Congress of the United States
Washington, DC 20515

October 10, 2025

The Honorable Sean Duffy
Secretary
Department of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

Dear Secretary Duffy:

We write in response to the withholding of funding disbursements to the Chicago Transit Authority's (CTA) Red Line Extension and Red and Purple Modernization projects. On October 3, 2025, the OMB Director posted a social media announcement and the Federal Transit Administration subsequently sent letters to the CTA notifying the transit agency that the Administration was withholding disbursements of previously approved federal funding for these projects, totaling $2.1 billion dollars. The stated reason for this pause was the issuance of the September 30, 2025, interim final rule (IFR) for the Department of Transportation's (DOT) Disadvantaged Business Enterprise (DBE) program and the Airport Concessions DBE (ACDBE) program, which prohibits race- and gender-based contracting requirements for DOT's federal grants.

As you know, the DBE Program, which Congress enacted and President Reagan signed into law in 1983, supports small business formation and growth. The program requires that recipients of DOT-funded contracts award and administer contracts to small businesses in a fair manner. In compliance with federal law, CTA had assessed DBE goals for the Red Purple Modernization project and included the Red Line Extension Project in its Federal Fiscal Years 2025-2027 Overall DBE Goal.

To pause this funding for projects that have executed contracts or issued awards prior to the publishing of the IFR creates funding uncertainty at the state and local level. It also threatens jobs, economic development, and the livelihood of hardworking Americans who rely on public transit every day. The Red and Purple Modernization (RPM) Phase One project, which began construction in 2019, has already created more than 2,600 construction trade labor jobs as of Jan. 31, 2025. The project reached a major milestone in July of this year, opening four new, 100 percent accessible Red Line stations that replaced century-old stations.

The Red Line Extension project, which will build 5.5 miles of new track and four stations, is set to break ground at the beginning of next year. Advanced construction work, including demolition, utility relocation, and soil boring work, has already begun. The Red Line Extension is estimated to directly create 12,512 construction jobs and indirectly create 59,800 jobs in local communities. Approximately 24 percent of residents in the project corridor live below the poverty level and 25 percent travel over 60 minutes to their jobs, exceeding citywide averages.

In the words of the International Union of Operating Engineers, who represent tradespeople working on the construction sites of both these projects:

> *"These aren't made up, or fantasy jobs — they're real paychecks, careers, and the future of American infrastructure. This work not only puts food on the table for countless Americans, but it also strengthens the very foundation of our nation- literally. Infrastructure projects make our neighborhoods and our cities safer and ensure Americans can move confidently and safely through their communities."*

Given how critical this funding is to the livelihoods of Americans, the unprecedented nature of this funding pause, and the lack of detail that was provided by the FTA when the funding pause was announced, we request prompt answers to the following questions from the Department:

1. On September 30, 2025, DOT submitted to the Office of the Federal Register the IFR removing the race- and sex-based presumptions from its DBE and ACDBE programs. Also on September 30, 2025, the Departmental Office of Civil Rights, which is responsible for the DBE program, publicly noticed the IFR and IFR Guidance on its web page.
    a. What criteria did DOT and FTA use to select CTA's projects for a compliance and enforcement review under the IFR on that same day?
    b. Given the IFR applies to all FTA, Federal Highway Administration (FHWA), and Federal Aviation Administration (FAA) projects, have all of the other projects subject to the IFR received such letters? If not, why did DOT not send the same notices to the other applicable projects?
    c. What other DOT grant programs were subject to this criteria and how many DOT grants have been paused for disbursement as it relates to compliance with the IFR since September 30, 2025?
    d. What statutory or regulatory authority did DOT and FTA rely on to suspend funding prior to completing the compliance and enforcement review, which appears to be in contradiction to 49 CFR § 26.101 and § 26.103?

2. Consistent with the FY2025 Lapse Plan, the FY2026 Lapse Plan specifies that DOT's Office of Civil Rights within the Office of the Secretary, which is responsible for compliance with the IFR, would cease operations under a lapse in appropriations..
    a. What went into the determination of this office issuing an IFR of such significance on September 30, 2025 while also requiring the Office of Civil

Rights to cease operations on October 1, 2025, at a time when the Office is expected to undertake IFR compliance review?
   b. How many staff within the Office of Civil Rights were furloughed as of October 1?
   c. How many staff within the Office of Civil Rights are assigned to CTA's review under the IFR?

3. What will the review of the CTA's projects entail and what is expected of CTA for the duration of the IFR review? Specifically:
   a. Will this review be applied retroactively to funds that have been already reimbursed under existing contracts, or only prospective?
   b. Can CTA continue to incur obligations related to these grants while disbursements are still under review?
   c. Can CTA continue to pay contractors based on contractual obligations prior to the September 30, 2025 IFR?

4. What is the estimated timeframe for the Office of Civil Rights to complete the review?

Illinoisans, who pay more in federal taxes than they receive back in federal spending, will feel the economic brunt of this funding pause. As their congressional representatives, we seek to ensure this review is completed ethically, timely, and legally so those working on and around these critical projects can continue their work to modernize America's infrastructure. Thank you for your attention to this matter and we look forward to your prompt reply.

Sincerely,

Mike Quigley
Member of Congress

Richard J. Durbin
United States Senator

Tammy Duckworth
United States Senator

Robin L. Kelly
Member of Congress

Danny K. Davis
Member of Congress

Jan Schakowsky
Member of Congress

Lauren Underwood
Member of Congress

Raja Krishnamoorthi
Member of Congress

Jesús G. "Chuy" García
Member of Congress

Nikki Budzinski
Member of Congress

Bill Foster
Member of Congress

Sean Casten
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Bradley Scott Schneider
Member of Congress

Jonathan L. Jackson
Member of Congress

Delia C. Ramirez
Member of Congress

Eric Sorensen
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