

November 17, 2022

Ms. Livia Shmavonian
Director
Made in America Office
Office of Management and Budget
725 17th Street NW
Washington, D.C. 20506

Dear Director Shmavonian,

The undersigned organizations, on behalf of our members, write to congratulate you on your appointment as Director of the Made in America Office (MIAO) within the Office of Management and Budget (OMB). Collectively, we represent thousands of companies across the technology, engineering, construction, and other sectors.

Our organizations are committed to policies that contribute to making the United States competitive in attracting private sector investment, building, and manufacturing. To that end, we are committed to working with your office and U.S. federal agency partners to ensure federal financial assistance recipients retain access to the components and products necessary to build the next generation of America's infrastructure. We urge your office to continue engaging robustly with industry stakeholders to ensure the administration's policy goals are implemented effectively and with due consideration for the realities of today's global supply chains. It is particularly important for MIAO to understand existing market conditions and to make informed, data-driven decisions on cost, nonavailability, and the public interest when considering the issuance of waivers.

The MIAO plays a critical role in providing consistent, government-wide information and guidance on the applicability of the Infrastructure Investment and Jobs Act's Build America, Buy America (BABA) requirements, including processes for proposing and supporting any necessary waivers. During the initial implementation period, this letter's signatories would offer several observations on challenges to BABA implementation. First, given that BABA applies to a broad variety of federal agencies and programs, a lack of certainty exists as to which federal agencies and which funding streams are subject to BABA requirements for infrastructure projects, especially where funding was identified or projects were developed before BABA took effect. A centralized home for this guidance as well as the identification of pending and granted waivers would be helpful to address this challenge. Second, BABA requirements are new to many industry sectors and most importantly to federal financial assistance recipients, so the development and promotion of resources and technical assistance for those entities would clarify and smooth their compliance with the BABA requirement. Third, given the global nature of today's supply chains and the significant relationship between the United States' and global economies, our organizations seek to ensure that BABA implementation is consistent with United States international obligations and trade agreements.

Finally, we previously shared with the MIAO a [multi-association, multi-sector letter](#) on June 1, 2022, that enumerates specific questions to address areas of ambiguity regarding the implementation of OMB's April 18, 2022 guidance, [M-22-11: Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#). We respectfully request your

consideration of and written responses to the questions raised in the letter as MIAO continues to implement BABA requirements.

Thank you for your consideration and we look forward to working with you.

Very Respectfully,

American Council of Engineering Companies (ACEC)
American Society of Civil Engineers (ASCE)
Associated General Contractors of America (AGC)
Computing Technology Industry Association (CompTIA)
Information Technology Industry Council (ITI)
Security Industry Association (SIA)
TechNet
Telecommunications Industry Association (TIA)
United States Chamber of Commerce
Water and Wastewater Equipment Manufacturers Association (WWEMA)