

Congress of the United States

Washington, DC 20515

November 17, 2025

The Honorable Sean Duffy
Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Duffy:

We write to express our strong support for the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) program. As Members of Congress who provide the authority for the DBE program and the highway, transit, highway safety, and aviation dollars to which DBE goals apply, we caution you to tread carefully with the Department's plans for the program.

Changes to the implementation of the DBE program threaten the survival of more than 50,000 existing small businesses across every state and affect the future path for small business participation in federally assisted transportation contracts. An approach to implementation of the Department's Interim Final Rule (IFR) that seeks to punish minority- and women-owned small businesses will add chaos, cost, and delay to transportation projects and will have ripple effects throughout the construction industry.

The DBE program combats discrimination and helps ensure that women- and minority-owned small businesses can fairly compete for federally assisted transportation and infrastructure contracts. Congress reaffirmed and reauthorized the DBE program most recently in the FAA Reauthorization Act of 2024 (P.L. 118-63) and the Infrastructure Investment and Jobs Act (P.L. 117-58). In each of these reauthorizations and for decades prior, the Committee on Transportation and Infrastructure (Committee) has rigorously assessed this program and examined data to support its ongoing need.

The Committee has collected evidence attesting to systemic discrimination faced by women and minorities in their attempts to establish, grow, and operate construction businesses, particularly those seeking contracts for highway, transit and airport construction projects across the country. The evidence demonstrates that discrimination affects minority and women entrepreneurs at every stage of the process, from access to investment dollars and credit to biased treatment from customers, suppliers and regulators. This statistical evidence has shown the disparities between the capacity of minority- and women-owned businesses to compete for federal dollars, and the utilization of that capacity by federal contractors. Women- and minority-owned businesses are also particularly vulnerable to sudden economic shifts or shocks, of which we have had no shortage in recent years.

In the stakeholder submissions for surface transportation authorization this year, the Committee received more than 125 letters from women- and minority-owned small businesses. These submissions, discussed and submitted for the record at a hearing at which you testified, detail personal stories of discrimination, support the continuation of the DBE program and urge Congress to help ensure businesses are not deliberately shut out of construction contracting opportunities.¹

¹ *Oversight of the Department of Transportation's Policies and Programs and Fiscal Year 2026 Budget Request Before the Comm. on Transportation and Infrastructure*, 119th Cong. (July 16, 2025).

The IFR acknowledges that “economic hardship, systemic barriers, and denied opportunities” are the very problems that result from racial and gender discrimination. Members have learned about these occurrences from constituents, from witnesses in Committee hearings on DBE, and in studies we have entered into Committee hearing records and the *Congressional Record* during consideration of surface transportation and aviation reauthorization bills.² The impacts of race and gender discrimination are the very type of consequences that the Supreme Court has recognized can be legally, and appropriately, discussed and considered even in non-remedial programs.

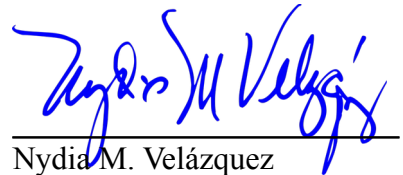
While Congress continues to do its work for highway and transit DBE programs that expire in September 2026, DOT has unilaterally changed the rules for DBE certification and made its proposed rule changes effective immediately. The Department has provided no phase in period for implementation and very little guidance to direct how DOT will evaluate changes that state Uniform Certification Programs make to comply with the IFR. More alarmingly for the continuity of transportation projects, DOT has put project sponsors on notice that DOT may try to deny reimbursements on executed contracts utilizing DBEs, if those DBEs were certified prior to the publication of the IFR, unless undefined “appropriate action” is taken.

DOT is not under a court order to modify the DBE program. You have an opportunity to implement changes in a manner that promotes fairness, protects small businesses, maintains relevant data, and maintains predictability for project sponsors, the construction industry, and transportation workers. We urge you to proceed carefully, provide ample guidance to stakeholders and project sponsors, and work with Congress on changes to this critical program.

