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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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ALEXANDER, DIRECTOR, ALABAMA DEPARTMENT OF PUBLIC SAFETY, ET AL. *v.* SANDOVAL, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 99–1908. Argued January 16, 2001– Decided April 24, 2001

As a recipient of federal financial assistance, the Alabama Department of Public Safety (Department), of which petitioner Alexander is the Director, is subject to Title VI of the Civil Rights Act of 1964. Section 601 of that Title prohibits discrimination based on race, color, or national origin in covered programs and activities. Section 602 authorizes federal agencies to effectuate §601 by issuing regulations, and the Department of Justice (DOJ) in an exercise of this authority promulgated a regulation forbidding funding recipients to utilize criteria or administrative methods having the effect of subjecting individuals to discrimination based on the prohibited grounds. Respondent Sandoval brought this class action to enjoin the Department's decision to administer state driver's license examinations only in English, arguing that it violated the DOJ regulation because it had the effect of subjecting non-English speakers to discrimination based on their national origin. Agreeing, the District Court enjoined the policy and ordered the Department to accommodate non-English speakers. The Eleventh Circuit affirmed. Both courts rejected petitioners' argument that Title VI did not provide respondents a cause of action to enforce the regulation.

Held: There is no private right of action to enforce disparate-impact regulations promulgated under Title VI. Pp. 3–17.

(a) Three aspects of Title VI must be taken as given. First, private individuals may sue to enforce §601. See*, e.g., Cannon* v. *University of Chicago,* 441 U. S. 677, 694, 696, 699, 703, 710–711. Second, §601

prohibits only intentional discrimination. See, *e.g., Alexander* v. *Choate,* 469 U. S. 287, 293. Third, it must be assumed for purposes of deciding this case that regulations promulgated under §602 may validly proscribe activities that have a disparate impact on racial groups, even though such activities are permissible under §601. Pp. 3–5.

(b) This Court has not, however, held that Title VI disparate-impact regulations may be enforced through a private right of action. *Cannon* was decided on the assumption that the respondent there had intentionally discriminated against the petitioner, see 441 U. S., at 680. In *Guardians Assn.* v. *Civil Serv. Comm'n of New York City,* 463 U. S. 582, the Court *held* that private individuals could not recover compensatory damages under Title VI except for intentional discrimination. Of the five Justices who also voted to uphold disparate-impact regulations, three expressly reserved the question of a direct private right of action to enforce them, 463 U. S., at 645, n. 18. Pp. 5–7.

(c) Nor does it follow from the three points taken as given that Congress must have intended such a private right of action. There is no doubt that regulations applying §601's ban on intentional discrimination are covered by the cause of action to enforce that section. But the disparate-impact regulations do not simply apply §601— since they forbid conduct that §601 permits— and thus the private right of action to enforce §601 does not include a private right to enforce these regulations. See *Central Bank of Denver, N. A.* v. *First Interstate Bank of Denver, N. A.,* 511 U. S. 164, 173. That right must come, if at all, from the independent force of §602. Pp. 7–10.

(d) Like substantive federal law itself, private rights of action to enforce federal law must be created by Congress. *Touche Ross & Co.* v. *Redington,* 442 U. S. 560, 578. This Court will not revert to the understanding of private causes of action, represented by *J. I. Case Co.* v. *Borak,* 377 U. S. 426, 433, that held sway when Title VI was enacted. That understanding was abandoned in *Cort* v. *Ash,* 422 U. S. 66, 78. Nor does the Court agree with the Government's contention that cases interpreting statutes enacted prior to *Cort* v. *Ash* have given dispositive weight to the expectations that the enacting Congress had formed in light of the contemporary legal context. *Merrill Lynch, Pierce, Fenner & Smith, Inc.* v. *Curran,* 456 U. S. 353, 378–379; *Cannon, supra,* at 698–699; and *Thompson* v. *Thompson,* 484 U. S. 174, distinguished. Pp. 10–12.

(e) The search for Congress's intent in this case begins and ends with Title VI's text and structure. The "rights-creating" language so critical to *Cannon*'s §601 analysis, 441 U. S., at 690, n. 13, is completely absent from §602. Whereas §601 decrees that "[n]o person . . . shall . . . be subjected to discrimination," §602 limits federal agencies to "effec-

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tuat[ing]" rights created by §601. And §602 focuses neither on the individuals protected nor even on the funding recipients being regulated, but on the regulating agencies. Hence, there is far less reason to infer a private remedy in favor of individual persons, *Cannon, supra,* at 690–691. The methods §602 expressly provides for enforcing its regulations, which place elaborate restrictions on agency enforcement, also suggest a congressional intent not to create a private remedy through §602. See, *e.g., Karahalios* v. *Federal Employees,* 489 U. S. 527, 533. Pp. 12–15.

(f) The Court rejects arguments that the regulations at issue contain rights-creating language and so must be privately enforceable; that amendments to Title VI in §1003 of the Rehabilitation Act Amendments of 1986 and §6 of the Civil Rights Restoration Act of 1987 "ratified" decisions finding an implied private right of action to enforce the regulations; and that the congressional intent to create a right of action must be inferred under *Curran, supra,* at 353, 381–382. Pp. 15–17.

197 F. 3d 484, reversed.

SCALIA, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O'CONNOR, KENNEDY, and THOMAS, JJ., joined. STEVENS, J., filed a dissenting opinion, in which SOUTER, GINSBURG, and BREYER, JJ., joined.