



Southeastern Legal Foundation Public Comment to US DOT Secretary Sean Duffy: Remove Unconstitutional Race Policies During Unnecessary Regulation Review

[May 12, 2025] Southeastern Legal Foundation (SLF), an organization of top attorneys that regularly defend constitutional rights, issued a public comment to Secretary Sean Duffy of the US Department of Transportation (DOT) following the agency opening a public comment period on unnecessary regulations. SLF is calling on DOT to review and remove two unconstitutional programs; “Participation by Disadvantaged Business Enterprises in Airport Concessions” (ACDBE) and “Participation by Disadvantaged Business Enterprises in Department of Transportation Finance Assistance Program” (DBE). These two programs are explicitly discriminatory as explained in a letter from SLF.

SLF argues that dividing by race is unlawful, but “for far too long DOT has forced its funding recipients to do exactly that, sorting Americans into ugly racial boxes and forcing them to compete against each other not based on merit, but skin color and sex. But if ‘[e]liminating racial discrimination means eliminating all of it,’ DOT should begin ending these discriminatory programs.”

These DOT programs channel funding and business opportunities toward individuals considered “socially disadvantaged.” Through the ACDBE program, airports can qualify for grant money if at least 10% of their businesses are operated by these individuals. Similarly, the DBE program awards major federal infrastructure projects, like highways, to “disadvantaged” business owners. In both cases, experience and qualifications are forced to take a back seat to identity.

SLF states, “We have focused on these two programs because they fall under an umbrella of unconstitutional programs which SLF has extensive experience litigating—programs that carve out a “socially disadvantaged” category, a term that discriminates based on race and sex in violation of both the Constitution and civil rights laws.” This is the second letter this month SLF has sent to the federal government warning it about racial discrimination in its programs; USDA has [dozens of discriminatory programs](#) impacting farmers, too.

SLF argues that to single out any race for preferential treatment is completely unconstitutional. To inject DEI nonsense into DOT programs, does nothing but disregard the importance of merit in an essential agency. To see it simmer in American airports, which offer such a vital service to citizens is incredibly disconcerting. Hiring based off of



some racial criteria instead of pure merit is never right, but it's particularly dangerous when it's being done in an environment as high stakes as air travel.

Southeastern Legal Foundation is a national, nonprofit legal organization dedicated to defending liberty and Rebuilding the American Republic®. Since 1976, SLF has been going to court for the American people when the government overreaches and violates your constitutional rights.

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