Congress of the United States

Washington, DC 20515

[[DATE]]

The Honorable Scott Turner
Secretary
U.S. Department of Housing and Urban Development

Michael Stumo
Director
Made in America Office
Office of Management and Budget

Dear Secretary Turner and Director Stumo:

We appreciate your efforts to improve the efficiency of the Build America, Buy America (BABA) waiver process at the Department of Housing and Urban Development (HUD) and the Made In America Office (MIAO) within the Office of Management and Budget (OMB).

As HUD and MIAO implement BABA, it is clear the current waiver process is creating unnecessary delays for affordable housing developments while also risking the domestic manufacturing investments that BABA is intended to support. Across the federal government, approximately 3,500 BABA waivers have been approved, yet MIAO has approved only 29 HUD waivers as of October 2026.[1] News outlets have reported waiver requests taking months or even more than a year to process.[2] [3] This disparity reflects not a lack of need, but a process that is unnecessarily duplicative, time-consuming, and resource-intensive for project sponsors and the federal government.

We appreciate HUD's recent Request for Information (RFI) Regarding Products and Categories of Products Used in Housing Programs Pursuant to the Build America, Buy America Act, which represents an important first step toward identifying persistent domestic supply chain challenges.[4] Rather than requiring each affordable housing project to independently seek waivers for the same products, HUD and MIAO should adopt a more efficient, predictable, and data-driven approach.

Specifically, we encourage HUD and MIAO to implement the following reforms:

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[1] All waiver information was obtained through the MIAO's Waivers database and HUD's BABA webpage.
[2] https://apnews.com/article/affordable-housing-construction-baba-hud-delays-4302744b3b5839268acaee92bf172eb9
[3] https://www.mainepublic.org/business-and-economy/2026-08-05/as-maine-rushes-to-build-more-housing-federal-build-america-buy-america-rules-slow-progress
[4] https://www.federalregister.gov/documents/2026/06/18/2026-12240/request-for-information-regarding-products-and-categories-of-products-used-in-housing-programs

Recommendation 1: Establish product-specific or category-based, general waivers for products with demonstrated domestic supply shortages.
Requiring every project sponsor to submit waiver requests for the same set of products that consistently lack domestic availability does not increase domestic production; it simply delays affordable housing construction and consumes valuable federal resources. Product- or category-based waivers would eliminate repetitive applications while allowing HUD and MIAO to focus their review on products where domestic sourcing is feasible.

Other federal agencies have successfully implemented broader waivers while maintaining compliance with the law. For example:

- The U.S. Department of Agriculture approved a product-specific waiver for domestically assembled solar modules.[5]
- Eight federal agencies, including HUD, issued a time-limited general applicability waiver for Tribal projects.[6]

These precedents demonstrate that time-limited, targeted, category-based waivers can reduce administrative burdens for products that cannot be reliably obtained from domestic sources while preserving the integrity of BABA's goals for other covered materials. These waivers could be time-limited to allow domestic manufacturers to expand the supply of BABA-compliant products while ensuring affordable housing projects can move forward. HUD and MIAO could also pursue joint waivers with other federal agencies where requirements overlap, streamlining the waiver process, avoiding duplicative work across agencies, and advancing the administration's goal of reducing the need for waivers.

Recommendation 2: Streamline HUD and MIAO's internal waiver review process and strengthen coordination between agencies.

In addition to category-based waivers, HUD and MIAO should identify opportunities to simplify internal review procedures, reduce redundant analyses, improve interagency coordination, and establish more predictable timelines for waiver determinations. These administrative improvements would provide greater certainty for affordable housing developers while reducing workload for federal staff.

Specific building components are selected because they are best suited to the climate in which a property must operate and meet the highly technical requirements established by funding sources. Developers, housing authorities, owners, and their project teams are best positioned to determine which products are most appropriate for a property's unique needs. Where a waiver is otherwise justified, those determinations should not be delayed by duplicative federal assessments of whether a different domestically available product could have been used.

[5] https://www.usda.gov/sites/default/files/documents/final-nonavailability-waiver-domestically-assembled-solar-modules.pdf
[6] https://www.doi.gov/sites/default/files/documents/2025-01/doi-multi-agency-tribal-public-interest-waiver.pdf

The need for a more efficient process is especially urgent because delays in receiving BABA waivers have significant financial consequences for affordable housing developments. In some instances, projects are already fully permitted but cannot begin construction without an approved waiver.[7] Extended review periods increase land carrying costs and expose projects to rising workforce and material prices. Delays can also trigger financial penalties under Low-Income Housing Tax Credit investor agreements and jeopardize a project's ability to meet the statutory two-year placed-in-service deadline. As financing costs increase and development timelines lengthen, fewer affordable housing units are ultimately delivered.

HUD, MIAO, Congress, and the affordable housing community share the same objective: increase the nation's housing supply while strengthening domestic manufacturing. The current waiver process undermines both goals by imposing unnecessary administrative burdens without expanding domestic production.

We urge HUD and MIAO to build upon the information gathered through the recent RFI and implement targeted reforms that make the waiver process more efficient, predictable, and responsive to market realities. Doing so will reduce unnecessary delays, conserve federal resources, and help ensure that affordable housing projects can move forward while continuing to advance the goals of BABA.

Thank you for your consideration of these recommendations. We look forward to working with you and would be happy to meet at your earliest convenience.

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[[SIGNATURES]]

[7] https://www.pressherald.com/2026/03/12/buy-america-rule-killing-maine-affordable-housing-developers-say/