



June 22, 2009

Ms. Marguerite Pridgen  
Office of Federal Financial Management  
Office of Management and Budget, Room 6025  
New Executive Office Building  
Washington, DC 20503

**RE: Requirements for Implementing Sections 1512, 1605, and 1606 of the American Recovery and Reinvestment Act of 2009 for Financial Assistance Awards**

Dear Ms. Pridgen:

As the Administration issues final guidance on implementation of the spending provisions and specifically the transportation investments included in the American Recovery and Reinvestment Act of 2009 (ARRA), I urge you to ensure that the Buy America requirements included in the new law are strictly enforced.

We have long believed that a strong transportation system is dependent on a strong domestic manufacturing base that can produce raw materials and finished products including the equipment necessary to maintain, update, and expand the transportation system to meet the needs of our nation. Taxpayer dollars spent on transportation projects should be used to purchase U.S.-made materials, manufactured goods, and equipment to preserve and create jobs and help restore our declining U.S. manufacturing base.

We are specifically concerned that the definition of manufactured good that the interim guidance offers under Part 176.140 is too narrow and, unless expanded, will hamper the preservation and creation of jobs in the United States. The interim guidance is also silent on the need for transparency in the process of granting waivers to Buy America requirements.

Part 176.140 defines a manufactured good as a good brought to the construction site for incorporation into the building or work. In order to create jobs and help restore a robust manufacturing economy, the Administration must expand this definition to include manufactured goods that are used in constructing, altering, maintaining or repairing a project funded by the ARRA. Grant recipients would then be required to purchase equipment or tools produced in the United States for use in ARRA funded projects. Should the Administration limit the definition of domestic manufactured goods, it will limit the number of U.S. jobs the ARRA will save and create.

**Transportation Trades Department, AFL-CIO**

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Edward Wytkind, President • Patricia Friend, Secretary-Treasurer



The Administration must reverse the Bush Administration practice of granting needless waivers without necessary transparency. Awarding waivers of Buy America requirements must be accompanied by accountability. The administration must assure transparency by posting all waiver requests online upon receipt and by publishing in the *Federal Register* a reasoned justification after a waiver has been granted. Waivers should be granted sparingly and only when truly warranted under the most narrow application.

Permitting grant recipients to evade Buy America mandates would represent a missed opportunity to revitalize our declining manufacturing base and to build a sustainable domestic production capability that could serve our transportation system and related industries for decades to come. At a time when the Administration will be making enormous investments in transportation equipment and in the repair and expansion of our transportation system, taxpayer dollars should be used to support U.S. manufacturing and good jobs.

There is no question that our nation's ability to produce transportation equipment has declined in recent years. However, instead of using this fact to justify granting Buy America waivers that will further erode U.S. manufacturing, the Administration must work with grant recipients to ensure that there is both a steady need, and a standing production capability for U.S.-made products.

Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a large, stylized flourish at the end.

Edward Wytkind  
President