



U.S. Department of Justice

Office of the Associate Attorney General

Associate Attorney General


September 15, 2021

MEMORANDUM FOR: Kristen Clarke
Assistant Attorney General
Civil Rights Division

Amy Solomon
Acting Assistant Attorney General
Office of Justice Programs

Rob Chapman
Acting Director
Office of Community Oriented Policing Services

Allison Randall
Acting Director
Office on Violence Against Women

FROM: THE ASSOCIATE ATTORNEY GENERAL 

SUBJECT: Review of the Department's administrative enforcement of Title VI and the Safe Streets Act.

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against any person on the basis of race, color, or national origin. 42 U.S.C. § 2000d. The nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act are modeled on Title VI and prohibit discrimination on the basis of race, color, national origin, religion, and sex in connection with any program or activity funded with specific law enforcement assistance funds. 34 U.S.C. § 10228(c)(1). Together, these statutes are critical tools in achieving the government's obligation to ensure that public funds are not being used to finance illegal discrimination.

In order to make every effort to meet this obligation, I have directed the Civil Rights Division—working in partnership with the Office of Justice Programs, the Office of Community Oriented Policing Services, and the Office on Violence Against Women—to commence a review of the Department of Justice's implementation and administrative enforcement of Title VI and the nondiscrimination provisions of the Safe Streets Act in connection with federal financial assistance the Department provides. This review is intended to ensure that the Department is providing sufficient oversight and accountability regarding the activities of its federally-funded recipients. The review should be informed by the work conducted to date by the Equity Team tasked with implementing Executive Order 13985, *Advancing Racial Equity and Support for*

Underserved Communities Through the Federal Government, 86 Fed. Reg. 7009 (Jan. 25, 2021); and should include, among other considerations:

- an examination of the Department's criteria for conducting compliance reviews and opening or closing complaint investigations;
- recommended improvements to strengthen grantees' data collection and reporting efforts, including whether the Department could employ more efficient technologies to collect data from recipients, and whether the Department can take additional steps to minimize recipient burden in providing data;
- identification of any measures that would enhance coordination between the Department's grant-making and enforcement components;
- an examination of whether any changes are needed to strengthen the Department's compliance procedures, including the content of assurance agreements and grant conditions, and procedures for notice and efforts to cure noncompliance; and
- an assessment of whether the Department's Title VI regulations (28 C.F.R. part 42, subparts C and D), coordination regulations (28 C.F.R. part 42, subpart F), enforcement guidelines (28 C.F.R. § 50.3), or other regulations or guidances should be revised.

Please provide any recommendations arising from this review to me within 90 days of the date of this memorandum.

As President Kennedy explained in his message to Congress proposing the enactment of Title VI: "Simple justice requires that public funds, to which taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, or results in racial discrimination." *Civil Rights and Job Opportunities—Message from the President*, 109 Cong. Rec. 11,156, 11,161 (1963), reprinted in 1963 U.S.C.C.A.N. 1526, 1534. Thank you for your continued dedication to achieving this goal.