

Subject: THE DEPARTMENT OF TRANSPORTATION TITLE VI PROGRAM

CHAPTER I – GENERAL

1. PURPOSE

The U.S. Department of Transportation (Department or DOT) distributes substantial Federal financial assistance each year for thousands of programs and activities (programs) conducted by diverse entities, including but not limited to State and local governments. Federal law requires entities receiving this assistance to provide all communities with equal access to these programs. Specifically, Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and DOT Title VI regulations at 49 CFR Part 21 are designed to ensure that no person in the United States, based on race, color, or national origin, is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program that DOT financially assists. Equal access helps to create opportunity and connect all persons and communities to transportation programs that are financially assisted by DOT regardless of race, color, or national origin.

The overriding objective of this Order is to ensure proper enforcement of Title VI by all Operating Administrations (OAs)¹ overseeing programs for which Federal financial assistance is authorized under a law administered by DOT. To that end, this Order provides policy guidance, practices, and standards to OAs for establishing and maintaining an enforcement program that ensures Title VI compliance. The Order also delineates the roles and responsibilities of the OAs and the Departmental Office of Civil Rights (DOCR) with respect to overseeing and implementing Title VI enforcement programs.

2. CANCELLATION

This Order repeals and replaces DOT Order 1000.12, dated January 19, 1977, “Implementation of the Department of Transportation Title VI Program” and DOT Order 1000.12A, dated January 3, 2017, “The U.S. Department of Transportation Title VI Program.”

3. AUTHORITY

This Order is issued pursuant to:

- a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*

¹ As defined in the definitions under Section 8 of this Order, the term “Operating Administration” includes both Departmental Offices and Operating Administrations.

- b. 49 CFR Part 21
- c. Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28 (1988)
- d. Executive Order No. 12250, Leadership and Coordination of Nondiscrimination Laws (November 2, 1980)
- e. 28 CFR Part 42, Subpart F
- f. Executive Order No. 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000)

4. BACKGROUND

The original DOT Title VI Order was issued in 1977 and updated in 2017. This Order further updates the practices and procedures set forth in the 1977 and 2017 Orders to enhance DOT's enforcement of Title VI, improve each OA's Title VI program, and ensure, without limitation, that:

- a. The benefits and services of DOT supported or assisted programs are made available to, and are fairly and equitably distributed among, beneficiaries without regard to race, color, or national origin;
- b. The location of existing or proposed projects, facilities, or programs and the provision of services involved in the program will not deny access to any person on the basis of race, color, or national origin; and
- c. DOT supported or assisted programs or activities are not administered in a manner that has the effect of subjecting individuals to discrimination because of their race, color, or national origin, or has the effect of imposing artificial, arbitrary, and unnecessary barriers to the accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, or national origin. DOT's Title VI regulations include similar provisions to prohibit practices that have an unlawful disparate impact or discriminatory effect on protected groups.

5. DEFINITIONS

- a. "Applicant" means a person or entity who submits an application, request, or plan required to be approved by the Secretary, or by a primary recipient, as a condition to eligibility for Federal financial assistance.
- b. "Compliance" means the condition that exists when a recipient of Federal financial assistance has implemented all of the Title VI requirements and there is no apparent evidence of discrimination.
- c. "Director" means the Director of the Departmental Office of Civil Rights (DOCR).
- d. "Discrimination" refers to any action or inaction, whether intentional or unintentional, in any program of a recipient of Federal financial assistance, the effect of which is that programmatic benefits and services are denied, excluded, or otherwise made unavailable based on race, color, or national origin; or such action or inaction has the effect of imposing artificial, arbitrary, and unnecessary barriers to the

accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, or national origin.

- e. "Federal financial assistance" includes:
- 1) Grants and loans of Federal funds;
 - 2) The grant or donation of Federal property and interests in property;
 - 3) The detail of Federal personnel;
 - 4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
 - 5) Any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.
- f. "Noncompliance" means a failure to meet the requirements of Title VI and the regulations of the Department issued thereunder.
- g. "Operating Administration" (OA) means the Department's operating administrations and the Departmental Offices in the Office of the Secretary (OST).
- h. "Recipient" may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.
- i. "Title VI Program" means the system of requirements, procedures, actions, and sanctions through which the Department and its OAs enforce Title VI and the regulations effectuating it, and ensure that discrimination does not occur in any program that receives Federal financial assistance from the Department.

