

United States Senate

WASHINGTON, DC 20510

June 3, 2026

The Honorable Scott Turner
Secretary
Department of Housing and Urban Development
451 7th St, S.W.
Washington, D.C. 20410

Dear Secretary Turner:

We write regarding a persistent challenge regarding the Build America, Buy America (BABA) process at the Department of Housing and Urban Development (HUD). We strongly support the goals of BABA, which was included in the Infrastructure Investment and Jobs Act (IIJA)¹ in 2021 to ensure that federally funded projects, including construction, support domestic production of iron and steel, construction materials, and manufactured products.

As you know, BABA requirements include the option for HUD and other agencies to grant waivers if certain products are not produced in sufficient quantities in the U.S. and in other specified circumstances. Unfortunately, for years dating back through the previous Administration, HUD has not fully developed its process for reviewing waiver requests, nor has it properly worked to assess housing components where there are persistent shortages or insufficient domestic production capacity. As a result, we have heard of requests for waivers that take months or even more than a year to process.² Accordingly, we ask that you ensure complete waiver requests are acted upon quickly, improve communication around waiver request timelines and that HUD seek information from housing developers, manufacturers and other stakeholders about manufactured products which are unavailable with the goal of issuing temporary general waivers for those products.

Buy America requirements have played a valuable role in supporting domestic production and jobs in certain infrastructure projects for decades and support American supply chain resilience and good paying jobs. These requirements were expanded in the IIJA and include a waiver process that allows housing and other projects to be built in a more timely and affordable manner, while providing a valuable signal to domestic industry that there is demand for a given product. Unfortunately, we have heard concerns from affordable housing developers that they are facing long and uncertain delays in getting waiver determinations. Waiver delays are especially problematic for projects funded with the Low-Income Housing Tax Credit, which was bolstered by President Trump, where funders are often unwilling to close prior to getting a waiver. This has been a potential problem for years, but as BABA requirements are now coming into full effect, the impacts are beginning to be felt by developers. Further consideration of methods to improve the BABA process will support housing construction and create certainty for housing developers.

¹ Public Law 117-58

² <https://apnews.com/article/affordable-housing-construction-baba-hud-delays-4302744b3b5839268acae92bf172eb9>

We urge you to accelerate timelines for processing, publishing, and making a determination on waiver requests for specific projects to ensure development of much needed housing units is not held up, and to clearly communicate expectations with housing finance agencies, public housing authorities and other developers ahead of time. Doing so will not only reduce delays and costs in housing construction, it will also provide more clear information to American manufacturers of products that are currently unavailable. We recognize that HUD advanced some waivers earlier this year, but we have heard of multiple other projects awaiting action on waiver requests. We also note that multiple waivers deal with non-availability of BABA-compliant heat pumps.

We would further ask that you swiftly issue a Request for Information (RFI) to assess domestic capacity to make manufactured products that are regularly needed for housing, which will help identify products that are not produced in the United States in sufficient quantities or qualities. A similar effort was undertaken in recent years at both the Environmental Protection Agency and the National Telecommunications and Information Administration. This process serves to both find American-made products for housing developers and also identify products which would benefit from a general applicability waiver. An RFI should be issued quickly, be conducted quickly and lead to a clear report with further action, including waivers, to ensure housing construction issues related to BABA do not linger. Those waivers can be tailored and time-limited (with the option to renew them) to support efforts to make those items here in America, but requiring repeated project-specific waiver applications for products that are known to be unavailable wastes time and money for all parties.

As we work in a bipartisan fashion in Congress to advance housing reforms which will support new construction and preservation of affordable housing, we believe this is a step HUD can implement quickly to make continued progress on expanding housing supply. We recognize that these steps should have been taken years ago, but request that HUD improve communication around the BABA waiver process, act faster on completed waiver requests, and begin assessing the availability of BABA-compliant housing products. We also know you have heard from housing and labor stakeholders with suggestions and hope you will work with them to address this challenge. We believe swift action can lead to meaningful progress in supporting homeownership and underscore the bipartisan commitment to supporting housing that is affordable and attainable for all Americans.

Thank you for your attention to this request.

Sincerely,



Jeanne Shaheen
United States Senator



David H. McCormick
United States Senator

CC: Russell Vought, Director of the U.S. Office of Management and Budget