



FRAME FOR MOBILITY · TITLE V, SUBTITLE B

BUY AMERICA, IN THE OPEN

The Transparency and Efficiency in Buy America Act — one portal, two clocks, no quiet waivers

A FRAME Policy Paper · Title V of the FRAME Act, Official Draft of December 15, 2025

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PART I

THE PROBLEM

Buy America’s domestic-content rules are not the problem; the process for waiving them is. Its first defect is time. A State transportation department’s own planning guidance tells its project staff to assume that “the FHWA approval process will take at least six months” (Michigan DOT) — and current law sets no deadline for a waiver determination at all. An unbounded process produces unbounded schedules: waiver discussions begun at discovery, procurements sequenced against a half-year of federal decision time.

THE WAIVER PROCESS, AS DOCUMENTED

6+ mo

FHWA Buy America waiver approval time in Michigan DOT’s planning guidance to project staff

None

Statutory deadline for a waiver determination in current law — the baseline the proposal replaces

23%

Surveyed FY2022 discretionary awardees with no signed grant agreement when GAO surveyed in 2024–25

The second defect is visibility. No complete public register of waiver requests exists: what has been asked, what has been granted, and on what reasoning is dispersed across agencies and dockets, so every applicant researches non-availability from zero, every denial’s reasoning is available only to its recipient, and no one — not the Department, not Congress, not industry — can see the national pattern of what America does not make.

The friction is visible in the federal record: the Government Accountability Office’s survey of fiscal year 2022 discretionary grant awardees (GAO-25-107166) found roughly **23 percent still had no signed grant agreement** when surveyed in late 2024 and early 2025, with Build America, Buy America compliance among the implementation challenges awardees reported.

The third defect is consistency. In USDOT’s own reauthorization docket, the American Association of Port Authorities recorded that waiver determinations “often take months,” leaving projects “in limbo,” with member ports reporting construction hold-ups costing them money. The Bipartisan Policy Center’s implementation review of the Build America, Buy America Act found waiver approvals taking “six months or more,” under ambiguous eligibility standards and inconsistent timelines. Slow, opaque, and inconsistent: on the documented record, that is the process as its users experience it.

PART II

THE PROPOSED SOLUTION

Put the entire waiver system on one public website, and put every decision on a clock. The website lists every waiver request the government receives — who asked, for what product, why, where it stands, and how it was decided. Anyone preparing a request can see, before filing, what has already been asked and granted, and on what reasoning. The same site carries a directory of American manufacturers for products where a waiver was refused because a domestic source exists — so a refusal has to name the supplier it relies on — and a single shelf holding all the current rules and guidance, so the rule an applicant is held to is the rule the applicant can read.

Then give the decisions deadlines. If the same product received a waiver within the last five years because no American source was available, a repeat request is approved within **30 days** — unless genuinely new evidence shows a domestic supplier now exists. Any other request gets a final answer within **120 days** of a complete application. And whenever a waiver is approved, Congress is told why, in detail, within **seven days**. Approvals remain possible; quiet approvals do not.

Nothing here changes how much of a project must be American-made. The domestic-content rules stay exactly as they are. What changes is the process around them: visible instead of dispersed, timed instead of open-ended, and measured — because once every request sits on one register, the government reports each year on the patterns the register shows, including where American manufacturing capacity is missing. The register stops being paperwork and becomes a map.

WHAT CHANGES, IN PLAIN TERMS

One public website: every waiver request, its status, and its decision — searchable by anyone.

Repeat waivers for products already found unavailable from a domestic source: decided in **30 days**.

New waiver requests: a final decision within **120 days** of a complete filing.

Every approval explained to Congress within 7 days.

The buying rules themselves: unchanged.

THE LEGISLATIVE PROPOSAL

SECS. 503–504: TITLE, FINDINGS, AND PURPOSE

Subtitle B of Title V is a freestanding Act — the **Transparency and Efficiency in Buy America Act** (short title, Sec. 503). Its findings (Sec. 504) state the diagnosis in the bill’s own words: a strong domestic manufacturing base is essential, Buy America is a foundational tool for sustaining it, but “a slow, opaque, and inconsistent waiver process” has become “a significant impediment to the efficient delivery of critical infrastructure projects,” creating uncertainty for State and local partners and for industry alike. The stated purpose follows: “a modern, data-driven, and transparent process” that “provides certainty and predictability for all stakeholders without weakening domestic preference standards.” The subtitle does not amend the domestic-content standards by one word; it rebuilds the process around them. Section 505 builds the record; Section 506 disciplines the decision.

SEC. 505: THE NATIONAL BUY AMERICA DIGITAL PORTAL

Not later than **18 months after enactment**, the Secretary must establish and maintain a single, publicly accessible website — the National Buy America Digital Portal — as “the central hub for all Buy America-related actions and information.” Its contents are specified as machine-readable and searchable; the Portal is a database that happens to have a web page, not a page of links. Three components are required at minimum.