6. APPLICABILITY AND SCOPE

This Order applies to all OAs that provide Federal financial assistance authorized under a law administered by DOT, as defined in 49 CFR Part 21. This Order establishes the responsibilities of DOCR and each OA in implementing and enforcing Title VI, to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits and services of, or be subjected to discrimination under any program receiving Federal financial assistance from this Department. While DOCR has the primary advisory responsibility for civil rights compliance, this Order emphasizes the role of DOT's OAs to enforce Title VI in their programs and DOT's commitment to a coordinated approach to minimize fragmentation and duplication.

7. POLICY AND PROCEDURES

Each OA administering Federal financial assistance shall, in consultation with DOCR, develop and issue guidance necessary for their applicants and recipients to implement policies and procedures that effectuate Title VI, or review and update any previously issued guidance as necessary to ensure consistency with this Order. OAs shall engage in the notice-and-comment process, as appropriate and in accordance with DOT Order 2100.6 (Policies and Procedures for Rulemakings), and any corresponding regulations, to implement the requirements of this Order. During the pendency of such process, OAs shall issue interim guidance in accordance with the procedures outlined in the DOT General Counsel's December 20, 2018 Memorandum for Secretarial Officers and Heads of Operating Administrations concerning Review and Clearance of Guidance Documents, and any corresponding regulations.

Because there are differences in how OA programs are structured and how Federal financial assistance is allocated, each OA shall tailor its Title VI program, as necessary, to ensure its applicants and recipients comply with Title VI.

DOCR, in coordination with each OA, shall provide the necessary technical assistance, education, and training to assist with each OA's Title VI oversight and enforcement.

8. COORDINATION

- a. In some instances, more than one OA may have jurisdiction over an applicant, recipient, or program. The OAs, in consultation with DOCR, shall coordinate and jointly determine their enforcement and compliance efforts to the maximum extent possible to reduce duplication, promote consistency, and build programmatic relationships.
- b. When concurrent obligations exist between applicants and/or recipients subject to Title VI, OAs are encouraged to develop practices that promote cooperation in pursuing enforcement and compliance efforts.

9. RESPONSIBILITIES

- a. Each OA administering Federal financial assistance, consistent with the Title VI Coordination regulations at 28 CFR § 42, subpart F and the DOT Title VI regulations at 49 CFR Part 21, shall implement this Order. While each OA's Office of Civil Rights shall provide leadership on the implementation, responsibility for Title VI obligations lies with the entire OA.
- b. DOCR serves as principal advisor to the Secretary and Deputy Secretary on civil rights statutes and regulations applicable to the Department. *See* 49 CFR § 1.40. DOCR is responsible for providing guidance to the OAs concerning the implementation and enforcement of all civil rights laws, regulations, and Executive Orders. This includes reviewing and evaluating the Department's Title VI enforcement program, providing guidance for the OAs on processing and handling of Title VI complaints, investigations, and resolutions, and responding to policy

questions on behalf of the Secretary and Deputy Secretary. DOCR has the responsibility to:

