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Kevin M. Dempsey
President and CEO

July 20, 2026

Todd M. Richardson
U.S. Department of Housing and Urban development
451 7th Street, SW
Washington, DC 20410

**RE: Request for Information Regarding Products and Categories of Products Used
in Housing Programs Pursuant to the Build America, Buy America Act
[Docket No. FR-6616-N-01]**

Dear Mr. Richardson:

In response to a request from the Department of Housing and Urban Development (HUD),¹ the American Iron and Steel Institute (AISI) hereby submits comments on the scope and operation of a mechanism to promote construction that is compliant with the Build America, Buy America Act (BABA) requirements. As HUD notes, “HUD believes that setting forth transparent implementation guidance for FFA [Federal Financial Assistance] programs enhances the ability of recipients, stakeholders, and industry partners to comply with and benefit from the BAP [Buy America Preference].” AISI agrees about the importance of establishing clear and efficient guidance mechanisms to ensure that BABA meets its statutorily mandated purpose.

AISI serves as the voice of the American steel industry in the public policy arena and advances the case for steel in the marketplace as the preferred material of choice. AISI’s membership is comprised of integrated and electric arc furnace (EAF) steelmakers, steel pipe and tube manufacturers and steel processors and fabricators, reflecting the production and distribution of both carbon, stainless, and electrical steels. These steels are essential to America’s national and economic security, including roads and bridges, buildings, the electrical grid, cars and trucks and all clean energy technologies. AISI also represents associate members who are suppliers to or customers of the steel industry.

¹ *Request for Information Regarding Products and Categories of Products Used in Housing Programs Pursuant to the Build America, Buy America Act (“Fed. Register Notice”); DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Jun. 18, 2026) [Docket No. FR-6616-N-01] available at:*

<https://www.federalregister.gov/documents/2026/06/18/2026-12240/request-for-information-regarding-products-and-categories-of-products-used-in-housing-programs>

I. Introduction

AISI has long supported the fundamental premise undergirding our nation's Buy America laws, namely that when federal taxpayer dollars are spent, they should support American manufacturing, American jobs and American industrial capacity. Prior to BABA's passage, there existed a patchwork of Buy America statutes across the federal code. BABA sought to expand and simplify Buy America coverage by providing a consistent, uniform standard for a federally-funded infrastructure projects. By creating reliable demand for domestically produced materials, BABA encourages manufacturers to invest in new production, retain skilled workers and expand the industrial capacity needed to support future construction.

Since BABA's passage, its implementation has varied across the federal government. AISI has repeatedly heard from stakeholders that HUD's implementation has languished. Builders and housing advocates have repeatedly expressed frustration with a lengthy, non-responsive waiver process while manufacturers have been dismayed by the use of broad general waivers that undermined the law's intent.

This request for information (RFI) is an essential step in helping HUD improve its implementation of BABA so it can serve the important role of supporting both the creation of much-needed affordable housing and a market space for domestic manufacturers. HUD must continue to work to ensure that BABA facilitates domestic investment and actively signals the demand for American-made materials. Manufacturers make investments over the course of years. New mills, fabrication facilities and logistical infrastructure take substantial capital that relies on predictable demand. HUD needs to clearly communicate procurement expectations and maintain consistent implementation policies, so that manufacturers are better able to expand production and increase domestic capacity.

A. HUD must understand steel's critical role in construction materials

Iron and steel production form the core of our nation's Buy America policies. It is well established that Buy America requires that iron and steel used in federally-funded infrastructure projects must be melted and poured in the United States. HUD's RFI, by its focus on exclusions only for manufactured items "that may not be manufactured in the United States with standards compliant with the Act"² acknowledges that iron and steel should not be exempt from current BABA application.³

² Fed. Register Notice

³ See Brannon, Valerie C.; *Statutory Interpretation: Theories, Tools, and Trends* at 54; Congressional Research Service; available at: <https://www.congress.gov/crs-product/R45153> (*Expresio Unius*: "The expression of

Because of this administration's leadership, American steel production is increasing even though significant available capacity remains. Given this, there exists sufficient capability and capacity to produce the iron and steel products necessary for housing construction. As such, all BABA waivers that seek to exempt foreign-made iron and steel products from the law's requirements should be categorically rejected.