The real-time waiver database — Sec. 505(b)(1). Every waiver request received by the Department is tracked in public, with the identity of the applicant, the specific product or material, the justification provided, the current status, and the final determination document. The operative word is *every*: the register is complete by construction, because it is the system of record rather than a selection of published decisions. A sponsor preparing a request can see, before filing, what has been asked, what has been granted, and on what reasoning.

The domestic supplier directory — Sec. 505(b)(2). The Portal must carry a national directory of domestic manufacturers for products and materials for which a waiver has been *denied* on the basis of domestic availability. The construction is exact: a denial asserts that a domestic source exists; the directory names it. Denials thereby generate the supplier map that applicants currently have to build for themselves, product by product, project by project — and a denial that cannot be matched to a listed, available supplier is visible as such.

The guidance repository — Sec. 505(b)(3). All current regulations, policy guidance, and best practices for Buy America compliance, centralized in one place. Against the bill’s finding of inconsistency, the remedy is a single authoritative shelf: the rule an applicant is held to is the rule the applicant can read.

The annual analysis — Sec. 505(c). The Secretary reports annually to the House Transportation and Infrastructure Committee and the Senate Commerce, Science, and Transportation Committee, summarizing Portal usage, analyzing waiver trends, and identifying “any persistent gaps in domestic manufacturing capacity” the data reveal. The waiver register thus becomes an industrial instrument: recurring non-availability, aggregated nationally, is a map of where domestic capacity does not yet exist — information no individual waiver file, read alone, can supply.

SEC. 506: THE TWO CLOCKS

Current law sets no deadline for a Buy America waiver determination. Section 506 replaces that open horizon with two clocks and a notification rule, calibrated to the two kinds of request the system actually receives.

Repeat non-availability: 30 days — Sec. 506(a). Where a waiver is sought on the basis of non-availability for a product or material for which a waiver on that basis “has been granted within the previous 5 years, as documented in the Digital Portal,” the Secretary *shall* grant an expedited approval **not later than 30 days** after the request is received — unless the Secretary has received credible new evidence of domestic availability. The logic is evidentiary: the non-availability of the product was established, in a public record, within the last five years; the question on a repeat request is only whether the market has changed, and the exception assigns that question its proper burden. Note the dependence: the 30-day track is only administrable because Sec. 505’s database exists to document the prior grant. The Portal is not decoration on the deadline; it is what makes the deadline safe.

New requests: 120 days — Sec. 506(b). For any other waiver request, the Secretary must issue a final determination **not later than 120 days** after the request and all necessary supporting documentation are determined to be complete. The clock runs from a complete file — the discipline falls on both parties: the applicant to file completely, the Department to decide.

Notice to Congress: 7 days — Sec. 506(c). Not later than **7 days** after approving a waiver under the subtitle, the Secretary must provide a detailed justification to the House Transportation and Infrastructure Committee and the Senate Commerce, Science, and Transportation Committee. Approvals remain possible; quiet approvals do not.

THE PROPOSAL AGAINST THE BASELINE

Today: no statutory deadline for a determination; waiver status and reasoning dispersed across agencies and dockets; documented State planning guidance assumes *at least six months* for a highway waiver approval (Part IV).

Sec. 506(a): repeat non-availability, previously granted within 5 years — decision in **30 days**.

Sec. 506(b): any new request — final determination in **120 days** from a complete file.

Sec. 506©: every approval justified to the committees of jurisdiction within **7 days**.

Standards: unchanged. The subtitle moves no domestic-content threshold; it disciplines time and visibility only (Sec. 504(b)).

PART IV

THE DATA CASE

WHY IT WORKS, I: A PROCESS WITHOUT A CLOCK

The first cost of the present process is time, and it is documented where practitioners actually plan. The Michigan Department of Transportation’s Buy America guidance to its own project staff states the working assumption plainly: “**The FHWA approval process will take at least six months.**”

A State agency does not write that sentence about a process it experiences as prompt; it writes it so that project schedules are built around the delay — waiver discussions begun at discovery, procurements sequenced against a half-year of federal decision time. Six months is not an allegation against the process. It is the process, as priced into the delivery schedules of the States that use it.