- 1) Develop, recommend, disseminate, and monitor Title VI Departmental guidance, and assist the OAs in establishing and implementing Title VI programs, policies, and procedures.
 - 2) Review and evaluate Departmental regulations and issue guidance on program directives designed to enforce Title VI.
 - 3) Review, evaluate, and monitor OA programs relating to Title VI to ensure consistency and program effectiveness, including identifying OA processes for Title VI enforcement and conducting Title VI program evaluation analyses.
 - 4) Monitor compliance with the standard DOT Title VI Assurances, including the review of any alterations or addenda to the Assurances and Appendices by the OAs.
 - 5) Provide leadership, guidance, training, education, technical assistance, resources, and support to the OAs in executing their Title VI responsibilities.
 - 6) Review, evaluate, and monitor OA handling of complaints alleging Title VI noncompliance and provide guidance to ensure that they are processed, investigated, and resolved in accordance with 49 CFR § 21.11 and the Department's External Civil Rights Complaint Processing Manual.
 - 7) Advise and provide guidance to each OA's Office of Civil Rights to ensure that, as specified by 28 CFR § 42.411(a) and 49 CFR § 21.13(a), all findings of Title VI noncompliance are appropriately and promptly resolved through informal and voluntary means whenever possible. If compliance cannot be achieved by informal and voluntary means, then the OA shall, with concurrence of the General Counsel, initiate actions to achieve compliance in accordance with 28 CFR § 42.411 and 49 CFR § 21.13.
 - 8) Coordinate and act as a liaison with other Federal agencies and offices, as well as other public and private organizations outside the Department, in coordination with the Office of the General Counsel, to achieve program objectives.
 - 9) Disseminate information and provide meaningful education and training for the public concerning the Department's Title VI program, including, in appropriate situations, the provision of material in languages other than English pursuant to 28 CFR § 42.405(d)(2).
- c. Operating Administrations (OAs): Each OA that provides Federal financial assistance is responsible for ensuring its applicants and/or recipients implement and comply with Title VI. Implementation of and compliance with Title VI shall be directed by the Office of Civil Rights within each OA, but ultimately compliance responsibility resides with the OA.

In fulfilling this Title VI enforcement responsibility, OAs that provide Federal financial assistance shall:

- 1) Examine the nature and structure of the programs for which they provide Federal financial assistance to develop guidance, procedures, and requirements

that establish a comprehensive and effective Title VI program consistent with 28 CFR Part 42, Subpart F and 49 CFR Part 21.

- 2) Assess the type of applications for Federal financial assistance specified in Chapter II, § 2 below and make a determination, in writing or recorded within an OA's grant award system, as to whether the applicant is in compliance with Title VI, and whether the program for which Federal financial assistance is requested is consistent with the OA's Title VI program.
- 3) Require applicants and recipients, as a condition for approval of any new applications for financial assistance or any application by a State or State Agency for continuing or formula financial assistance, to provide assurance, as specified by 49 CFR § 21.7(a)(1) and (b), that the applicant or recipient will comply with all race, color, and national origin (including limited English proficiency) nondiscrimination statutory and regulatory authorities to which they are subject. This requirement is in addition to the application requirements of 28 CFR Part 42, Subpart F, and the assurance provided shall include any specific assurances the OA deems necessary to ensure an applicant's compliance with Title VI;
- 4) Ensure that appropriate staff with expertise implement and require compliance with the OA's Title VI program, including conducting investigations of complaints, compliance reviews, and other activities to proactively enforce Title VI;
- 5) Within 120 days from the date of this Order, summarize and submit to DOCR for review and evaluation:
 - a) The structure, administration, and implementation plan for the OA's Title VI program, in accordance with this Order and the Title VI Coordination regulations at 28 CFR Part 42, Subpart F relating to each Federal financial assistance program it administers; and
 - b) Draft guidance and/or instruction for requiring all applicants and recipients to take the actions necessary to implement a compliant Title VI program. If an OA previously developed guidance that satisfies this provision, it should review and update the guidance as necessary to ensure consistency with this order before submitting it to DOCR for review and evaluation.
- 6) In consultation with DOCR, develop guidance and conduct periodic training for appropriate staff to ensure they can effectively determine whether applicants for, or recipients of, Federal financial assistance are complying with Title VI.

CHAPTER II – TITLE VI COMPLIANCE AND ENFORCEMENT

1. GENERAL

DOT is prohibited from sanctioning or participating in discriminatory activities and, pursuant to Title VI, must ensure that discrimination based on race, color, or national origin does not exist in the programs that it funds or financially assists. Thus, the policy of the Department is to award and to continue to provide Federal financial assistance only to those applicants and recipients that comply with all Title VI requirements.