Sincerely,



Rick Larsen
Ranking Member
Committee on Transportation
and Infrastructure



Nydia M. Velázquez
Ranking Member
Committee on Small Business

² *Driving Equity: The U.S. Department of Transportation's Disadvantaged Business Enterprise Program Before the H. Comm. on Transp. and Infrastructure*, 116th Cong. (Sept. 23, 2020); 169 Cong. Rec. H3709-10 (daily ed. July 19, 2023) (statement of Rep. Rick Larsen); 166 Cong. Rec. H2918-19 (daily ed. June 30, 2020) (statement of Rep. Peter DeFazio).



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Member of Congress



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Nanette Diaz Barragán
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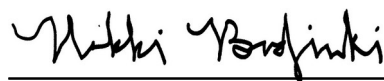
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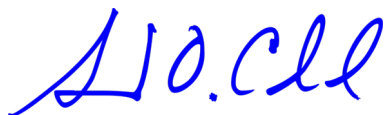
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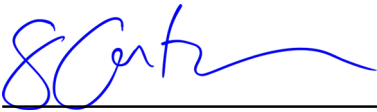
Janelle S. Bynum
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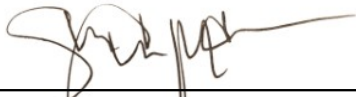
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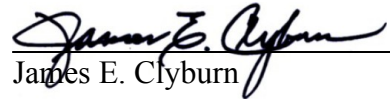
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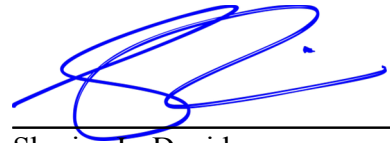
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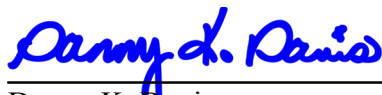
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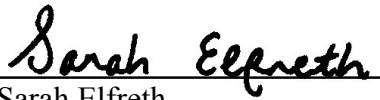
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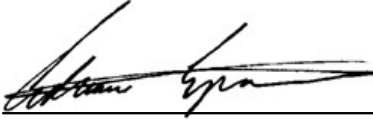
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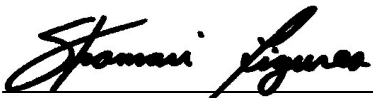
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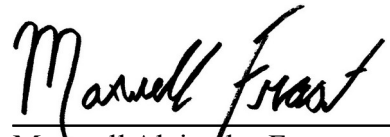
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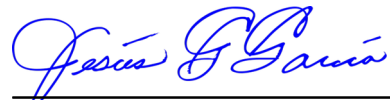
Laura Friedman
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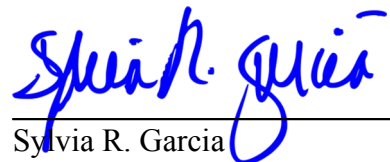
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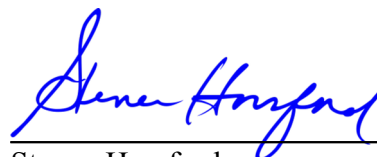
Dan Goldman
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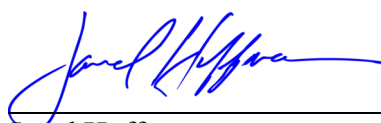
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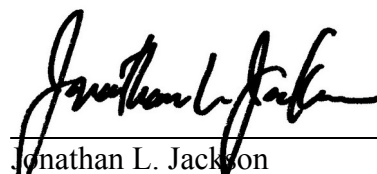
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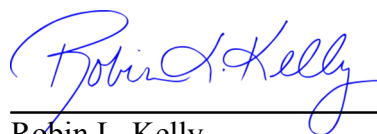
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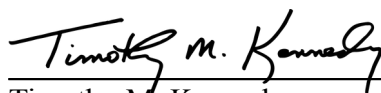
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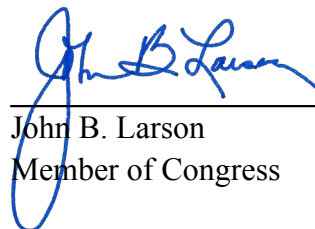
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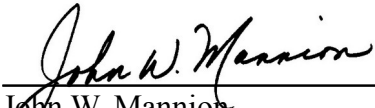
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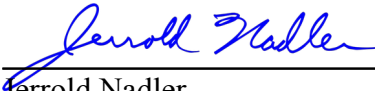


