

United States Senate

WASHINGTON, DC 20510

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

September 8, 2025

The Honorable Sean Duffy
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Secretary Duffy:

I write to urge you to enforce Buy America laws for highway construction by implementing the Department of Transportation's final rule to discontinue the Manufactured Products General Waiver of Buy America that the Federal Highway Administration (FHWA) has had in place for over forty years. Finally putting an end to this blanket waiver that has allowed the federal government to sidestep Buy America rules when constructing highways will help spur domestic manufacturing and support American-made products and jobs. For that reason, it is essential that the Department of Transportation adhere to the rule and begin enforcement of Buy America for manufactured products starting next month.

Earlier this year, the FHWA published a final rule to discontinue the general waiver for manufactured products with respect to Federal-aid highway projects. The final rule provides clear guidance to all transportation stakeholders on timelines for planning and decision making. The final rule ends FHWA's longstanding blanket waiver in two phases. For projects obligated on or after October 1, 2025, final assembly of all manufactured projects must occur in the United States. For projects obligated on or after October 1, 2026, in addition to the final assembly requirement, the cost of components of products that are mined, produced, or manufactured in the U.S. must be greater than 55 percent of the total cost of all components of the manufactured product.

When we spoke about this issue at your confirmation hearing before the Senate Commerce, Science and Transportation Committee, you acknowledged that it matters for Wisconsin and for our country as a whole. Similarly, at his confirmation hearing on February 20, 2025, Deputy Secretary Steven Bradbury committed to me that he would see the final rule through as written.

As you apply Buy America to manufactured products, the FHWA should continue to avoid general waivers and focus on project-specific nonavailability or cost waivers. Waivers that are targeted, time-limited, and transparent are indications of where there are gaps in domestic supply chains and serve as powerful market signals for investment in American factories. Where there is a demonstrated need, the FHWA should seek public comment on proposed waivers, as required by statute, at the earliest opportunity and without delay.

It is a straightforward concept: when we use taxpayer dollars to build infrastructure, we should be using American products and supporting American businesses and workers. I strongly urge you to enforce this critical final rule to discontinue the 1983 Manufactured Products General Waiver of Buy America once and for all.

Sincerely,

A handwritten signature in blue ink that reads "Tammy Baldwin". The signature is fluid and cursive, with the first name "Tammy" and last name "Baldwin" clearly distinguishable.

Tammy Baldwin
United States Senator

CC: Gloria M. Shepherd, Executive Director, Federal Highway Administration