Toward that end, each OA shall require the collection of data and information from applicants for and recipients of Federal financial assistance, conduct assessments of applications for Federal financial assistance, and monitor the performance of continuing recipients to ensure compliance with Title VI. *See* 28 CFR §§ 42.406 [Data and information collection], 42.407(b) [Application review], 42.407(c) [Post-approval review], and §42.410 [Continuing State programs]; *see also* 49 CFR Part 21.

2. TITLE VI ASSESSMENT

A Title VI assessment is a determination, in writing or recorded within an OA's grant award system, as to whether an applicant is in compliance with Title VI. The OAs shall make a Title VI assessment primarily in conjunction with the following three types of applications for Federal financial assistance: (1) new applications; (2) applications for approval of specific projects; and (3) significant changes in applications for continuation or renewal of assistance. The OAs shall also conduct a Title VI assessment of an existing application or project at other times when the OA determines that developments make it necessary and appropriate to do so. The OAs shall not award Federal financial assistance until the Title VI assessment is complete and the applicant signs the DOT Title VI Assurance.

Each OA is responsible for notifying applicants that they will undergo a Title VI assessment, and for collecting from applicants the information necessary to conduct the Title VI assessment. As part of its Title VI program, each OA shall prepare or update, if necessary, application guidelines that set forth in detail the specific information that applicants must include in their applications to meet the Title VI assessment requirement prior to the award of Federal financial assistance. DOCR may review and evaluate these guidelines. Each applicant for Federal financial assistance will be provided a copy of these guidelines, with the directive that the Title VI assessment is part of the application. The OA may tailor these guidelines, considering such factors as the size of the Federal financial assistance award, the size and capacity of an applicant, the potential number of people impacted, and the resources available to an applicant.

OAs shall consider the following categories of information in conducting a Title VI assessment, when necessary and appropriate to determine whether an applicant satisfies Title VI requirements in the proposed program:

- a. The manner in which services are or will be provided by the proposed program, and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination;
- b. The population eligible to be served by race, color, and national origin;
- c. Data regarding covered employment, including use or planned use of bilingual public-contract employees serving beneficiaries of the proposed program where necessary to permit effective participation by beneficiaries unable to speak or understand English;
- d. The location of existing or proposed facilities connected with the program, and related information adequate for determining whether the location has or will have the

effect of unnecessarily denying access to any person on the basis of prohibited discrimination;

- e. The present or proposed membership, by race, color and national origin, of any planning or advisory body which is an integral part of the program.
- f. Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin;
- g. Where the requested assistance is for construction, whether the location and design of the project will provide service on a non-discriminatory basis and whether persons will be displaced or relocated on a non-discriminatory basis; and
- h. Demographic maps, the racial composition of affected neighborhoods, and census data, where such is readily available, can be compiled with reasonable effort, and necessary for understanding the other information submitted.

If the OA determines that it needs more information to complete the Title VI assessment and determine compliance, it should require the applicant to provide such additional information within a reasonable period, such as 60 days of the request. Failure by the applicant to provide the requested information in a timely fashion shall be a consideration in the determination of noncompliance.

3. FINANCIAL ASSISTANCE TO STATE PROGRAMS: TITLE VI PLAN

Consistent with 28 CFR §§ 42.407(b) and 42.410, and 49 CFR § 21.7(b), each OA providing formula or continuing Federal financial assistance to programs administered by a State or State agency, or an entity acting on behalf of a State or State agency, shall require that each such recipient develop and adopt a Title VI Plan that outlines measures to ensure compliance with Title VI by the recipient and its subrecipients.² OAs may tailor the content that each recipient must include in its Title VI Plan, considering such factors as the size of the Federal financial assistance award, the size and capacity of a recipient, the potential number of people impacted, and the resources available to a recipient, but must ensure inclusion of sufficient information for determining whether the recipient and any subrecipients comply with Title VI and the standards established in 28 CFR Part 42, Subpart F. At a minimum, OAs must require each applicable recipient to provide for the assignment of Title VI responsibilities to designated state personnel and written assurance that the recipient will compile and maintain records necessary for determining the Title VI compliance of the recipient and any subrecipients. Such records should contain the following categories of information:

- a. The manner in which services are or will be provided by the program, and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination;

² An OA need not require the development and adoption of a Title VI Plan by subrecipients.

