

United States Senate

WASHINGTON, DC 20510

April 20, 2026

The Honorable Cindy Hyde-Smith
Chair
Subcommittee on Transportation, Housing
and Urban Development, and Related Agencies
Agencies
U.S. Senate Committee on Appropriations
Washington, D.C. 20510

The Honorable Kirsten Gillibrand
Ranking Member
Subcommittee on Transportation, Housing
and Urban Development, and Related
Agencies
U.S. Senate Committee on Appropriations
Washington, D.C. 20510

Dear Chair Hyde-Smith and Ranking Member Gillibrand:

As you develop the Fiscal Year (FY) 2027 Transportation, Housing and Urban Development and Related Agencies Appropriations bill, I respectfully request that you include funding to ensure that the U.S. Department of Housing and Urban Development (HUD) can hire additional staff to process and review requests to waive the Buy American Preference and affirm or deny these requests in no less than 60 days.

The Build America Buy America Act (BABA) became law as part of the bipartisan Infrastructure Investment and Jobs Act and establishes a domestic preference program, known as the Buy American Preference. This preference program requires that all iron, steel, manufactured products, and construction materials used in infrastructure projects are produced in the United States. Federal housing projects with more than five units are subject to these requirements.

HUD has instituted limited general applicability waivers of the Buy American Preference and implemented a process by which grantees can apply for project-specific waivers. Project-specific waivers can fall into three categories: public interest, nonavailability, or unreasonable cost. Waiver requests must undergo a public comment period of at least 15 days, and final approval is contingent upon review by the Made in America Office (MIAO) within the Office of Management and Budget. Across the entire federal government, MIAO has 2,914 waivers in their database and only 31 have been sent to MIAO by HUD. HUD lists only 18 approved project specific waivers on their website. Addressing staffing shortages at HUD is a necessary step to improving the efficiency and reliability of the waiver review process to streamline critical housing development.

I have heard from affordable housing developers, community development agencies, builders, and contractors in Maine that bottlenecks in the waiver review process are delaying them from starting construction on affordable housing projects – or preventing them from beginning altogether. According to Maine housing stakeholders, HUD has stated that it may take at least six months and up to 14 months for the agency to process waiver requests. Without an approved waiver, these projects cannot commence. For many affordable housing projects, up to 14 months is too long to wait and imperils financing. Affordable housing projects developed by mission-driven organizations frequently utilize layered financing that combines HUD program funding and the Low-Income Housing Tax Credit, meaning these projects are constrained to a two-year deadline by which the property must be placed-in-service, as well as tax liability planning by investors and subject to financial penalties in the form of adjusters

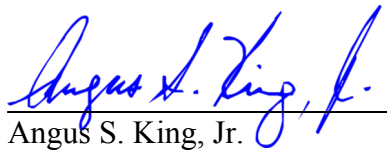
Unfortunately, over the last year, HUD staffing capacity has been greatly diminished. Typically, staff across the agency manage technical assistance requests, including helping small and medium-sized

developers navigate the waiver request process, and engage in layers of review throughout the waiver review pipeline. Absent sufficient staff to manage this workload, affordable housing projects will continue to languish, and homes will not be built despite the great need across Maine and the rest of the country for housing.

For these reasons, I ask that the Committee provide funding for additional HUD staff to manage the Buy American Preference waiver process and ensure an affirmation or denial of waiver requests by no later than 60 days.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Angus S. King, Jr." with a horizontal line underneath it.

Angus S. King, Jr.
United States Senator