

Congress of the United States
Washington, DC 20515

March 12, 2025

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

Dear Secretary Duffy:

We write today about recent funding, policy, and staffing changes at the U.S. Department of Transportation (DOT) that could impede the headway we have made in improving our nation's infrastructure since Congress passed the bipartisan Infrastructure Investment and Jobs Act (IIJA), as well as the annual Transportation, Housing and Urban Development, and Related Agencies Appropriations Acts (THUD). The American Society of Civil Engineers' (ASCE) most recent report gave U.S. infrastructure an overall "C-minus", with 43 percent of our public roadways in poor or mediocre condition. Yet, this is an improvement; it took this country more than 20 years just to get out of the "D" range. In order to bring our transportation into a state of good repair, ASCE estimates that \$2.59 trillion is required over 10 years. The IIJA and THUD Acts are making tremendous progress in improving our nation's highways, bridges, transit systems, rail networks, and ports, and the backlog of capital improvements for our airport runways and terminals, subways, and railways requires we continue to commit and unlock the combined resources made available through these bills, as intended by Congress. We are concerned by the actions the Department has taken to withhold these funds and delay implementation of critical infrastructure projects throughout the country.

As leaders of the Senate and House Committees on Appropriations, we are particularly attuned to the funding, as well as staffing, needs of the Department. In order to increase transparency and ensure the Committees can conduct proper oversight of the Department and Congressionally appropriated funding, we respectfully request that you respond to the following questions no later than March 19, 2025.

Competitive Discretionary Grants

The Department has paused at least an estimated \$60 billion in competitive grants that were awarded but have not yet been obligated, which is causing unnecessary delays in carrying out much needed infrastructure and safety improvement projects in rural, suburban, urban, and Tribal communities throughout the country. States, cities, towns, counties, Tribes, Metropolitan Planning Organizations, port authorities, transit agencies, airports, and more developed complex funding plans that include the competitive grant funding they have already been awarded.

According to a recent Departmental Memorandum titled "Implementation of Executive Orders Addressing Energy, Climate Change, Diversity, and Gender", these competitive grants are being reviewed to determine compliance with recent Executive Orders.¹ Despite the Administration's

¹ U.S. Department of Transportation, Memorandum For Secretarial Officers and Heads of Operating Administrations, "Implementation of Executive Orders Addressing Energy, Climate Change, Diversity, and

claims of transparency and accountability, the Department has provided few specifics on the process for this review, and state and local transportation agencies, as well as the Senate and House Committees on Appropriations that deliberately appropriated these funds, are appealing for more transparency and clarity.

1. The Departmental Memorandum requires all DOT Operating Administrations (OAs) and all components of the Office of the Secretary (OST) to identify and list in a written report “all DOT orders, directives, rules, regulations, notices, guidance documents, funding agreements, programs, and policy statements” that are subject to recent Executive Orders within 10 days of the memorandum’s issuance (by February 8, 2025) and requires that within 10 days of submission of these reports, the OAs and OST initiate all “lawful actions necessary to rescind, cancel, revoke, and terminate” such things (by February 18, 2025).² Please provide the list of all DOT funding agreements and programs that were identified as being subject to the Executive Orders as well as those that DOT has rescinded, cancelled, revoked, or terminated.
2. Please explain the step-by-step process by which DOT and/or the modal administrations are reviewing awarded and announced competitive grants that are currently unobligated.
3. Has the Department proactively notified every grantee impacted by this DOT Memorandum since the review was initiated?
4. Who within the Department and/or the modal administrations is conducting the review of these competitive grant awards?
5. Has the Department completed the review required in the DOT Memorandum for any competitive grant awards to date? If so, how many grants have been approved and moved to obligation and how many have been denied?
6. Competitive grant programs administered by DOT are authorized in statute through legislation, like the IIJA, or through specific terms and conditions included in THUD Acts. Please provide the Department’s legal analysis on whether, and if so, how, the Executive Orders can supersede statute for competitive grant programs.

Workforce

Successful and efficient implementation of funding for all modes of transportation requires robust staffing across the Department to ensure projects are completed on time and on budget. Yet the administrative actions to swiftly and arbitrarily downsize the Department’s workforce seemingly have no regard to how this will impact agency operations and communication with grantees, how experienced and exemplary employees will be maintained, nor is it consistent with the most recent budget requests or specific salaries and expenses directed by the Senate and House Committees on Appropriations. We appreciate the Department’s efforts to exempt some critical safety positions from recent employment actions, however, we remain concerned that the Department has terminated probationary employees that support safety functions at some modal administrations. Further, based on the list of exempted positions provided by the Department to the Senate and House Committees on Appropriations, no safety related positions at the Federal Transit Administration or National Highway Traffic Safety Administration have been exempted.

