




U.S. Department of Justice

Civil Rights Division

*Assistant Attorney General
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TO: Civil Rights Division

FROM: Gregory B. Friel 
Deputy Assistant Attorney General

On January 20, 2021, President Biden signed an Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. Section 1 of the Executive Order (E.O.) states:

It is the policy of my Administration to prevent and combat discrimination on the basis of gender identity or sexual orientation, and to fully enforce Title VII and other laws that prohibit discrimination on the basis of gender identity or sexual orientation. It is also the policy of my Administration to address overlapping forms of discrimination.

The E.O. directs agencies to identify and revise, suspend, or rescind agency actions, that “are or may be inconsistent with the policy set forth in section 1 of this order.” E.O., Sec. 2.

Pursuant to the E.O., I am withdrawing the memorandum, Application of *Bostock v. Clayton County*, dated January 17, 2021, and issued Tuesday, January 19, 2021, by Acting Assistant Attorney General John B. Daukas. I have determined that this memorandum is inconsistent in many respects with the E.O.

I plan to confer with Department leadership about issuing revised guidance that comports with the policy set forth in the E.O. As part of that process, we will seek the input of Division subject matter experts.