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Nossaman: U.S. Department of Transportation Issues Temporary Waiver of Buy America Requirements for Construction Materials

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As anticipated by project sponsors and industry participants, the U.S. Department of Transportation (USDOT) issued a [temporary waiver of Buy America requirements for construction materials](#) on May 19, 2022.

The Infrastructure Investment and Jobs Act (IIJA) expanded the applicability of Buy America and required the Office of Management and Budget (OMB) to promulgate guidance extending the current Buy America requirements regarding iron and steel and manufactured products to include construction materials, as well. OMB issued initial IIJA-implementing guidance effective May 14, 2022. OMB also issued a [request for information](#) seeking public input on its guidance, and recently [extended the deadline](#) for comments to June 6, 2022.

Following the release of OMB's guidance, USDOT [proposed](#) a temporary waiver for the new construction materials requirement to facilitate implementation of this new obligation. The public comments submitted in response overwhelmingly supported the implementation of the temporary waiver.

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