Timothy M. Kennedy
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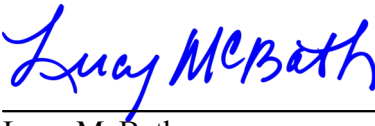


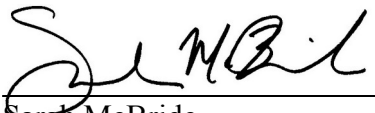
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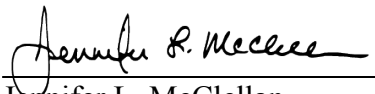

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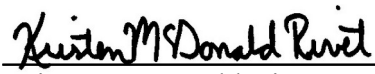

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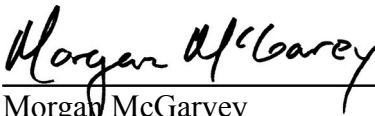

Eleanor Holmes Norton
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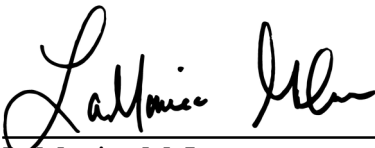

Lucy McBath
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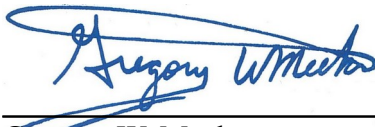

Sarah McBride
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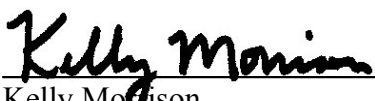

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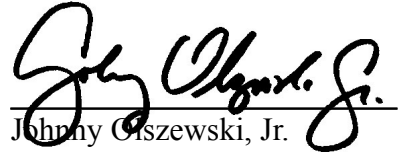

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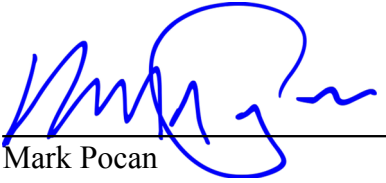

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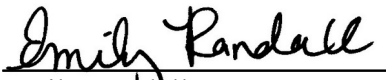
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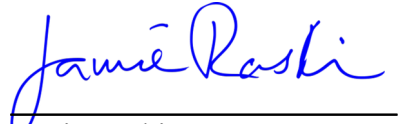
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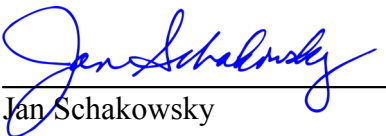
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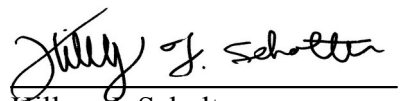
Deborah K. Ross
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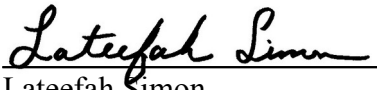
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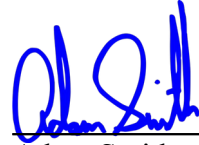
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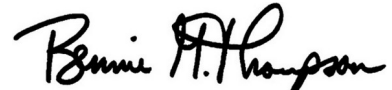
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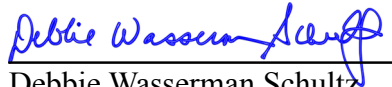
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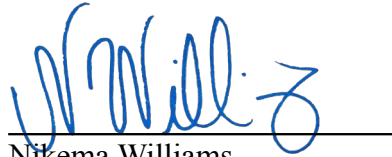
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