- b. The population eligible to be served by race, color, and national origin;
- c. Data regarding covered employment, including use or planned use of bilingual public-contract employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English;
- d. The location of existing or proposed facilities connected with the program, and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination;
- e. The present or proposed membership, by race, color and national origin, of any planning or advisory body which is an integral part of the program;
- f. Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin;
- g. Where the requested assistance is for construction, whether the location and design of the project will provide service on a non-discriminatory basis and whether persons will be displaced or relocated on a non-discriminatory basis; and
- h. Demographic maps, the racial composition of affected neighborhoods, and census data, where such information is readily available, can be compiled with reasonable effort, and necessary for understanding the other information submitted.

If the OA determines that it needs more information to complete its Title VI Plan review, and determine compliance, it should require the recipient to provide such additional information within a reasonable period, such as 60 days of the request. Failure by the recipient to provide the requested information in a timely fashion shall be a consideration in the determination of noncompliance.

4. ALL APPLICANTS AND RECIPIENTS

In addition to the requirements outlined in Sections 2 and 3, OAs shall require all applicants and recipients to provide, consistent with 28 CFR §§ 42.405 and 42.406(d), a brief description of:

- a. Any Title VI lawsuits, investigations, or complaints filed or pending against the recipient or any of its subrecipients within two years of the date of the application, or since the last Title VI program submission, together with an explanation of the status or outcome of each such enforcement activity;
- b. Any pending application by the recipient or any of its subrecipients for Federal financial assistance to any Federal agency;
- c. Any civil rights compliance review performed or being performed on the recipient or any of its subrecipients by any state, local, or Federal agency within two years of the date of the application, or since the last Title VI program submission, together with a statement of the status or outcome of such review; and

- d. The manner in which the applicant or recipient will notify participants, beneficiaries, and other interested persons about the protections provided by Title VI, and related program information, including:
 - 1) A Title VI nondiscrimination statement; and
 - 2) A description of procedures that members of the public should follow to file a Title VI complaint against the recipient.

5. OA COMPLIANCE REVIEWS

Compliance reviews, consistent with 28 CFR § 42.407(c) and 49 CFR §§ 21.9 and 21.11(a), are an effective means of ensuring enforcement of Title VI. Compliance reviews can be accompanied by the OA's ongoing engagement with recipients to jointly identify and voluntarily resolve Title VI-related concerns through technical assistance, education, and training. As with other components of this Order, coordination between and among OAs should be considered, where appropriate.

- a. **Compliance Procedures:** Compliance reviews shall be conducted by the OA Office of Civil Rights, with assistance from DOCR if necessary, to determine a recipient's Title VI compliance.
- b. **Criteria:** OAs may use any combination of the following factors for selecting recipients for compliance reviews:
 - 1) Consideration of the size of the recipient, the demographic diversity of its beneficiaries, and the amount of time since a recipient's last review;
 - 2) Consideration of the number of all Title VI lawsuits, complaints, or investigations filed against the recipient;
 - 3) A recipient submitting an incomplete or insufficient Title VI Plan; and
 - 4) Title VI findings or recommendations resulting from prior technical assistance, reviews, or investigations that have not been sufficiently resolved or implemented.
- c. **Scope:** Compliance reviews shall assess the following information.
 - 1) The recipient's documented efforts to meet the Title VI requirements and guidance issued by the OA; and
 - 2) Other information that is necessary to determine that the recipient is complying with Title VI.
- d. **Results of Compliance Review:** The OA, with input and assistance from DOCR as necessary and warranted, will summarize the compliance review's findings, and provide a courtesy copy of the final compliance report to DOCR. If findings of deficiency exist in the final compliance report, the OA will require the recipient to take corrective action, develop a timeline for compliance, and report on its progress on a timely basis. The OA will update DOCR on the recipient's progress on a quarterly basis, through data, narrative, or other means, and provide DOCR with a deficiency status update on an annual basis. Once an OA determines that the

recipient has satisfactorily responded to the compliance review findings, it shall inform the recipient and DOCR that the review process has ended and release the recipient from further reporting based on the compliance review. The OA may follow a compliance review with additional reviews as necessary, and inform DOCR of such steps and any outcome.