Gender”, https://www.transportation.gov/sites/dot.gov/files/2025-01/Signed%20Secretarial%20Memo_%20Implementation%20of%20Executive%20Orders%20Addressing%20Energy%20Climate%20Change%20Diversity%20and%20Gender.pdf.

² Ibid.

In addition, U.S. District Judge William Alsup has since blocked the mass firing of probationary employees by the U.S. Office of Personnel Management (OPM) and has ordered OPM to rescind its directives.

According to your own recent statements, hundreds³ of probationary employees have been terminated by the Department, and this figure could be in the thousands since you became Secretary when considering the Administration's deferred resignation program. To date, the Department has not provided the Senate and House Committees on Appropriations details on any staffing reductions through probationary terminations or deferred resignation nor how the vital ongoing work at the Department will not be impeded by these actions.

1. Please provide the total number of employees by position that accepted the "Fork in The Road" deferred resignation program by modal administration, office, funding source, and city and state of their duty station.
2. For the employees who have accepted the deferred resignation program, what is the estimated cost to pay those employees for not working through the end of the fiscal year?
3. Please provide the total number of probationary employees by position that were terminated by modal administration, office, funding source, and city and state of their duty station.
4. What factors did the Department and/or modal administrations consider when determining which employee positions were exempt from recent employment actions?
5. Please explain the steps the Department and/or modal administrations took to ensure the continuity of DOT programs with a reduced workforce.
6. Please provide the total number of employees by position who have been placed on administrative leave or have been terminated as a result of the Executive Order 14151 titled "Ending Radical And Wasteful Government DEI Programs And Preferencing" by modal administration, office, funding source, and city and state of their duty station.
7. Please provide information on how the Department plans to implement the Executive Order 14210 titled "Implementing the President's 'Department of Government Efficiency' Workforce Optimization Initiative" and the expected timeline for additional employee actions as a result of this Executive Order.
8. As required by Executive Order 14210, please provide DOT's comprehensive list of the functions performed by each modal administration that are mandated by statute or related to public safety and law enforcement, as well as the current number of staff associated with those functions.⁴
9. The Committees provide funding for the operations of the modal administrations, taking into account specific staffing needs in each office, to support the Department's mission. How are the costs of the deferred resignation program, probationary employee terminations, and potential additional reductions in force "necessary expenses" consistent with appropriation law?

³ Duffy, Sean. [@SecDuffy]. (2025, February 17). *Mayor Pete failed for four years to address the air traffic controller shortage and upgrade our outdated, World War II-era.* [Tweet]. X. <https://x.com/secduffy/status/1891656952662405304?s=46>.

⁴ Executive Order 14210, "Implementing the President's 'Department of Government Efficiency' Workforce Optimization Initiative", <https://www.whitehouse.gov/presidential-actions/2025/02/implementing-the-presidents-department-of-government-efficiency-workforce-optimization-initiative/>.

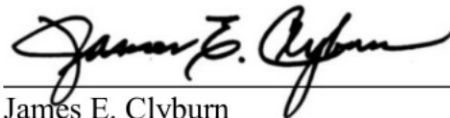
Lastly, we remind you of the Department's obligations under appropriations law to consult with the Senate and House Committees on Appropriations, which craft the annual appropriations acts on a bipartisan basis, and to ensure all actions taken by the Department are consistent with section 405 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2024 (Public Law 118-42), which remains in effect today under the Further Continuing Appropriations Act, 2025 (Public Law 118-158). In addition, section 739 of the Financial Services and General Government Appropriations Act, 2024 (Public Law 118-47), which also remains in effect under Public Law 118-158, prohibits the Department from eliminating or reducing funding for a program or project unless such change is made pursuant to reprogramming provisions, including section 405 of Public Law 118-42.

We appreciate your prompt response to these concerns.

Sincerely,



Kirsten Gillibrand
Ranking Member
Subcommittee on Transportation, Housing
and Urban Development, and Related
Agencies
Committee on Appropriations
United States Senate



James E. Clyburn
Ranking Member
Subcommittee on Transportation, Housing
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