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LRB103 40000 MST 71309 r

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SENATE RESOLUTION

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WHEREAS, The Illinois Department of Transportation and the Illinois Tollway are driving forces for increasing economic opportunities in the State of Illinois, as both organizations seek to provide assistance to small and diverse businesses and individuals interested in doing business in ways that ensure equity, access, and transparency; and

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WHEREAS, Both the Illinois Department of Transportation and the Illinois Tollway provide small and diverse businesses and individuals with opportunities to grow and succeed through training programs, strategic partnerships, and investments in infrastructure; and

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WHEREAS, These programs support long-term success through training and business development opportunities, as well as a multitude of economic opportunities created by investments in infrastructure and the resources to ensure continued growth in a high-demand industry; and

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WHEREAS, Through its Move Illinois Program, the Illinois Tollway committed more than \$2.9 billion to small, diverse, and veteran-owned firms in construction and professional services; and

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1 WHEREAS, The Illinois Department of Transportation has
2 certified over 2,945 diverse businesses in Illinois; in 2023,
3 IDOT achieved nearly 19% diverse business utilization on
4 Federal Highway Administration-funded projects; and

5 WHEREAS, Now, programs like these for minority-owned and
6 women-owned businesses (M/W/DBE) are at risk across the
7 nation; and

8 WHEREAS, In June 2023, the U.S. Supreme Court ruled in the
9 case Fair Admissions v. Harvard that the university's use of
10 race considerations in their undergraduate admissions
11 processes was impermissible, sparking litigation in an attempt
12 to extend that reasoning to other settings, such as
13 transportation and infrastructure contracting; and

14 WHEREAS, A number of cases challenging M/W/DBE programs
15 are now before federal courts across the United States; and

16 WHEREAS, Mid-America Milling Company v. USDOT was filed in
17 October 2023; plaintiffs, who are based in southern Indiana,
18 have requested that the U.S. District Court, Eastern District
19 of Kentucky enter a nationwide USDOT DBE injunction; the
20 plaintiffs assert that the DBE program is unconstitutional
21 because it ultimately uses race and gender in government
22 contracting decisions; the plaintiffs in this case rely

1 heavily upon the recently-decided U.S. Supreme Court decision
2 in Fair Admissions v. Harvard; and

3 WHEREAS, In Landscape Consultants of Texas and
4 Metropolitan Landscape Management v. City of Houston and
5 Midtown Management District, plaintiffs have filed a case in
6 the U.S. District Court, Southern District of Texas in
7 September 2023 that challenges local M/W/DBE programs under
8 the Equal Protection Clause of the U.S. Constitution;
9 discovery in that case ends in June 2025, and one or both
10 parties are expected to file motions for summary judgment
11 shortly thereafter; the threat of similar legislation impacts
12 M/W/DBE programs employed by local governments such as the
13 City of Chicago; therefore, be it

14 RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL
15 ASSEMBLY OF THE STATE OF ILLINOIS, that we encourage the
16 utilization of small, diverse, and veteran-owned firms, as
17 M/WBE and DBE programs have demonstrated success in promoting
18 economic opportunity, equity and access; and be it further

19 RESOLVED, That we support federal DBE standards and
20 programs to ensure the success of the Illinois Department of
21 Transportation's DBE Program; and be it further

22 RESOLVED, That we urge Congress to take action to protect

1 the USDOT DBE program and M/WBE and DBE programs overall.