

Surface Reauthorization Bill Must Maintain Strong Build America, Buy American Provisions

Transportation labor strongly supports our nation's Buy America laws. By encouraging investment in domestic manufacturing, these policies create jobs for American workers and ensure that taxpayer-funded projects meet the highest labor and environmental standards in the world. We have consistently argued for strong Buy America policies and a high threshold for the issuance of "public interest" waivers that narrow Buy America coverage. For too long, general waivers and loopholes have been overused – often in conflict with the intent of federal laws – and have stifled investments in U.S. domestic capacity and good jobs.

The Build America, Buy America (BABA) provisions of the 2021 Infrastructure Investment and Jobs Act (IIJA) requires all federally assisted infrastructure projects to use U.S.-produced iron, steel, construction materials, and manufactured goods. The next Surface Reauthorization bill should ensure that BABA remains strong and is not weakened.

At the same time, the Department of Transportation should continue to strengthen the implementation of these policies to ensure their full benefits are realized. After decades of offshoring, narrow project-specific waivers are necessary to address short-term supply constraints as domestic production ramps up. The purpose of Buy America policies is to create preferences for U.S. produced products and materials in taxpayer financed government procurements, and DOT should avoid bottlenecks in the waiver process and promote transparency. Meanwhile, any general waivers issued with a "public interest" justification should be narrowly tailored and time-limited to preserve incentives for investment in U.S. production capacity and send appropriate market signals to boost domestic manufacturing capabilities.

Strong Buy America policies are essential to rebuilding U.S. manufacturing capacity, supporting good-paying jobs, and ensuring that public investments deliver long-term economic benefits. In the absence of Buy America, these policy goals are detached from our infrastructure spending as tax dollars serve to incentivize production outside the United States where companies are free to pollute and exploit workers.

Congress should build on the progress made under the Infrastructure Investment and Jobs Act by protecting Buy America requirements and rejecting efforts to weaken them in the next Surface Reauthorization bill.

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