

United States Senate

WASHINGTON, DC 20510

December 16, 2021

The Honorable Mitchell Landrieu
Senior Advisor and Infrastructure Coordinator
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Landrieu,

I would like to congratulate you on your selection as senior advisor and infrastructure coordinator charged with overseeing federal spending under the Infrastructure Investment and Jobs Act (IIJA). Without doubt, your experience in leading the recovery of New Orleans in the devastating aftermath of Hurricane Katrina has prepared you for this critical role, and I have the utmost faith in your ability to once again oversee monumental investments that will rebuild our communities and strengthen our nation.

I am deeply proud to have helped lead negotiations on this historic investment in our nation's core infrastructure. When fully implemented, the IIJA will provide \$550 billion in new spending to modernize roads and bridges, strengthen rail and transit systems, upgrade ports, expand broadband access, improve water systems, and increase the resiliency of the nation's energy grid. These investments are long overdue, and your role as the coordinator of this spending will be critical to ensuring taxpayer dollars go toward the most worthy projects and provide the greatest impact for our communities.

Though Congress enacted the authorizations and funding under this law, and the federal agencies are now charged with implementing these programs, it will be states, municipalities and other local entities that will carry out the actual projects to improve and modernize our country's core infrastructure. These local stakeholders will be the ones who truly deliver on the promise of this law for the communities they serve. However, their success depends heavily on the extent of outreach and coordination provided by the Administration. As you know, municipalities and other local stakeholders are eager to engage with the federal agencies to learn more about how this law can address their needs. As the Administration works to roll out the programs and funding provided under the IIJA, I urge you to expend every resource necessary to provide information and technical assistance regarding the funding available under this law and the processes for developing successful applications. This should include numerous information sessions, grant workshops, as well as extensive advertising and outreach to ensure these critical local entities are aware of and can fully participate in the programs under this law.

I am especially pleased that Congress has provided billions of dollars in discretionary grant funds for transportation projects through the IIJA. From competitive grants for bridge repair under the new Bridge Investment Program to grants specifically for rural surface transportation projects and many other new discretionary programs, these new funding opportunities will be critical to

states like New Hampshire that receive minimal formula apportionments from federal surface transportation programs. As you work with the Department of Transportation to implement these numerous new programs, I encourage you to recognize and facilitate the role these competitive grants can have in filling the unmet needs of small states like New Hampshire and ensuring that federal assistance is distributed equitably among the states.

Having served as a lead negotiator of funding related to broadband deployment, I am particularly proud of the \$65 billion provided under this Act to support efforts to bridge the digital divide in our country, including \$42.45 billion for the new Broadband Equity, Access and Deployment (BEAD) program. The COVID-19 pandemic has highlighted the importance of fast and reliable internet access, but even prior to the pandemic, gaps in broadband coverage in New Hampshire and across the country contributed significantly to disparities in educational achievement and economic prosperity. Our communities are in desperate need of the funding under this law to finally close the digital divide and connect them to the economy of the 21st Century. However, there are significant pitfalls that could jeopardize the effective implementation of this urgently needed investment, and care on your part will be needed to successfully navigate these issues.

Among these issues is the fact that states will need considerable assistance to plan for the effective use of broadband deployment funds. The IIJA requires that the National Telecommunications and Information Administration (NTIA) provide technical support and assistance to states to develop these plans as well as the applications necessary to receive this funding. Many states lack the capacity to develop these critical deployment plans on their own, and the extent and quality of assistance from the NTIA will be vital to the success of this program. Further, funding for these planning purposes should be disbursed to the states as soon as possible. In addition, given that these plans will depend on the Federal Communication Commission's (FCC) newly updated broadband maps, significant scrutiny will be required in applying this data to distribute these funds. Congress sought to drastically improve the quality and granularity of the FCC's broadband maps when it passed the Broadband Deployment Accuracy and Technological Availability Act in March of last year. Congress provided \$98 million in FY 2021 appropriations legislation to implement this law, and it is expected to produce much improved mapping data to serve as the blueprint for funding allocations and disbursement under the BEAD program. However, these new maps will not be without faults, and states will need to implement robust and transparent challenge processes to prevent instances of overbuilding, as well as to ensure truly unserved and underserved communities receive their share of assistance. The law gives the NTIA the authority to alter a state's challenge process as necessary, and this authority should be utilized when needed to ensure an equitable and effective program.

As a lead negotiator on water infrastructure provisions in the IIJA, I was pleased to see the Environmental Protection Agency (EPA) act quickly to provide information on the first year of state allotments of funding through the Drinking Water and Clean Water State Revolving Funds. This funding, including substantial resources dedicated explicitly to replacing lead pipes and addressing contamination from per- and polyfluoroalkyl substances (PFAS), will invigorate our aging infrastructure and provide sorely needed

resources to address water contamination that is threatening the health of too many families in New Hampshire and throughout the nation. With more than \$44 billion coming through the State Revolving Funds over the next five years, it will be critical that the Administration work closely with states to ensure this tried and true model of financing water infrastructure improvements in our communities continues to work effectively and efficiently.

Within water infrastructure funding, I urge you to focus particular attention on the \$5 billion provided through the EPA's small and disadvantaged communities program and its state response to contaminants program. This program helps address contaminants that are present in public water systems or underground sources of drinking water that potentially present a threat to people's health. I worked with my colleagues in the Senate to ensure this program would be expanded to cover more places impacted by drinking water contamination from PFAS, arsenic and other substances that threaten public health, and I am pleased we were able to provide \$5 billion for this program to meet the scope of the challenge. Our intent in expanding this program and providing this significant influx of funds was to reach more Americans, including those who rely on private wells, and ensure their water is safe from contamination. It is crucial that this funding be executed with the appropriate flexibility to support not only public water systems but also help address contamination for those who rely on private wells. With more than 40% of people in New Hampshire and roughly 15% of people nationwide relying on residential wells, it is important that the historic investments in safe drinking water help all families.

Finally, I encourage you to prioritize quickly implementing energy efficiency provisions in the IIJA to revitalize job growth in this important sector while making improvements that reduce emissions, make homes, schools and businesses more comfortable and save money. This infrastructure law will be transformative in ensuring our nation uses energy smarter. For more than a decade, I have worked with Senator Portman and other bipartisan members of Congress to advance a suite of policies to increase energy efficiency of our homes, businesses, industry and federal government that are included in this law. Close work with states, municipalities and other stakeholders to establish the grant programs to help implement cost-effective building energy codes and expand industrial efficiency programs will go a long way toward realizing the savings and emissions reduction potential of energy efficiency. In addition, funding to improve the efficiency of federal government facilities should use effective tools like performance contracting to leverage substantial energy savings.

Furthermore, ensuring that funding for programs like Weatherization Assistance and Energy Efficiency and Conservation Block Grant Program is administered quickly will help rebuild and grow a robust energy workforce. Similarly, releasing funding expeditiously through the State Energy Program will help build a foundation for success for a range of programs by providing the capacity for planning, interagency coordination and stakeholder outreach necessary for success.

Thank you for your attention to these important priorities as you work to implement this historic bill. I look forward to continuing to work with you to ensure this bipartisan law delivers on its promises.

Sincerely,

A handwritten signature in blue ink that reads "Jeanne Shaheen". The signature is fluid and cursive, with the first name "Jeanne" and last name "Shaheen" clearly distinguishable.

JEANNE SHAHEEN
United States Senator