

117TH CONGRESS  
1ST SESSION

# H. R. 2349

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 the administration of programs of the Department of Agriculture, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2021

Mr. TIFFANY (for himself and Mr. OWENS) introduced the following bill;  
which was referred to the Committee on Agriculture

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## 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 the administration of programs of the Department of Agriculture, 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 “Agriculture Civil  
5 Rights and Equality Act” or the “ACRE Act”.

1 **SEC. 2. ANTI-DISCRIMINATION POLICIES.**

2 (a) IN GENERAL.—Notwithstanding any other provi-  
3 sion of law, the Secretary of Agriculture (or any officer,  
4 employee, or other designee of the Secretary) (referred to  
5 in this Act as the “Secretary”) shall not—

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 any contract or subcontract entered  
10 into by the Secretary, award made by the Secretary,  
11 employment with the Department of Agriculture, or  
12 any other program or activity carried out by the  
13 Secretary; or

14 (2) require, direct, or encourage any entity  
15 under a contract or subcontract with the Secretary, or  
16 the recipient of a license issued by the Secretary or  
17 financial assistance provided under a program ad-  
18 ministered by the Secretary, to discriminate inten-  
19 tionally against, or grant a preference to, any person  
20 or group based in whole or in part on race, color,  
21 national origin, or sex, in connection with such a  
22 contract, subcontract, license, or financial assistance.

23 (b) STATES, TERRITORIES, AND PRIVATE ENTI-  
24 TIES.—A State, territory, or private entity (including in-  
25 stitutions of higher education (as defined in section 101  
26 of the Higher Education Act of 1965 (20 U.S.C. 1001))

1 that receives financial assistance through a program ad-  
2 ministered by the Secretary shall not, as a condition of  
3 receiving such funding, discriminate against, or grant a  
4 preference to, any person or group based in whole or in  
5 part on race, color, national origin, or sex—

6 (1) in connection with any grant, activity,  
7 project, contract (or subcontract) carried out using  
8 such funds, including the salaries and expenses of  
9 any employees paid using such funds; or

10 (2) with respect to determining admission to  
11 any such institution of higher education.

12 (c) CERTAIN SEX-BASED CLASSIFICATIONS.—Noth-  
13 ing in subsection (a) or (b) shall be construed as prohib-  
14 iting or limiting any classification based on sex if—

15 (1) the classification is applied with respect to  
16 employment; and

17 (2) the classification would be exempt from the  
18 prohibitions of title VII of the Civil Rights Act of  
19 1964 (42 U.S.C. 2000a et seq.) by reason of section  
20 703(e)(1) of such Act (42 U.S.C. 2000e–2(e)(1)).

21 (d) CIVIL ACTION.—

22 (1) IN GENERAL.—Any person who is aggrieved  
23 by conduct prohibited by subsection (a) or (b), may  
24 commence a civil action in the appropriate district  
25 court of the United States to obtain appropriate re-

1        lief (which may include back pay), against Secretary  
2        or a State, territory, or private entity referred to in  
3        subsection (b).

4            (2) DAMAGES.—A prevailing plaintiff in a civil  
5        action under paragraph (1) may recover reasonable  
6        attorney’s fees.

7            (3) EFFECT ON OTHER LAW.—The remedies  
8        available to a plaintiff pursuant to a civil action  
9        under paragraph (1) shall not affect any remedy  
10       available to such a plaintiff under any other State  
11       or Federal law.

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