- e. **Effecting Compliance:** Consistent with 49 CFR § 21.13(a), if a recipient fails to take appropriate corrective action in response to findings of deficiency in the report, the OA may, with concurrence of the General Counsel, initiate proceedings that could result in action taken by DOT to suspend, terminate, or refuse to grant or continue Federal financial assistance to a recipient. The OA also may, with concurrence of the General Counsel, make a referral to the U.S. Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.

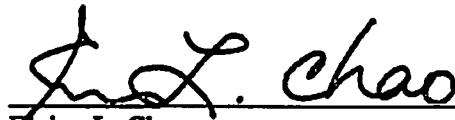
6. TITLE VI COMPLAINTS OR POSSIBLE VIOLATION INVESTIGATIONS

- a. **Procedures:** Each OA administering Federal financial assistance shall establish and publish in their guidelines procedures consistent with 28 CFR § 42.408 and 49 CFR §§ 21.11 through 21.17, DOT's External Civil Rights Complaint Processing Manual, and the DOT General Counsel's February 15, 2019 Memorandum for Secretarial Officers and Heads of Operating Administrations concerning Procedural Requirements for DOT Enforcement Actions (and any corresponding regulations) for the prompt processing and disposition of Title VI complaints.
- b. **Investigations and Voluntary Compliance:** Consistent with 49 CFR § 21.11(c), OAs, with concurrence of the General Counsel, shall conduct a prompt investigation whenever a compliance review, report, complaint, or other information indicates possible noncompliance with Title VI. As required by 28 CFR § 42.411(a), and 49 CFR §§ 21.11(d)(1) and 21.13(a), OAs shall attempt to resolve all findings of Title VI noncompliance through informal and voluntary means whenever possible. If compliance cannot be achieved by informal and voluntary means, then the OA shall, with concurrence of the General Counsel, initiate actions to achieve compliance in accordance with 28 CFR § 42.411 and 49 CFR § 21.13 and the DOT General Counsel's February 15, 2019 Memorandum for Secretarial Officers and Heads of Operating Administrations concerning Procedural Requirements for DOT Enforcement Actions (and any corresponding regulations).
- c. **Record Keeping Requirements:** Pursuant to 28 CFR § 42.408(d), each OA shall maintain a log of Title VI complaints filed with it, and with its recipients, identifying each complainant by race, color, or national origin; the recipient; the nature of the complaint; the date the complaint was filed and the investigation completed; the disposition; the date of disposition; and other pertinent information. The OAs shall also require each recipient processing Title VI complaints to maintain a similar log.
- d. **Notification of the Assistant Attorney General:** The Director shall promptly notify the Assistant Attorney General, Civil Rights Division, of every finding of noncompliance

resulting from an investigation or compliance review. The Director shall also prepare the semiannual report to the Assistant Attorney General, Civil Rights Division, concerning the receipt, nature, and disposition of Title VI complaints that is required by 28 CFR § 42.408(d).

7. COMBATTING ANTI-SEMITISM

Anti-Semitic discrimination may violate Title VI when it is based on an individual's actual or perceived Jewish ancestry or ethnic characteristics. OAs shall enforce Title VI to prevent anti-Semitic discrimination as vigorously as all other Title VI violations. In reviewing, investigating, or deciding whether there has been a violation of Title VI based on an individual's actual or perceived Jewish ancestry or Jewish ethnic characteristics, OAs shall take into consideration the definition of anti-Semitism adopted on May 26, 2016, by the International Holocaust Remembrance Alliance (IHRA), further adopted by the U.S. Department of State, along with the "Contemporary Examples of Anti-Semitism" identified by IHRA, as part of the assessment of whether a practice was motivated by anti-Semitic intent.



Elaine L. Chao
Secretary of Transportation