



January 19, 2022

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President,

Thank you for the letter your Infrastructure Implementation Coordinator Mitch Landrieu sent all governors on January 4, 2022. The passage of the Infrastructure Investment and Jobs Act (IIJA) presents a great opportunity for needed infrastructure investment in our states as long as the funds are distributed efficiently, quickly, and appropriately. As governors, we understand the importance of long-term planning, balanced budgets, and certainty to the projects in our states best suited for investment. We agree that the programs should get implemented “without unnecessary bureaucracy and delay to rebuild America’s infrastructure” and that red tape should not stand in the way. Therefore, we ask that your Office of Management and Budget (OMB), along with the respective federal agencies charged with implementation, draft regulations and guidance that defer to the states and confer maximum regulatory flexibility.

For the IIJA to be implemented successfully, states have to be partners to the federal government. It is critical that your administration consider how simplicity, flexibility, and finality will drastically improve states’ ability to develop and implement plans. Excessive consideration of equity, union memberships, or climate as lenses to view suitable projects would be counterproductive. Your administration should not attempt to push a social agenda through hard infrastructure investments and instead should consider economically sound principles that align with state priorities.

As we have seen with the implementation of the American Rescue Plan Act, restrictions on the use of funds not authorized by statute are unacceptable and often struck down by the judicial system. In addition, excessive new discretionary grant programs would circumvent the planning process and potentially cause a programming and oversight nightmare. Further, there should be no overlap or inconsistencies with discretionary grant programs and existing funding programs.

A clear example of federal overreach would be an attempt by the Federal Highway Administration to limit state widening projects. Attempts to disallow the use of funding for general purpose widening projects would be biased against rural states and states with growing populations. Such a policy fails to recognize the differences in state priorities, funding levels, and transportation networks across the 50 states. Future prosperity would be negatively impacted if this anti-growth mindset is allowed to become firmly entrenched in transportation policy.

To truly drive economic growth through the IIJA, your administration should remove any and all burdensome regulations and immediately implement the codification of “One Federal Decision.” Wherever possible, eliminate

duplicative regulatory reviews and ensure more efficient coordination of reviews at the federal, state, and local levels of government. Meaningful reform to the Army Corps of Engineers, National Environmental Policy Act (NEPA), and other permitting rules would drastically improve our ability to coordinate successful programs. Innovation, not regulation, is the driver of economic growth, and we ask that your administration not burden states or private sector partners with needless and unnecessary red tape. In addition to workforce shortages, supply chain disruptions, and sky-high inflation, your administration should halt any attempts to put unnecessary restrictions on the sourcing of labor or materials that would exacerbate the crises our industries are already facing.

We stand ready to work with OMB to ensure the IIJA has long lasting improvements to our nation's infrastructure and is not plagued with burdensome, administrative red tape that will counter actual improvements and meaningful results.

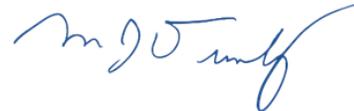
Sincerely,



Governor Bill Lee
State of Tennessee



Governor Kay Ivey
State of Alabama



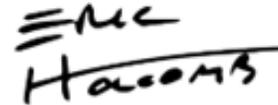
Governor Mike Dunleavy
State of Alaska



Governor Asa Hutchinson
State of Arkansas



Governor Brian Kemp
State of Georgia



Governor Eric Holcomb
State of Indiana



Governor Mike Parson
State of Missouri



Governor Greg Gianforte
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Governor Pete Ricketts
State of Nebraska



Governor Chris Sununu
State of New Hampshire



Governor Doug Burgum
State of North Dakota



Governor Kevin Stitt
State of Oklahoma



Governor Henry McMaster
State of South Carolina



Governor Kristi Noem
State of South Dakota



Governor Spencer Cox
State of Utah



Governor Mark Gordon
State of Wyoming

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cc: Mitch Landrieu
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