



U.S. Department of Justice


Civil Rights Division

Assistant Attorney General
950 Pennsylvania Ave, NW - RFK
Washington, DC 20530

October 12, 2021

MEMORANDUM

TO: Federal Agency Civil Rights Directors and General Counsels

FROM: Assistant Attorney General Kristen Clarke 

SUBJECT: Executive Order 12250 Clearance Requirements and Coordination for Nondiscrimination Regulations and Policy Guidance Documents and Related Executive Orders

With agencies preparing to announce their regulatory actions in the Fall Unified Agenda of Regulatory and Deregulatory Actions, and many working on the development of policy guidance, I write to remind you of the critical role of Executive Order 12250 review and clearance for nondiscrimination provisions of laws covered by these types of documents.

Under Executive Order 12250, the Department of Justice (DOJ) is charged with ensuring the consistent and effective implementation of federal civil rights laws “prohibiting discriminatory practices in Federal programs and programs receiving federal financial assistance.” Exec. Order No. 12250, *Leadership and Coordination of Nondiscrimination Laws*, reprinted at 45 Fed. Reg. 72,995 (Nov. 4, 1980).¹ Coordination with DOJ’s Civil Rights Division is essential to ensuring clear and consistent government-wide implementation by federal agencies of the nondiscrimination provisions of regulatory and policy documents addressing the exigencies of the current public health crises and other Administration priorities.

In February 2021, DOJ issued memoranda to your agencies of the longstanding Executive Order 12250 clearance process, its distinction from the Office of Management and Budget regulatory planning review, and an overview of the Civil Rights Division’s interagency technical assistance and collaboration that occurs within the Executive Order 12250 review. Also included was a one-page summary guide of the Executive Order 12250 clearance process

¹ Under Executive Order 12250, DOJ is charged with coordinating the implementation and enforcement by Executive agencies of various provisions of the following laws: (a) Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination, which includes the denial of meaningful language access for limited English proficient individuals, in federally funded programs and activities), 42 U.S.C. §2000d *et seq.*; (b) Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in education programs and activities of recipients of federal funds), 20 U.S.C. §1681 *et seq.*; (c) Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination in both federally conducted and federally funded programs and activities), 29 U.S.C. §794; and (d) “any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Exec. Order 12250 at §1-201.

and timeframes and a memorandum on the coordination of federal agencies' implementation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. I am redistributing these documents for your reference.

I strongly encourage agencies to contact the Civil Rights Division early in the process of developing new, or modifying existing, regulations or policy to ensure consistent and effective government-wide coordination of civil rights enforcement. The Division's Federal Coordination and Compliance Section runs a comprehensive program of assistance and oversight to agency civil rights offices on Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and related program matters. In addition, the Disability Rights Section coordinates the implementation and enforcement of Section 504 of the Rehabilitation Act and other disability-related matters, and the Educational Opportunities Section coordinates assistance on education-related matters. Recognizing that many of your agency's documents may cover multiple statutes, these Sections work closely together to ensure that the Executive Order 12250 clearance process runs as smoothly and effectively as possible.

For further information please contact these Sections of the Civil Rights Division with questions about the Executive Order 12250 clearance process and civil rights coordination:

- Federal Coordination and Compliance Section: Christine Stoneman, Chief (christine.stoneman@usdoj.gov) and Daria Neal, Deputy Chief (daria.neal@usdoj.gov);
- Disability Rights Section: Rebecca Bond, Chief (rebecca.bond@usdoj.gov) and Christina Galindo-Walsh, Deputy Chief (christina.galindo-walsh@usdoj.gov);
- Educational Opportunities Section: Shaheena Simons, Chief (shaheena.simons@usdoj.gov) and Whitney Pellegrino, Principal Deputy Chief (whitney.pellegrino@usdoj.gov).

Attachments

- Memorandum: Clearance Requirements for Title VI, Title IX, Section 504 and Related Nondiscrimination Regulations and Policy Guidance Documents
- One-Page Summary on Executive Order 12250 Clearance
- Memorandum: Coordination of Federal Agencies' Implementation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act