



A bold voice for transportation workers

May 13, 2022

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

**RE: Notice of Proposed Temporary Waiver of Buy America Requirements for
Construction Materials
Docket DOT-OST-2022-0047**

Dear Secretary Buttigieg:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the U.S. Department of Transportation's (DOT) Proposed Temporary Waiver of Buy America Requirements for Construction Materials. TTD consists of 37 affiliate unions representing workers in construction and manufacturing who are directly impacted by Buy America policies.¹

The waiver would provide relief from Buy America requirements for 180 days, beginning May 14, 2022. During this time, DOT expects states, industry, and other partners to begin the compliance process in conjunction with the new Made in America standards that were included in the Build America, Buy America (BABA) title of the Infrastructure Investment and Jobs Act (IIJA). These requirements include that all of the iron, steel, manufactured products, and construction materials used in federally-assisted infrastructure projects are produced in the United States.

TTD believes it is crucial to begin disbursing funds appropriated in the IIJA that will create high-quality, American jobs with the option of a union. The IIJA represents a historic investment in our nation's infrastructure, but this investment can only be of use when money is used to fund projects that develop and maintain infrastructure. We understand that good policy does not happen overnight, and it will take time to implement the Made in America standards. This is a process that TTD is deeply invested in, and we want to ensure that the Made in America standards are implemented in a way that creates robust enforcement with future waivers used only when absolutely necessary, as demonstrated by verifiable evidence.

¹ Attached is a list of TTD's 37 affiliated unions.

Transportation Trades Department, AFL-CIO
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Greg Regan, President / Shari Semelsberger, Secretary-Treasurer



We want to underscore that purchasing American-made goods creates American jobs, and we hope that DOT will keep this in mind and take every effort to implement Made in America standards quickly, so that future waivers may be narrowly tailored and further blanket waivers will be unnecessary. We would note that there are many construction materials with a strong domestic presence and this proposed waiver does not reflect these industries or the jobs supported. During this transition period, DOT should collect data to evaluate the availability of various materials. We ask that DOT further define construction materials to ensure that availability data is accurate and to better enable stakeholders to communicate availability information to DOT. These steps should have already been taken during the 180-day provided by Congress and we encourage the Department to prioritize the collection of information on the domestic supply of construction materials.

TTD supports the thoughtful adoption of domestic sourcing requirements going forward in order to ensure near term construction cycles move as swiftly as possible without disruption to workers in construction trades. Our nation's construction workforce is primed and ready to expand and grow, absorbing workers into trades that provide the kind of family-sustaining careers that this administration and the labor movement are trying to promote.

TTD appreciates the President's recognition of the importance of the maritime industry, and the Administration's commitment to a greater adherence to America's domestic Made-in-America and Buy American laws and policies and to the domestic preference laws for maritime transport as reflected in Executive Order 14005 issued January 25, 2021. TTD asks that DOT support and strictly enforce the application of existing "Ship American" or U.S.-flag cargo preference shipping requirements to materials purchased abroad pursuant to the transitional waiver or otherwise purchased in conjunction with the Infrastructure Investment and Jobs Act. We would also ask that the Administration reaffirm and make clear to all Federal departments, agencies and to other Federal, state and local entities responsible for the implementation of the Infrastructure Investment and Jobs Act that if Federal funds are used directly or indirectly to purchase foreign material or other commodities to implement the infrastructure program, U.S.-flag cargo preference shipping requirements apply to the transportation of such purchases to the United States.

As DOT is implementing Made in America requirements, we ask that DOT remain committed to transparency and stakeholder engagement. Getting the Made in America standards implemented correctly will result in the creation of numerous high-quality manufacturing and construction jobs that will bolster the economy and raise living standards for American families.

We appreciate the opportunity to comment on this proposed waiver and look forward to working with DOT in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Regan", written over a circular stamp or seal.

Greg Regan
President