



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 14, 2020
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2574 – Equity and Inclusion Enforcement Act of 2019

(Rep. Bobby Scott, D-VA, and 16 cosponsors)

The Administration strongly opposes passage of H.R. 2574. This Administration believes that every student should have equal access to a high-quality education, and the Department of Education will continue to enforce Title VI of the Civil Rights Act of 1964 (Title VI) faithfully and vigorously. This bill, however, fails to advance equality in education, while expanding bureaucracy, encouraging burdensome litigation, and imposing costs on recipients of Federal financial assistance. H.R. 2574 seeks to validate and expand the divisive regulatory agenda of the previous administration—advancing an ideological mission and enriching favored special interests like trial lawyers at the expense of students, educators, and taxpayers.

H.R. 2574 would supersede *Alexander v. Sandoval*, 532 U.S. 275 (2001), which held that there is no implied private right of action to enforce “disparate-impact” regulations adopted by Federal agencies under Section 602 of Title VI. Granting a private cause of action for enforcement of such regulations would inevitably lead to a massive expansion of litigation involving recipients of Federal financial assistance, diverting resources toward litigation and away from education.

Additionally, the bill would require each recipient of Federal financial assistance to appoint a compliance coordinator, which would impose additional compliance and administrative burdens on such entities as well as on the Department of Education’s Office for Civil Rights (OCR), which would be responsible for enforcing this requirement. It would also subject such entities to liability based on cleverly aggregated and manipulated statistics, rather than facts that establish actual wrongdoing.

Finally, the proposed creation of the position of Special Assistant for Equity and Inclusion within the Department of Education would confuse and potentially undermine OCR’s enforcement of Title VI. This new position would overlap with the longstanding role of the Assistant Secretary for Civil Rights, as well as the responsibilities of OCR, to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our Nation’s schools.

H.R. 2574 would redirect vital resources that are needed to serve students in the pursuit of an ideological agenda. This Administration will continue to put students first and faithfully enforce Title VI while rejecting attempts to impose a burdensome regulatory regime and untold litigation costs on well-meaning educators.

If H.R. 2574 were presented to the President, his advisors would recommend that he veto the bill.

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