that such efforts may become outdated or create false assurances. The Department should recognize credible private-sector certification efforts where they are auditable, transparent, and consistent with BABA's statutory requirements. HUD should also coordinate with OMB's Made in America Office, NIST's Manufacturing Extension Partnership, and

[6] U.S. Lumber Coalition, Letter to Members of the House Financial Services Committee re: Opposition of U.S. Lumber Producers to Proposed Buy America Exemptions (Dec. 9, 2025).
[7] National Electrical Manufacturers Association, Make It American Certification Program materials and related correspondence (2025-2026).

industry associations to ensure that contractors and recipients have better tools for identifying domestic options.

HUD Should Improve Transparency and Accelerate Project-Specific Waiver Reviews

BABA's waiver process works most effectively when it is primarily conducted on an *ad hoc*, project-specific basis. Project-specific waivers require applicants to identify the product, project, and factual basis for relief – such as cost or an availability constraint. This approach has been used for decades across parallel Buy America laws at DOT, EPA, and other agencies, and it is intended to allow projects to proceed while preserving demand signals for domestic producers.

A review of HUD's project-specific waiver webpage suggests there is ample room for improvement in HUD's administration of these waivers. The project-specific waiver information currently posted on HUD's BABA waiver webpage illustrates both the importance of the waiver process and the need for HUD to administer it more quickly and transparently. Importantly, the publicly available waiver determination documents do not disclose when a recipient first submitted its waiver request to HUD, when HUD determined the request was complete, how long the request spent under internal HUD review, or how long it remained under review by the Made in America Office before being released for the statutory 15-day public comment period. As a result, the review timelines reflected in HUD's posted determinations do not reveal the full amount of time required for HUD to evaluate and act on waiver requests.

This lack of transparency is consistent with reports from housing stakeholders who have repeatedly indicated that waiver reviews can take many months and, in some cases, more than a year. To HUD's credit, the publicly available data suggests that the Department generally moves from the statutory public comment period to a final determination within a reasonable timeframe. The public record, however, also suggests that waiver determinations are not being issued on a rolling basis and instead are frequently released in clusters, with multiple approvals issued on the same day across unrelated projects and product categories. This pattern raises questions about whether administrative bottlenecks, resource constraints, or duplicative review processes are delaying action on otherwise justified waiver requests. The clustered release of project-specific waivers also suggests missed opportunities and lost time to socialize both the demand and apparent gap in U.S. production of BABA-compliant products to industry.

At the same time, the waiver record demonstrates that requests are concentrated in a relatively narrow set of manufactured product categories, including HVAC systems, VRF systems, heat pumps, mini-splits, fire alarm equipment, plumbing products, door hardware, elevators, windows, and certain electrical components. These are the same types of manufactured products that HUD has appropriately identified for further examination in this RFI. The waiver record therefore reinforces HUD's decision to focus this inquiry on a targeted set of manufactured products where stakeholders have repeatedly reported sourcing difficulties rather than seeking broad exemptions from BABA requirements.

Moving forward, AAM urges HUD to provide greater transparency into the waiver process by publicly reporting key milestones, including the date a waiver request is first received, the date it is deemed complete, the duration of HUD review, the duration of MIAO review, the date the request is released for public comment, the date the comment period closes, and the date a final determination is issued. Such information would allow stakeholders, manufacturers, policymakers, and HUD itself to better identify where delays occur and whether additional process improvements are warranted.

In conjunction with OMB's MIAO, HUD should also establish a public waiver tracking dashboard that provides real-time visibility into pending and completed waiver requests. Such a dashboard should identify the requesting entity, the project, the product under review, the type of waiver requested, the current stage of review, and the amount of time spent at each stage of the process. Increased transparency would improve accountability, provide greater predictability for project sponsors and manufacturers, and help ensure that stakeholders have visibility into the status of waiver requests throughout the review process.

Consistent with the administration's broader emphasis on efficiency, accountability, and effective implementation of Buy America requirements, HUD should ensure that project-specific waivers move through the review process on a continuous basis rather than accumulating for batch review and release. HUD already possesses the statutory authorities necessary to address legitimate nonavailability concerns through project-specific waivers and, in very limited circumstances, narrowly tailored general waivers. The challenge is ensuring that those authorities are administered quickly, transparently, and in a manner that supports both housing delivery and the objectives of BABA. The goal should be to keep housing projects moving while using the waiver process to identify supply chain gaps, encourage domestic investment, and strengthen American manufacturing rather than allowing administrative delays to become a barrier to either housing production or effective implementation of the law.

Targeted General Waivers May Be Appropriate for a Limited Set of Manufactured Products, but They Must Not Become the Norm

AAM recognizes that repeated project-specific waivers for the same product may indicate a broader, temporary market limitation. In those circumstances, it is appropriate for HUD to consider targeted general waivers for narrowly defined products or, in extremely limited instances, a product category. However, such waivers should be the exception, not the norm.

