

February 16, 2023

Dede Rutberg  
Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

**RE: Request for 30-Day Extension for Public Comments on Proposed Rule re: Guidance for Grants and Agreements Published on February 9, 2023 (88 FR 8374)**

Ms. Rutberg,

On behalf of the undersigned organizations representing tens of thousands of public and private entities dedicated to developing and delivering federal financially assisted construction projects of all types for the benefit of all Americans, I write to respectfully request that the White House Office of Management and Budget (OMB) provide for an additional 30 days (total of 60 days) for public comment on the proposed rule. The requested date would then be, on or about, April 12, 2023.

Under Executive Order 12866, “each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days.”<sup>1</sup> When OMB previously put forth a request for information seeking comment on a similar matter in 2022, the agency ultimately provided additional time for public input.<sup>2</sup>

The 30-day comment period given here is inadequate for our organizations to meaningfully review the proposed rule, analyze its impact, gather feedback, and submit written comments. This challenge is compounded by the proposed rule’s broad scope and highly complex impact on the existing domestic manufacturing and supply base.

For these reasons, the undersigned organizations respectfully request of OMB that an additional 30 days (60 days total) be allowed for public comments on this proposed rule as contemplated under Executive Order 12866.

Sincerely,

Airports Council International – North America  
American Association of State Highway and Transportation Officials  
American Public Transportation Association  
American Road & Transportation Builders Association  
Associated General Contractors of America  
National Association of Home Builders

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<sup>1</sup> Executive Order 12866 of September 30, 1993, 3 C.F.R. 638 (1994) at Section 6(a)(1).

<sup>2</sup> “On April 21, 2022, OMB issued a request for information seeking input concerning requirements that any infrastructure projects funded with Federal financial assistance under the Build America, Buy America Act (‘the Act’), enacted as part of the Infrastructure Investment and Jobs Act (IIJA) on November 15, 2021, only use construction materials ‘produced in the United States.’ The notice also sought input on behalf of the Federal Acquisition Regulatory Council (FAR Council) on a definition for ‘end product manufactured in the United States,’ for incorporation into the Federal Acquisition Regulation (FAR). *The deadline for submitting comments is being extended from May 23, 2022 to June 6, 2022 to provide additional time for interested parties to provide comments.*” 87 FR 32063 (emphasis added).