



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Memorandum

Subject: **INFORMATION:** Rescission of Build a  
Better America Memoranda

Date: 3-10-2025

From: James O. Payne III  
Chief Counsel

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In Reply Refer To:  
HCC-1

To: Associate Administrators  
Chief Financial Officer  
Directors of Field Services  
Division Administrators  
Division Directors

The Federal Highway Administration (FHWA) is responsible for ensuring that America's roads and highways are among the safest and most technologically sound in the world. Our focus should be on building big, beautiful, and durable projects that connect our country and people. President Trump has issued numerous Executive Orders<sup>1</sup> repealing the harmful policies that increased waste, threatened safety, and sought to divide. While purporting to implement the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. No. 117-58), the previous Administration attempted to impermissibly impose misguided policy mandates and other requirements that had no basis in the statute. In fact, many of these policies were specifically rejected by Congress while considering the IIJA. IIJA provided States broad flexibility to maximize the investments that were made to address their unique infrastructure challenges, and FHWA intends to ensure they retain that flexibility. Therefore, the following documents are rescinded in their entirety and have no effect:

1. The December 16, 2021 memorandum titled, "Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America"; and
2. The February 24, 2023 memorandum updating the "Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America".

State Departments of Transportation and other recipients must continue to comply with applicable statutory and regulatory requirements. FHWA is thoroughly reviewing all guidance documents that have been issued to implement the IIJA to ensure that they comport with the law and Administration policy.

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<sup>1</sup> See e.g., Executive Order 14148, "Initial Rescissions of Harmful Executive Orders and Actions" (January 20, 2025); Executive Order 14154, "Unleashing American Energy" (January 20, 2025); Executive Order 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity" (January 21, 2025).

Please distribute this memorandum to your respective State Department of Transportation and other stakeholders as appropriate.

This document and the guidance documents referenced above do not have the force and effect of law and are not meant to bind the States or the public in any way, except to the extent that they reference applicable statutes and regulations.

If you have any questions about this memorandum, please contact Christopher Richardson, Assistant Chief Counsel for Administrative Law.