

**AMENDMENT TO SENATE AMENDMENT TO H.R. 3684
OFFERED BY MR. TIFFANY OF WISCONSIN**

On page 2131, strike section 60307 and insert the following.

SEC. 1. PROHIBITION AGAINST DISCRIMINATION AND PREFERENTIAL TREATMENT.

Notwithstanding any other provision of law, neither the Federal Government nor any officer, employee, or agent of the Federal Government shall—

(1) intentionally discriminate against, or grant a preference to, any person or group based in whole or in part on race, color, national origin, or sex, in connection with—

- (A) a Federal contract or subcontract;
- (B) Federal employment; or
- (C) any other federally conducted program or activity; or

(2) require or encourage a Federal contractor or subcontractor, or the recipient of a license or financial assistance, to discriminate intentionally against, or grant a preference to, any person or group based in whole or in part on race, color, national origin, or sex, in connection with any Federal contract or subcontract or Federal license or financial assistance.

SEC. 2. PROHIBITION RELATING TO RECIPIENTS OF FEDERAL AID.

A State, Federal territory, or private entity that receives Federal financial assistance may not discriminate against, or grant a preference to, any person or group based in whole or in part on race, color, national origin, or sex, in connection with—

- (1) any contract or subcontract;
- (2) employment; or
- (3) admission to any educational institution.

SEC. 3. CONSTRUCTION.

(a) **HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.**—Nothing in this Act shall be construed to prohibit or limit any act that is designed to benefit an institution that is an historically Black college or university on the basis that the institution is an historically Black college or university.

(b) **INDIAN TRIBES.**—This Act does not prohibit any action taken—

- (1) pursuant to a law enacted under the constitutional powers of Congress relating to the Indian tribes; or
- (2) under a treaty between an Indian tribe and the United States.

(c) **CERTAIN SEX-BASED CLASSIFICATIONS.**—This Act does not prohibit or limit any classification based on sex if—

- (1) the classification is applied with respect to employment and the classification would be exempt from the prohibitions of title VII of the Civil Rights Act of 1964 by reason of section 703(e)(1) of such Act (42 U.S.C. 2000e–2(e)(1)); or
- (2) the classification is applied with respect to a member of the Armed Forces pursuant to statute, direction of the President or Secretary of Defense, or Department of Defense policy.

(d) IMMIGRATION AND NATIONALITY LAWS.—This Act does not affect any law governing immigration or nationality, or the administration of any such law.

SEC. 4. COMPLIANCE REVIEW OF POLICIES AND REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the head of each department or agency of the Federal Government, in consultation with the Attorney General, shall review all existing policies and regulations that such department or agency head is charged with administering, modify such policies and regulations to conform to the requirements of this Act, and report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the review and any modifications to the policies and regulations.

SEC. 5. REMEDIES.

(a) IN GENERAL.—Any person aggrieved by a violation of section 1 or 2 may, in a civil action against the violator (including a violator that is a governmental entity), obtain appropriate relief (which may include back pay). A prevailing plaintiff in a civil action under this section shall be awarded a reasonable attorney's fee as part of the costs.

(b) CONSTRUCTION.—This section does not affect any remedy available under any other law.

SEC. 6. EFFECT ON PENDING MATTERS.

(a) PENDING CASES.—This Act does not affect any case pending on the date of enactment of this Act.

(b) PENDING CONTRACTS AND SUBCONTRACTS.—

This Act does not affect any contract or subcontract in effect on the date of enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) FEDERAL GOVERNMENT.—The term “Federal Government” means executive and legislative branches of the Government of the United States.

(2) PREFERENCE.—The term “preference” means an advantage of any kind, and includes a quota, set-aside, numerical goal, timetable, or other numerical objective.

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).