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Chris Wright, Secretary  
U.S. Department of Energy  
c/o David Taggart  
Office of the General Counsel  
1000 Independence Avenue SW  
Washington, DC 20585

**RE: Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions), Docket Number DOE-HQ-2025-0024**

Dear Mr. Taggart,

I am writing on behalf of the Students' Civil Rights Project at Public Justice. Public Justice is a nonprofit legal advocacy organization that takes on the biggest systemic threats to justice of our time—abusive corporate power and predatory practices, the assault on civil rights, and the destruction of the earth's sustainability. Public Justice's Students' Civil Rights Project combines high-impact litigation with other advocacy tools to combat discrimination in schools. We strive to create systemic change so all students can learn and thrive, and to secure justice for students who are denied educational opportunities based on their race, national origin, ethnicity, or sex, including sexual orientation, gender identity, and gender expression. We represent students at all stages of litigation, including pre-suit negotiations, litigation in trial courts, appeals, and oppositions to cert petitions.

This is a **significant adverse comment** opposing the Department of Energy's direct final rule (DFR), "Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions)," published in the Federal Register on May 16, 2025. For the reasons outlined below, we **urge the immediate withdrawal of this direct final rule**.

First, the prohibition on discrimination in all its forms based on race, color, and national origin by recipients of federal financial assistance has meant that generations of Americans have had the opportunity to live, learn, and work free from discrimination. Yet this regulation seeks to narrow the Department of Energy's capacity to enforce Title VI's prohibitions by rescinding provisions that prohibit policies and practices with discriminatory effects. This regulation will undermine the promises of Title VI and will subject people to unlawful and harmful discrimination. The Department of Energy fails to provide a reasoned explanation for this change. Now is the time to strengthen civil rights enforcement, to recommit to equal protection under the law, and to act together to ensure that no person is excluded from participation in, denied the benefits of, or subject to discrimination under any program or activity receiving federal financial assistance. This direct final rule will instead undermine equal access to programs and perpetuate unlawful discrimination. It should thus be immediately withdrawn.

Second, this direct final rule is an unlawful and inappropriate use of the DFR process. DFRs can be proposed only to make routine or noncontroversial changes to federal regulations, thus expediting the rulemaking process. Use of the DFR process is only appropriate where no adverse comments are anticipated. Here, the direct final rule would rescind longstanding civil rights

protections and allow federal funding recipients to engage in race, color, and national origin discrimination without consequence from the Department of Energy. Enabling discrimination cannot, in any instance, be considered noncontroversial. Accordingly, the Department's use of the direct final rule process to rescind these regulations is inappropriate.

In conclusion, the Department of Energy's attempt to use a direct final rule to rescind twelve provisions of 10 C.F.R. Part 1040 is both substantively and procedurally misguided. We urge the Department to immediately withdraw this direct final rule. Thank you for considering this significant adverse comment.

Sincerely,

Patrick Archer  
Legal Fellow  
Students' Civil Rights Project  
Public Justice