

February 11, 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 in strong opposition to your cutoff of funding for the National Electric Vehicle Infrastructure (NEVI) Formula Program. This action shows blatant disrespect for the law and for constitutional order.

Established in the bipartisan infrastructure law, the NEVI program provides funding for every state in the nation. As a condition for using this funding, the Biden Administration required each state department of transportation to submit for approval an EV Infrastructure Deployment Plan—a responsible step to encourage states to think carefully about how they spend their funds under this program. All 50 states plus the District of Columbia and Puerto Rico invested time and resources to prepare their plans, and all plans were approved by the U.S. Department of Transportation. Your abrupt cutoff of NEVI funding disregards these efforts and subjects states and their partners to delay, uncertainty, and bureaucratic red tape. It also threatens the jobs, innovation, and environmental benefits that this program was ready and authorized to deliver through implementation.

Unfortunately, your refusal to release NEVI funds to states is part of a larger, ongoing pattern by the Trump Administration of subverting the Constitution's delegation to Congress of authority over federal spending. As sweeping and vague as recent Executive Orders may be in expressing the administration's policy preferences, they do not provide license under the Constitution to cut off funding for programs authorized and funded by Congress and enacted into law, and upon which our sovereign states have justifiably relied.

For these reasons, we urge you to retract your February 6 letter and to implement the law according to your responsibilities. In addition, in order to assist us in understanding how and why you reached this decision hastily and in blatant disregard of the law, please respond to the following questions and requests for production of documents by no later than February 18, 2025:

1. On what legal grounds does the Department of Transportation (DOT) believe it has the authority to cut off all funding nationwide for the NEVI program? Please cite to specific statutory or regulatory authority that permits DOT to cancel such a Congressionally-authorized appropriation. We note that executive orders do not qualify as such statutory or regulatory authority, as they are neither statutes nor regulations.
2. Did any individual or office within the White House, the Office of Management and Budget (OMB), or the so-called "Department of Government Efficiency" specifically instruct you to stop funding for the NEVI program? If so, who did?

3. Please provide all emails dated November 5, 2024, through February 6, 2025, among and between you, DOT officials, the Trump-Vance Transition Team, the White House, Elon Musk, anyone working for or affiliated with the so-called “Department of Government Efficiency,” Russell Vought, and Office of Management and Budget officials—including but not limited to all “special government employees”—concerning the NEVI program.

Thank you for your attention to this matter.

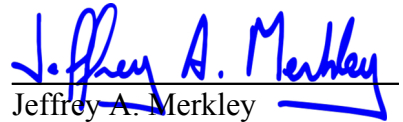
Sincerely,



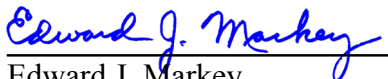
Sheldon Whitehouse
United States Senator
Ranking Member
Committee on Environment
and Public Works



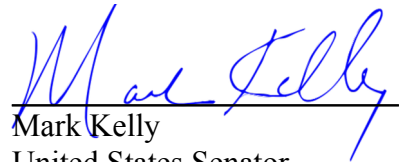
Bernard Sanders
United States Senator



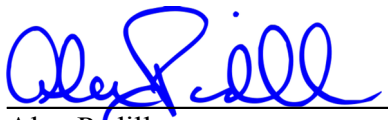
Jeffrey A. Merkley
United States Senator



Edward J. Markey
United States Senator



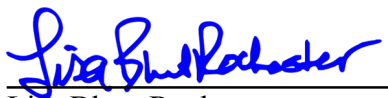
Mark Kelly
United States Senator



Alex Padilla
United States Senator



Adam B. Schiff
United States Senator



Lisa Blunt Rochester
United States Senator



Angela D. Alsobrooks
United States Senator

cc: Senator Shelley Moore Capito
Chairman, Senate Committee on Environment and Public Works