

110TH CONGRESS
1ST SESSION

H. R. 2100

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

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2007

Mr. TANCREDO introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, Education and Labor, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex 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 “Equal Opportunity
5 Protection and Civil Rights Restoration Act of 2007”.

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, national origin, or sex, in
9 connection 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, na-
19 tional origin, or sex, in connection with any Federal
20 contract or subcontract or Federal license or finan-
21 cial 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, national origin, or sex, 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 (a) HISTORICALLY BLACK COLLEGES AND UNIVER-
8 SITIES.—Nothing in this Act shall be construed to prohibit
9 or limit any act that is designed to benefit an institution
10 that is an historically Black college or university on the
11 basis that the institution is an historically Black college
12 or university.

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

15 (1) pursuant to a law enacted under the con-
16 stitutional powers of Congress relating to the Indian
17 tribes; or

18 (2) under a treaty between an Indian tribe and
19 the United States.

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

23 (1) the classification is applied with respect to
24 employment and the classification would be exempt
25 from the prohibitions of title VII of the Civil Rights

1 Act of 1964 by reason of section 703(e)(1) of such
2 Act (42 U.S.C. 2000e-2(e)(1)); or

3 (2) the classification is applied with respect to
4 a member of the Armed Forces pursuant to statute,
5 direction of the President or Secretary of Defense,
6 or Department of Defense policy.

7 (d) IMMIGRATION AND NATIONALITY LAWS.—This
8 Act does not affect any law governing immigration or na-
9 tionality, or the administration of any such law.

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

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

23 **SEC. 6. REMEDIES.**

24 (a) IN GENERAL.—Any person aggrieved by a viola-
25 tion of section 2 or 3 may, in a civil action against the

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

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

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

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

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

16 **SEC. 8. DEFINITIONS.**

17 In this Act, the following definitions apply:

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

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

1 (3) HISTORICALLY BLACK COLLEGE OR UNI-
2 VERSITY.—The term “historically Black college or
3 university” means a part B institution, as defined in
4 section 322(2) of the Higher Education Act of 1965
5 (20 U.S.C. 1061(2)).

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