

Restoring Equal Opportunity Act

Equality under the law is one of the foundational principles of the United States Constitution. The American system of government secures the right of every citizen to both equal protection and due process, regardless membership in any racial, social, or ethnic category. The American people are rightfully skeptical of systems that imposes irrelevant quotas or shows favoritism towards a particular group.

Title VII of the Civil Rights Act prohibits employment discrimination based on race, religion, color, sex, or national origin. The purpose of this prohibition was clear: prevent clear and overt instances of discrimination by prohibiting employers from engaging in the kinds of discriminatory practices that had become commonplace during the Jim Crow era. In 1971, in the case of *Griggs v. Duke Power Company*, the Supreme Court expanded this standard by ruling that in addition to overt discrimination, Title VII also prohibited any employment practices that have a “disparate impact” on minorities.¹ The Court alleged that though Duke Power Company’s policies were not intentionally discriminatory, they could not implement job requirements that have a disparate impact on minorities and are judged to have no relation to job performance. This unfair standard practically requires employers to impose racial quotas to avoid potential legal liability. Disparate impact prevents employers from making hiring decisions based solely on qualification and skill and requires them to engage in behavior that goes against the spirit and the letter of the Constitution. Congress codified the disparate impact standard into law via the 1991 Civil Rights Act and the Fair Housing Act, and disparate impact theory has since become the de facto method of determining discrimination.

On April 23rd, President Trump issued an executive order to end the use of the disparate impact standards in all areas of the United States government.² While President Trump’s executive order is a much-needed correction, Senator Lee’s Restoring Equal Opportunity Act would permanently put an end to disparate impact and fully restore equal opportunity under the law.

Bill Specifics

- Prohibits any disparate impact claims under Title VII of the Civil Rights Act or the Fair Housing Act.
- Codifies President Trump’s “Restoring Equality of Opportunity and Meritocracy” executive order.

¹ *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971)

² <https://www.whitehouse.gov/presidential-actions/2025/04/restoring-equality-of-opportunity-and-meritocracy/>