

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
COMMERCE
HEALTH, EDUCATION,
LABOR, AND PENSIONS

December 9, 2025

Michael Stumo
Associate Director
Economic Policy and Made in America Office
725 17th Street, NW
Washington, DC 20503

Dear Associate Director Stumo,

I write to urge you to ensure full implementation of Buy America policies signed into law as part of the Bipartisan Infrastructure Law and ensure that federal infrastructure funding is subject to strong Buy America standards. More specifically, I ask that you direct federal agencies to conduct an additional review to identify deficient programs so that we can ensure that taxpayer-funded projects are using domestically produced materials and products supplied by America's workers and businesses.

The Infrastructure Investment and Jobs Act (IIJA) included a requirement that within 60 days of enactment, each agency submit to the Office of Management and Budget (OMB) and Congress a report listing all federal financial assistance programs for infrastructure administered by the agency and that identifies the programs that are deficient. A program is considered deficient if it is not covered by Buy America requirements or if the existing coverage is undermined by waivers of general applicability or other loopholes. Unfortunately, many agencies were late or provided incomplete reports on deficient programs, and more than four years after enactment of IIJA, I am concerned that many agencies have not fully implemented BABA for certain programs.

One clear example is the Federal Transit Administration's (FTA) continued treatment of entire "systems" as "end products" under its Buy America regulations at 49 C.F.R. Part 661. This outdated interpretation directly conflicts with BABA's purpose of strengthening domestic content requirements and remedying deficient programs.

Moreover, there is little transparency into the Department of Housing and Urban Development's (HUD) progress on BABA implementation. To date, HUD has issued various "public interest" waivers that have delayed and narrowed BABA applicability. In 2023, HUD adopted lengthy timelines that have allowed tens of billions of dollars in federal assistance to be distributed without full compliance of BABA requirements. It remains unclear today whether BABA is being applied to federally assisted housing projects, as evidenced by the lack of project-specific waivers issued by the department.

Following the initial round of identification of deficient programs required by the infrastructure law, a renewed evaluation is necessary to assess the status of Build America, Buy America (BABA) implementation across the federal government. This updated review should include a thorough examination of any longstanding or newly issued general waivers. It is commonsense to conduct a second round of identification of deficient programs to provide policymakers with a clear understanding of how the BABA law is being implemented, where weaknesses in Buy America standards remain, and what actions are needed to bring agencies into full compliance with the law.

When we use taxpayer dollars to support American-made products and jobs, we help ensure that goods are produced under strong environmental and workplace safety standards while strengthening our economic and national security. I appreciate your attention to this request and look forward to working with you to support American workers and businesses.

Sincerely,

A handwritten signature in blue ink that reads "Tammy Baldwin". The signature is written in a cursive, flowing style.

Tammy Baldwin
United States Senator