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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, or national origin in Federal actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TIFFANY introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, or national origin in Federal actions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness, Anti-dis-
5 crimination and Individual Rights Act of 2023” or “FAIR
6 Act”.

1 **SEC. 2. PROHIBITION AGAINST DISCRIMINATION AND**
2 **PREFERENTIAL TREATMENT.**

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

6 (1) intentionally discriminate against, or grant
7 a preference to, any person or group based in whole
8 or in part on race, color, or national origin, in con-
9 nection with—

10 (A) a Federal contract or subcontract;

11 (B) Federal employment; or

12 (C) any other federally conducted program
13 or activity; or

14 (2) require or encourage a Federal contractor
15 or subcontractor, or the recipient of a license or fi-
16 nancial assistance, to discriminate intentionally
17 against, or grant a preference to, any person or
18 group based in whole or in part on race, color, or
19 national origin, in connection with any Federal con-
20 tract or subcontract or Federal license or financial
21 assistance.

22 **SEC. 3. PROHIBITION RELATING TO RECIPIENTS OF FED-**
23 **ERAL AID.**

24 A State or private entity that receives Federal finan-
25 cial assistance may not discriminate against, or grant a
26 preference to, any person or group based in whole or in

1 part on race, color, or national origin, in connection
2 with—

3 (1) any contract or subcontract;

4 (2) employment; or

5 (3) admission to any educational institution.

6 **SEC. 4. CONSTRUCTION.**

7 This Act does not affect any law governing immigra-
8 tion or nationality, or the administration of any such law.

9 **SEC. 5. COMPLIANCE REVIEW OF POLICIES AND REGULA-**
10 **TIONS.**

11 Not later than 6 months after the date of enactment
12 of this Act, the head of each department or agency of the
13 Federal Government, in consultation with the Attorney
14 General, shall review all existing policies and regulations
15 that such department or agency head is charged with ad-
16 ministering, modify such policies and regulations to con-
17 form to the requirements of this Act, and report to the
18 Committee on the Judiciary of the House of Representa-
19 tives and the Committee on the Judiciary of the Senate
20 the results of the review and any modifications to the poli-
21 cies and regulations.

22 **SEC. 6. REMEDIES.**

23 (a) **IN GENERAL.**—Any person aggrieved by a viola-
24 tion of section 2 or 3 may, in a civil action against the
25 violator (including a violator that is a governmental enti-

1 ty), obtain appropriate relief (which may include back
2 pay). A prevailing plaintiff in a civil action under this sec-
3 tion shall be awarded a reasonable attorney’s fee as part
4 of the costs.

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

7 **SEC. 7. EFFECT ON PENDING MATTERS.**

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

10 (b) PENDING CONTRACTS AND SUBCONTRACTS.—
11 This Act does not affect any contract or subcontract in
12 effect on the date of enactment of this Act, including any
13 option exercised under such contract or subcontract before
14 or after such date of enactment.

15 **SEC. 8. DEFINITIONS.**

16 In this Act, the following definitions apply:

17 (1) FEDERAL GOVERNMENT.—The term “Fed-
18 eral Government” means executive and legislative
19 branches of the Government of the United States.

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