The reported experience matches the guidance. In an August 2025 filing in USDOT's own reauthorization docket, the American Association of Port Authorities recorded that waiver determinations "often take months," leaving projects "in limbo," and that member ports reported construction hold-ups costing them money because of months-long waits; its proposed remedy was a one-month adjudication standard. The Bipartisan Policy Center's implementation review of the Build America, Buy America Act reached the same order of magnitude from the recipient side — waiver approvals taking "six months or more," under ambiguous eligibility standards and inconsistent timelines. And in testimony before the House Transportation and Infrastructure Committee, Utah DOT's executive director reported that States broadly want to shorten Buy America waiver processing time. When the applicant States, the ports, and the implementation literature independently converge on the same figure — half a year, unbounded — the technical conclusion is not that any office is failing. It is that an unbounded process produces unbounded schedules, and no management effort inside an open-ended rule can close it. Only the rule can: a deadline.

WHY IT WORKS, II: OPACITY IS THE SECOND COST

Time is the measurable cost; opacity is the compounding one. Because no complete public register of waiver requests exists, every applicant researches non-availability from zero, every denial's reasoning is available only to its recipient, and no one — not the Department, not Congress, not industry — can see the national pattern of what America does not make. The friction is visible in the federal record. The Government Accountability Office's survey of fiscal year 2022 discretionary grant awardees (GAO-25-107166) found roughly **23 percent still had no signed grant agreement** when surveyed in late 2024 and early 2025, with Build America, Buy America compliance among the implementation challenges awardees reported. And the breadth of the process consensus is itself data: the September 4, 2025 letter to Congress signed by 63 organizations — State highway agencies (AASHTO), builders (AGC), and the U.S. Chamber of Commerce among the leads — placed a timely Buy America waiver process among its four surface-transportation priorities. Agreement that wide, across parties with opposed interests elsewhere, is what a process defect looks like from outside.

Section 505 is designed against that defect, and its mechanism deserves stating precisely, because it is informational rather than punitive. A complete, machine-readable waiver register converts thousands of private files into one public dataset. The supplier directory then runs the dataset in reverse: every denial on availability grounds must correspond to a nameable domestic source, so the directory is continuously audited by the market itself — a listed supplier that cannot supply is a visible error, and an unlisted gap is a visible investment signal. The annual trend analysis (Sec. 505(c)) completes the circuit by requiring the Department to read its own register: which products recur, where capacity is missing, whether the clocks of Sec. 506 are being met. Transparency here is not a virtue claim. It is instrumentation — the difference between administering waivers and administering a waiver *system*.

EVIDENCE CHECK

No authoritative public dataset of waiver determination times currently exists; the timeline evidence in Part IV is State planning guidance, docket testimony, and implementation review, not system statistics — because the system does not publish them. That absence is itself the strongest evidence for Sec. 505: a process whose performance cannot be measured cannot be managed, and the first act of the subtitle is to build the instrument by which its own deadlines will be judged. The deadlines in Sec. 506 are set against the documented status quo (a six-month planning assumption), not against an idealized one.

The subtitle's restraint is part of its design. It takes no position in the argument over domestic-content thresholds; it expressly preserves them (Sec. 504(b)). It argues only that a preference the nation has enacted deserves a process the nation can see — every request on the record, every denial matched to a supplier, every decision on a clock. That is the whole of the Transparency and Efficiency in Buy America Act.

PART V

SOURCES & COLOPHON

Legislative text. FRAME Act, Official Draft of December 15, 2025, Title V, Subtitle B (Secs. 503–506, including the short title at Sec. 503 and the findings and purpose at Sec. 504); Table of Contents at Sec. 101. All deadlines, periods, and quoted phrases are as in the draft. The subtitle states no authorization figure.

Data. Michigan Department of Transportation, *Buy America — Source of Steel and Iron*, Construction Wiki §105.10 (FHWA approval process “will take at least six months”): https://mdotwiki.state.mi.us/construction/index.php?title=105.10_Buy_America_Source_of_Steel_and_Iron · American Association of Port Authorities, comments to USDOT, Docket No. DOT-OST-2025-0468 (August 19, 2025): <https://port.informz.net/port/data/images/AAPA%20Comments%20on%20Surface%20Transportation%20Reauthorization%20DOT.pdf> · Bipartisan Policy Center, *Build America, Buy America: What It Means for Housing* (waiver timelines and process consistency): <https://bipartisanpolicy.org/issue-brief/build-america-buy-america-what-it-means-for-housing/> · U.S. Government Accountability Office, GAO-25-107166 (FY2022 discretionary awardee survey; unsigned grant agreements; Build America, Buy America among reported challenges): <https://www.gao.gov/products/gao-25-107166> · ARTBA, AASHTO, AGC, U.S. Chamber of Commerce et al., 63-organization letter on surface transportation priorities (September 4, 2025): <https://www.artba.org/news/broad-stakeholder-community-united-on-surface-transportation-priorities/> · Testimony of Carlos Braceras, Executive Director, Utah DOT, before the House Transportation and Infrastructure Committee (2023), as reported by Construction Dive: <https://www.constructiondive.com/news/buy-america-rules-hearing-petition/707889/>

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