



OFFICE OF PUBLIC & INDIAN HOUSING

June 2, 2022

Dear Executive Director,

This week, the Department published a [Request for Information Notice](#) in the Federal Register on **Build America, Buy America Act (BABA)**, asking for public input on the information collection burden, compliance costs, and program impacts. While the goal of producing public works infrastructure in the United States by American workers with American made inputs is clear, it's critical that we consider the potentially significant impact of these new requirements on your programs and operations. That's why we welcome your insight on the proposed BABA requirements, which can be submitted as formal comments at the [Regulations.gov site](#) **by July 1, 2022**.

BABA Background

BABA was enacted as part of the Infrastructure Investment and Jobs Act. The Act establishes a Buy America preference for Federal infrastructure programs and requires HUD to ensure that no funding for infrastructure projects is obligated unless steps have been taken to ensure that the iron, steel, manufactured products, and construction materials used in a project are produced in the United States. Under BABA, infrastructure projects include "the construction, alteration, maintenance, or repair of infrastructure" as well as buildings and real property.

HUD's Request for Information

HUD has applied for a general applicability waiver to provide enough time to comply with the Paperwork Reduction Act as it relates to the new information collection requirements of BABA.

To that end, we are requesting your input on the questions posed in the Section III of the Notice. A simplified version of those questions is included below:

1. What forms of HUD's Federal Financial Assistance are used to fund infrastructure projects?
2. How can HUD document what projects serve a "public function," thus qualifying as infrastructure and falling within the scope of the Act?
3. Are entities utilizing Federal Financial Assistance to fund infrastructure doing so independently or in partnership with other entities?
4. What activities are undertaken by recipients of HUD Federal Financial Assistance that fall within the Act's Buy America Preference?
5. How do recipients currently determine sourcing for materials?
6. Are recipients currently subjected to Buy American requirements from other Federal, state, local, or Tribal entities?
7. Are there any plans in the iron, steel, manufactured products, or construction materials industries to provide documentation regarding materials' compliance with BABA?
8. What are contractor's administrative costs associated with complying with BABA?

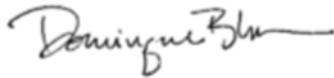
9. What, if any, are the specific concerns, either from recipients or contractors, about a potential waiver process?
0. How will BABA requirements affect relocation plans, transfer procedures, and/or reasonable accommodation or modifications procedures for existing occupants?
1. What situations would require expedited or general waivers?
2. How, if at all, would the Act's Buy America Preference affect contractor's willingness to accept infrastructure contracts subject to BABA's requirements?

For Further Information

Please contact Joseph Carlile, Senior Advisor, Office of the Secretary, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10226, Washington, DC 20410-5000, at (202) 402-7082 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800-8778339. Questions about this document also be sent to BuildAmericaBuyAmerica@hud.gov.

Thank you for providing input and suggestions on this important initiative.

Many thanks,

A handwritten signature in black ink, appearing to read "Dominique Blom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dominique Blom
General Deputy Assistant Secretary
Office of Public and Indian Housing