

Congress of the United States

Washington, DC 20510

March 10, 2026

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

Dear Secretary Duffy:

We write to express our strong opposition to RIN 2105-AF45 entitled “Rescinding Portions of Department of Transportation’s Title VI Regulations to Conform More Closely with the Statutory Text and to Implement Executive Order 14281,” which the Office of Information and Regulatory Affairs published as a pending Final Rule, without the opportunity for public comment.

The Administrative Procedure Act (APA) establishes the norm that agencies engaged in “formulating, amending, or repealing” a substantive rule that binds the public must provide notice of the rulemaking and the opportunity to comment before they finalize the rule. The Department of Transportation (Department) amended its Title VI regulations following notice-and-comment in 1973 and 2003. There is no reason for the Department to skip the notice and comment process now.

The “good cause” exemption does not apply and notice and comment is not “unnecessary”, “impracticable” or “contrary to the public interest” in this case. Proposed changes to Title VI regulations would alter decades-long, core civil rights protections.

Disparate impact is lawful and necessary to effectuate the purposes of Title VI by preventing discrimination by organizations that receive taxpayer money. Disparate impact frameworks encourage recipients of federal assistance to assess policies proactively using data analysis and evidence-based decision-making, which is consistent with OIRA and the Department’s emphasis on evaluation of empirical evidence, data, and cost-benefit analysis. This reduces litigation risk, improves efficiency, and promotes early, cooperative resolution of inequities without costly enforcement actions. The organizations regulated by these protections are familiar with these requirements, which have been in place for decades.

In the case of the Department, there is risk of disparate impact in the decisions made by grantees. Transportation infrastructure provides great benefits of increased access and can generate burdens on neighboring communities. Rescinding Title VI regulations could have significant and adverse impacts on American communities.

We urge the Department to withdraw RIN 2105-AF45 in its entirety. These regulations have served as essential civil rights protections for decades, and the Department has not provided the public adequate legal or policy justification for bypassing notice-and-comment

in eliminating these longstanding protections. If the Department determines that full withdrawal is not possible, we urge the Department, at a minimum, to retract the final rule and issue a Notice of Proposed Rulemaking so that members of the public can provide comments on this substantive civil rights proposal before any changes are finalized.

Thank you for your attention to this matter, and we look forward to your prompt response. Please contact Sydney.Dahiyat@mail.house.gov should you have any questions.

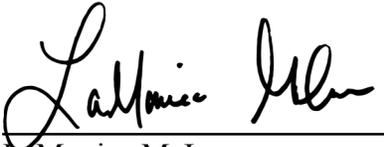
Sincerely,



Lateefah Simon
Member of Congress



Andre Carson
Member of Congress



LaMonica McIver
Member of Congress



Summer L. Lee
Member of Congress



Kevin Mullin
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Raja Krishnamoorthi
Member of Congress



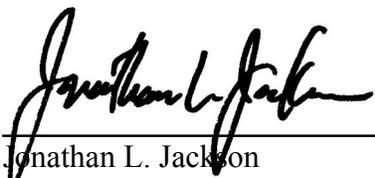
John Garamendi
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Rashida Tlaib
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Ayanna Pressley
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Jonathan L. Jackson
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Sara Jacobs
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Bonnie Watson Coleman
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