



June 16, 2025

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

Dear Secretary Wright,

On behalf of the American Council on Education—a membership organization composed of nearly 1,600 colleges and universities, related associations, and other organizations—I am writing to comment on the significant adverse impact of the five Direct Final Rules (DFRs) issued on May 16, 2025, by the U.S. Department of Energy (DOE). These five DFRs would amend important civil rights regulations under Title IV of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. These changes will negatively impact millions of students, staff, and faculty at thousands of colleges and universities. Among other concerns, the proposed changes would add substantially to administrative costs and create confusing and likely contradictory policies across federal agencies.

These rules are:

- *Nondiscrimination on the Basis of Sex in Sports Programs Arising Out of Federal Financial Assistance*, Docket Number DOE-HQ-2025-0016.¹
- *Rescinding Regulations Related to Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, Docket Number DOE-HQ-2025-0025.²
- *Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions)*, Docket Number DOE-HQ-2025-0024.³

¹ <https://www.federalregister.gov/documents/2025/05/16/2025-08557/nondiscrimination-on-the-basis-of-sex-in-sports-programs-arising-out-of-federal-financial-assistance>

² <https://www.federalregister.gov/documents/2025/05/16/2025-08594/rescinding-regulations-related-to-nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal-financial-assistance>

³ <https://www.federalregister.gov/documents/2025/05/16/2025-08593/rescinding-regulations-related-to-nondiscrimination-in-federally-assisted-programs-or-activities>

- *Rescinding New Construction Requirements Related to Nondiscrimination in Federally Assisted Programs or Activities*, Docket Number DOE-HQ-2025-0015⁴
- *Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (Nondiscrimination on the Basis of Age)*, Docket Number DOE-HQ-2025-0023⁵

It is highly irregular that DOE is seeking to amend regulations on key civil rights protections through the direct final rule, or DFR, process. This process is specifically designed for uncontroversial or insignificant changes, a standard that these changes do not meet. Significant changes to how institutions can and should advance women's access to sports and educational opportunities, build facilities that are accessible to people with disabilities, and handle discrimination claims based on age, race, ethnicity, or other factors should not be advanced in this way. Rather, significant agency rulemaking typically is, and should be, pursued through the notice and comment rulemaking process per the Administrative Procedure Act.

Additionally, it is unclear if this effort is being undertaken in coordination with the Department of Justice (DoJ), which plays a critical role in ensuring that federal agencies consistently apply and enforce various laws prohibiting discriminatory practices in programs and activities receiving federal financial assistance. Furthermore, changes to civil rights regulations impacting colleges and universities are normally addressed through the Department of Education's (ED) Office for Civil Rights, which has the greatest connection to, and understanding of, how these laws are best implemented in a postsecondary setting. While dozens of federal agencies have authority over the enforcement of civil rights, having each of these agencies implement their own interpretations regarding compliance will inevitably lead to conflicting and counterproductive requirements. These proposed regulations also starkly conflict with the administration's goal of reducing regulatory burden.

Therefore, we request that DOE withdraw these rules immediately and pursue any further action through appropriate administrative processes that allow for adequate public notice and comment.

Sincerely,



Ted Mitchell
President

⁴ <https://www.federalregister.gov/documents/2025/05/16/2025-08535/rescinding-new-construction-requirements-related-to-nondiscrimination-in-federally-assisted-programs>

⁵ <https://www.federalregister.gov/documents/2025/05/16/2025-08595/rescinding-regulations-related-to-nondiscrimination-in-federally-assisted-programs-or-activities>