

October 28, 2022

Livia Shmavonian
Director, Made in America Office
Office of Management and Budget
725 17th Street NW
Washington, D.C. 20503

RE: Introductory Meeting Request on Build America Buy America Act Implementation

Dear Director Shmavonian,

On behalf of the undersigned organizations representing tens of thousands of public and private entities dedicated to developing and delivering federally funded infrastructure projects of all types, we would like to congratulate you on becoming the Director of the Made in America Office (MIAO) within the Office of Management and Budget (OMB). With various federal agencies' temporary waivers of the Build America Buy America Act (BABAA) requirements set to expire on or about November 10, we respectfully request an introductory meeting before that date to discuss how we can effectively meet BABAA requirements while helping ensure the on time and on budget delivery of projects.

Our organizations fully support BABAA's core purpose of strengthening domestic manufacturing. As the nation's manufacturing base adjusts to meet these requirements, it is incumbent upon the stakeholders we represent to not only deliver the historic investments in infrastructure funding secured under this Administration but also the scores of federal programs newly subject to Buy America requirements.

Our shared mission, however, faces significant hurdles in a lack of clarity about how to apply BABAA. For example, there remains only preliminary OMB guidance from April 18 defining what is or is not a "construction material" and how to distinguish a "construction material" from a "manufactured product." We appreciate that OMB¹ and other federal agencies² requested information from stakeholders months ago to better clarify that guidance. However, neither OMB nor federal agencies have provided additional guidance, which creates significant hurdles to implementing these new BABAA requirements.

In addition, we remain concerned about the transparency and efficiency of the BABAA waiver processes. We applaud OMB for establishing a website dedicated to tracking this information after OMB receives waivers from federal agencies. However, this does not address the opaque nature of a federal agency's process from initial receipt through submission of a waiver to OMB. The Administration must ensure that the federal agency waiver process is equally transparent and efficient.

Again, we respectfully request an introductory meeting with you to discuss ways to meet the historic opportunities brought forth by the Administration to build America and strengthen domestic manufacturing capacity.

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

¹ [87 Fed. Reg. 32063 \(May 26, 2022\)](#)

² *See e.g.*, U.S. Department of Transportation RFI ([87 Fed. Reg. 45396 \(July 28, 2022\)](#)); *see also* U.S. Department of Housing & Urban Development RFI ([87 Fed. Reg. 33193 \(June 1, 2022\)](#)).