

August 24, 2026

Andrea R. Lucas
Chair
U.S. Equal Employment Opportunity Commission
131 M Street NE
Washington, D.C. 20507

Re: Removal of Reporting Requirements, RIN 3046-AB37

Dear Chair Lucas:

We write as Members of Congress and Senators in response to the Equal Employment Opportunity Commission's proposal to rescind the Equal Employment Opportunity (EEO) reporting requirements to collect demographic data. This proposed rule would significantly undermine the Commission's ability to enforce Title VII of the *Civil Rights Act of 1964*, delay justice for workers subjected to unlawful discrimination, and weaken one of the federal government's most effective tools for identifying and addressing systemic employment discrimination. We urge the Commission to withdraw this proposal and retain the EEO reporting framework.

I. Collection of this data is grounded in the law and consistent with Congressional intent

For over 60 years, this employment data has been reported to the Commission, including by way of EEO-1 demographic data, which includes the collection of race and ethnicity, sex, industry, and geographic data, among other categories.¹ This has served as a foundational tool for enforcing the nation's equal employment opportunity laws, promoting voluntary employer compliance, and identifying systemic patterns of discrimination that would otherwise remain hidden. This proposal would rescind this longstanding data collection framework and create confusion regarding employers' responsibilities, as employers would remain legally required to comply with Title VII, including maintaining employment records that help demonstrate that compliance.²

Specifically, Title VII of the *Civil Rights Act of 1964* requires employers, employment agencies, and labor organizations to "make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed."³ Demographic data

¹ U.S. Equal Employment Opportunity Commission. (n.d.). *EEO-1 (Employer Information Report) statistics*. [U.S. Equal Employment Opportunity Commission](#)

² 42 U.S. Code § 2000e-8.

³ 42 U.S. Code § 2000e-8.

is necessarily part of that recordkeeping requirement. Further, Title VII requires employers, employment agencies, and labor organizations to “make such reports...as the Commission shall prescribe by regulation or order, after public hearing...for the enforcement of this subchapter.”

Congress recognized that these recordkeeping and reporting requirements were "particularly essential" because whether an employment action is discriminatory often depends on the employer's motives, which are "best evidenced by [its] pattern of conduct on similar occasions."⁴

Congress has since ratified enforcement authority that relies on EEO-1 data. . After the initial reports demonstrated the value of EEO-1 data, Congress recognized that access to such data was essential to effective enforcement and expanded the EEOC’s ability to act on EEO-1 data by giving the agency authority for pattern-or-practice cases.⁵ In enacting the *Americans with Disabilities Act of 1990*, the *Genetic Information Nondiscrimination Act of 2008*, and the *Pregnant Workers Fairness Act of 2022*, Congress incorporated the powers, remedies, and procedures of section 709 by reference on each occasion.⁶ Each of those enactments occurred against a settled, publicly known administrative practice of annual demographic reporting under the Commission’s regulations. Congress legislated against that backdrop three times across thirty-two years and never once disturbed it. The Commission’s proposal would significantly weaken its ability to investigate discrimination efficiently and effectively. Rescinding the EEO reporting requirements would make investigations more costly, more time-consuming, and less capable of identifying widespread discrimination.

II. Collection of this data is essential to eradicating discrimination in employment

The EEO-1 reporting system provides standardized workforce demographic data that the Commission uses to investigate and remedy discrimination based on race, ethnicity, and sex. Individual complaints are essential to enforcement but often do not reveal broader workplace patterns. Workforce demographic data helps the Commission make determinations regarding further investigations and prioritize limited enforcement resources.⁷

The impact of this race and sex demographic data is clear. Cases like *EEOC v. Bass Pro Outdoor World* (2011), which alleged that Black and Hispanic applicants were hired at significantly lower rates than white applicants,⁸ and *EEOC v. Central Transport, LLC* (2026), which alleged that qualified female truck driver applicants were routinely passed over for less qualified or

⁴ 110 Cong. Rec. 7245 (1964); [Memorandum: Investigatory Powers of the Equal Employment Opportunity Commission under Title VII](#)

⁵ 42 U.S. Code § 2000e-6.