If HUD identifies a product category where domestic production is genuinely unavailable in sufficient and reasonably available quantity or quality, a targeted general waiver may help streamline project delivery while reducing repetitive project-specific waiver requests. But these waivers must be carefully designed: they should be limited to the specific product or subcategory for which HUD has developed a factual record; they should be time-limited; they should include periodic review; they should be withdrawn or narrowed as domestic production becomes available; and, they should be paired with active efforts across government to encourage domestic investment. If manufacturers are considering investments that would make a product BABA-compliant within a defined time frame, HUD should account for that in the waiver's duration and review schedule.

Nearly five years after enactment of BABA, HUD is conducting this RFI to better understand domestic manufacturing capacity, supply chain constraints, and product availability in categories where implementation challenges have persisted. While this assessment is necessary and overdue, the process of conducting this RFI and considering targeted general waivers for a limited set of identified manufactured products must not become the default approach for BABA implementation at HUD or any other department or agency. The ordinary course should remain project-specific compliance and project-specific waivers when justified. General waivers should be used only where the record demonstrates a broader market limitation that cannot be efficiently addressed through individual reviews.

HUD Should Maintain Ongoing Stakeholder Engagement

AAM applauds HUD's decision to solicit information from domestic manufacturers, component suppliers, distributors, labor organizations, industry associations, contractors, developers, public housing agencies, and other stakeholders. That engagement is essential. However, the comment window for this RFI is relatively short, and HUD should therefore treat this RFI as the beginning of an ongoing engagement process, not the end of it. Many manufacturers and suppliers may need additional time to assess product lines, BABA classifications, component sourcing, production capacity, lead times, and planned investments. HUD should continue to engage stakeholders through product-specific listening sessions, technical webinars, follow-up information requests, and direct coordination with trade associations and labor organizations.

EPA's Office of Water provides a useful model. EPA has remained engaged with stakeholders on Buy America implementation, waiver processing, and supply chain questions through ongoing outreach and technical assistance. HUD should adopt a similarly proactive posture. In the housing context, stakeholder engagement is especially important because recipients, contractors, and developers may not have decades of experience with Buy America compliance in the same way many DOT and EPA recipients do. HUD should also coordinate with NIST MEP to conduct supplier scouting before approving nonavailability waivers. Supplier scouting can help determine whether a domestic option exists, whether production can be scaled, whether an alternative specification could satisfy project needs, and whether emerging suppliers should be connected with contractors and recipients. These findings should also inform HUD's evolving understanding of product availability.

HUD and the Administration Should Dedicate Sufficient Resources to BABA Implementation

Strong BABA implementation requires sufficient staffing, technical expertise, supplier outreach, waiver review capacity, and coordination across HUD, OMB's MIAO, NIST MEP, and other agencies. HUD, and the administration, should deploy necessary funding and personnel to accomplish this important task. Congress overwhelmingly supports Buy America, and so do the American people. As noted above, public opinion research shows broad support for using taxpayer dollars on American made products in federally assisted infrastructure projects. That public support should be matched by adequate agency resources.

If HUD needs additional resources to administer BABA effectively, it should include that need in future budget requests, and Congress should provide the necessary funding. EPA's American Iron and Steel (AIS) policy provides a powerful example of how even a small amount of administrative resources can support domestic preference implementation. The EPA AIS framework allows the Administrator to retain a small portion of appropriated funds for administration and oversight. This type of set-aside has helped EPA review waivers, understand supply chains, support outreach, and move determinations through the process more effectively.

AAM urges HUD and the administration to work with Congress to secure similar funding mechanisms for BABA administration across housing programs. A modest administrative investment can reduce project delays, improve compliance, support domestic manufacturers, and provide greater certainty to recipients.

Conclusion

AAM appreciates HUD's decision to issue this RFI and to gather information that can improve BABA implementation in federally assisted housing programs. This effort should help HUD better understand domestic supply chains, identify true market limitations, accelerate justified project-level waivers, and encourage new domestic manufacturing investment.

The Department should approach this process from a position of confidence in BABA's purpose and in the capacity and potential of U.S. manufacturers and American workers. When hard-earned taxpayer dollars support federally assisted housing and infrastructure projects, those dollars should be used to build domestic industrial capacity, create good jobs, and source U.S.-produced iron and steel, construction materials, and manufactured products.

HUD has the tools and authorities necessary to implement BABA in a robust manner while addressing short-term market limitations. AAM urges HUD to use this RFI to strengthen implementation, not weaken the law. Any resulting waivers should be transparent, targeted, time-limited, and used to identify legitimate supply chain gaps. They should never become a process to bypass BABA.

AAM looks forward to continuing to work with HUD to ensure that federal housing investments support both housing delivery and American manufacturing.

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