B. Recognizing steel in manufactured products is of critical importance

Many of the manufactured products mentioned in HUD's RFI require steel in some capacity, including gang nails for fastening wood trusses or brackets, piping, and other hardware. Steel is instrumental in housing backbones such as HVAC, elevators, structures (steel frames and rebar), fire suppression systems and electrical load centers.

Because steel is integrated throughout every stage of construction, HUD should recognize that changes affecting steel-containing manufactured products often have consequences throughout the entire project. Clear classifications of covered products and consistent application of BABA requirements will help avoid unnecessary confusion while supporting compliance.

C. HUD must conduct its guidance and review processes on a case-by-case basis as transparently as possible

When balancing the need for affordable housing and protecting the Buy America Preference, transparent, consistent and project-specific BABA-waiver processes are essential. Ensuring that waiver applications are reviewable by the public is essential to maintaining trust and confidence in BABA's implementation. AISI and its member companies have heard complaints about HUD's waiver process from developers, housing advocates, and congressional offices. It is clear that interested parties lack timely information about waiver requests – when they were filed, when they were reviewed and when a project was allowed to proceed. Such a lack of information fuels frustration with BABA and delays much-needed construction – outcomes which the BABA waiver process was created to avoid.

HUD should continue providing opportunities for engagement as implementation evolves. Public notice of guidance updates, clear explanations for policy decisions and opportunities for industry and other stakeholder input will improve both compliance and confidence in the process. Transparency also helps reduce uncertainty by allowing manufacturers and contractors to better understand how products are

one thing implies the exclusion of others (*expressio unius est exclusio alterius*).” This canon is strongest “when the items expressed are members of an ‘associated group or series,’ justifying the inference that items not mentioned were excluded by deliberate choice, not inadvertence.”)

categorized/evaluated and how future decisions may affect ongoing or planned projects.

Equally important is allowing ample time to adapt to new guidance. Contractors and manufacturers often make procurement decisions months or years before construction begins. Providing adequate implementation timelines reduces disruption while improving overall compliance.

D. HUD must be mindful of project timelines and support a system that rewards compliance and preparedness

HUD should avoid creating unnecessary administrative burdens that impede compliance. Delays resulting from unclear guidance or inconsistent implementation can increase project costs and create unnecessary timeline challenges for developers, contractors and manufacturers.

HUD should continue developing a system that rewards early planning, compliance and preparedness. Contractors that proactively identify compliant suppliers and manufacturers that invest in domestic production should have confidence that these efforts will be rewarded through consistent implementation of BABA requirements. Efficient review processes, timely guidance and predictable procurement expectations will encourage participants throughout the process to plan ahead rather than rely on waivers or last-minute sourcing decisions. Over time, this approach will strengthen domestic manufacturing while improving the ability of housing projects to stay on schedule and within budget.

E. HUD should make clear whether it possesses resources necessary to implement BABA effectively

BABA implementation has not been “tried and found wanting. It has been found difficult”⁴ absent sufficient clarity and sufficient resources. With BABA, Congress in a bipartisan and bicameral manner expanded Buy America to better protect taxpayer dollars while supporting American manufacturing. To implement this expansion requires technical competencies and capabilities necessary to identify products, engage stakeholders and ensure compliance. A critical component of this RFI should be to identify resource constraints that inhibit BABA implementation, including project-specific waivers, and work with Congress to obtain the funds necessary to support BABA’s statutory mandate.

⁴ CHESTERON, G.K.; *What’s Wrong with the World* (1910); DOVER PUBLICATIONS

II. Conclusion

AISI commends HUD for its issuance of this RFI.

As HUD continues to develop guidance for products used in housing programs, AISI urges the Department to recognize steel's central role in every construction project, maintain predictable procurement expectations and implement project-based waiver review processes that encourage long-term domestic investment. A stable and transparent framework will strengthen American manufacturing, improve domestic supply chain resilience and support the development of affordable housing using materials produced by American workers. Should HUD require additional appropriations to fully and fairly implement BABA, it should engage Congress about the need for such funds.

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, reading "Kevin M. Dempsey". The signature is written in a cursive, flowing style.

Kevin M. Dempsey
President and Chief Executive Officer