



Making Excellence Replace Identity Traits (MERIT) Act

Summary

- This bill would prohibit affirmative action in Federal Government hiring and personnel actions. Affirmative action means any personnel preferences not based on merit of the applicants but instead based on racial, sex, sexual orientation, or national origin or ethnicity.

Background

- Enforced by the Office of Federal Contract Compliance Programs (OFCCP) under the U.S. Department of Labor (DOL), affirmative action plans (AAP) currently favor the recruitment and advancement of specific demographics.¹
- Employers are bound by AAP's as they are required to implement them, keep them on file, and update them annually to avoid adverse financial and legal penalties.

What This Bill Does

- Prohibits any federal funds from establishing, implementing or otherwise carrying out any hiring practice or program that uses affirmative action based on race, color, religion, sex, sexual orientation, gender identity, national origin, as a basis for a personnel action with respect to Federal employees or members of the uniformed services.
- Ensures that no Federal funds are provided to any entity (including Federal contractors (or subcontractors thereof) that has in place any such practice or program.

Why This Bill is Needed

- Ensures that personnel decisions are grounded in merit as opposed to immutable characteristics or social engineering quotas that lessen the quality of services.
- Promotes equal opportunity as an alternative to government-manufactured equal outcome.
- Fosters, instead of undermines, competition among qualified personnel applicants.



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¹ U.S. Department of Labor. "Affirmative action, <https://www.dol.gov/general/topic/hiring/affirmativeact>. Accessed May 07, 2021.