



July 20, 2026

The Honorable Scott Turner
Secretary
Department of Housing and Urban Development
451 Seventh Street SW
Washington, D.C. 20410

Docket No. FR-6616-N-N-01

Dear Secretary Turner:

The American Cement Association, National Asphalt Pavement Association, National Ready Mixed Concrete Association, and the National Stone, Sand & Gravel Association appreciate the opportunity to respond to the *Request for Information Regarding Products and Categories of Products Used in Housing Programs Pursuant to the Build America, Buy America Act (BABAA)*. We appreciate the opportunity to share the provisions included in BABAA related to the construction materials our members produce and to explain that these materials are exempt from the Buy America requirements in BABAA.

The construction materials our members produce are used in a wide range of infrastructure projects, including housing. While we all seek to increase the production of our critical construction materials, we also recognize there are different regions of the country for each of these construction materials that rely on imports to meet the market demand to build infrastructure, including federally funded infrastructure.

Section 70917(c)(1) of Public Law 117-58 established an important limitation to the term “construction materials” as used in BABAA. The limitation prohibits the term “construction materials” used in BABAA from including “cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives”. As a result, BABAA does not establish a domestic content procurement preference for these materials.

Section 70917(c)(2) prohibits the same construction materials from being included as “inputs” in “all manufacturing processes” that produce “construction materials”. Because section 70917(c)(2) prohibits the definition of “all manufacturing processes” from including the listed items as inputs, the combination of the listed items as asphalt or concrete mix are not a construction material for which BABAA establishes a domestic content procurement preference.



We highlight these statutory exclusions because the Request for Information indicates that the Department's analysis finds that cement and concrete products and paving materials are available from domestic producers. While our members take great pride in their ability to supply critical construction materials, domestic supply does not meet demand in all regions of the country and are therefore exempt from BABAA requirements as construction materials.

For these reasons, we respectfully request that the Department of Housing and Urban Development recognize that asphalt mix and concrete mix are defined as construction materials by P.L. 117-58 and are therefore exempt from Buy America requirements outlined in that statute.

Sincerely,

American Cement Association
National Asphalt Pavement Association
National Ready Mixed Concrete Association
National Stone, Sand & Gravel Association