⁶ 2 U.S.C. 12117(a) (ADA); 42 U.S.C. 2000ff-6(a)(1) (GINA); 42 U.S.C. 2000gg-2(a)(1) (PWFA)

⁷ National Partnership for Women & Families. (2026, March). *EEO-1 data collection*. [National Partnership for Women & Families](#)

⁸ U.S. Equal Employment Opportunity Commission. (n.d.). *Appellee’s brief, EEOC v. Bass Pro Outdoor World, LLC, No. 15-20078*. [U.S. Equal Employment Opportunity Commission](#)

experienced male truck drivers, resulted in settlements paid out to the aggrieved workers.⁹ This would not have been possible without the collection and analysis of demographic and employment data, which enabled the Commission to identify discriminatory patterns, support its investigations, and effectively enforce federal civil rights laws.

The proposal would also undermine one of the Commission's most important statutory responsibilities: identifying and addressing systemic discrimination. Congress specifically authorized the Commission to pursue pattern-or-practice cases because discrimination is often widespread. As Congress explained, "unrelenting broad-scale action against patterns or practices of discrimination is . . . critical in combating employment discrimination."¹⁰ The Commission itself has similarly recognized that systemic enforcement enables it to protect far more workers than investigating or litigating individual charges one at a time.

This data is critical for identifying barriers to equal employment opportunity affecting all workers, especially Asian American, Native Hawaiian, Pacific Islander (AANHPI), Black, Hispanic and Latino, and women workers. Although the data does not include information on sexual orientation, gender identity, or intersex status,¹¹ studies show that LGBTQI+ people of color face higher rates of discrimination, and thus, identifying barriers that impact workers of color also helps LGBTQI+ workers.

Ultimately, eliminating the EEO reporting requirements would not eliminate the need for demographic data—it would merely make that information more difficult, more expensive, and more time-consuming for the Commission to obtain. Workers who experience discrimination would wait longer for justice, and systemic violations affecting hundreds or thousands of employees would be less likely to be identified before additional workers are harmed.

III. This data collection is legal

The Commission's proposal rests on the premise that a data collection framework—that has existed for nearly six decades—is suddenly inconsistent with Title VII and the Constitution. Yet, the proposed rule identifies no intervening statutory amendment or controlling judicial decision that calls the legality of the Commission's longstanding reporting requirements into question. Instead, it advances a series of novel legal theories that disregard both Congress' express authorization for the Commission to require these reports and decades of settled practice. The Commission's arguments are unavailing.

⁹ U.S. Equal Employment Opportunity Commission. (2026, May 15). *EEOC reaches early \$5.5 million resolution with Central Transport over nationwide sex discrimination in hiring*. [U.S. Equal Employment Opportunity Commission](#)

¹⁰ *Teamsters v. United States*, 431 U.S. 324 (1977)

¹¹ Previously, the Commission's data collection efforts allowed employers to voluntarily choose to report employee demographic data for non-binary employees—improving the accuracy of this data collection and helping the Commission better address discrimination based on sex (including on the basis of gender identity). Unfortunately, this option was eliminated last year. Although not at issue in this NPRM, we support restoring this option.

We strongly disagree that collecting demographic data based on race is subject to strict scrutiny. Strict scrutiny applies when the “government distributes burdens or benefits on the basis of individual racial classifications,”¹² but the mere action of collecting demographic data does not distribute a burden or benefit. As the Court of Appeals for the Sixth Circuit explained, “racial classification requires more than the *consideration* of racial data. If consideration of racial data were alone sufficient to trigger strict scrutiny, then legislators and other policymakers would be required to blind themselves to the demographic realities of their jurisdictions and the potential demographic consequences of their decisions.”¹³

Even if strict scrutiny did apply, the Supreme Court has long recognized eliminating discrimination as a compelling government interest, and the collection of demographic data is narrowly tailored to achieve that interest. In fact, the Commission’s proposal cites no cases where a Court has found that its data collection is subject to heightened scrutiny or is in any way unconstitutional.

We similarly reject the Commission’s argument that somehow collecting demographic data “may encourage employers to discriminate against employees who are not considered “minorities... and may encourage employers to engage in discrimination to avoid potential EEOC enforcement actions or to address perceived inequitable outcomes.” Again, the Commission offers insufficient examples from the past six decades to support this argument, meaning that the argument is purely speculative. As the Court of Appeals for the First Circuit explained when rejecting a challenge to the Commission’s data collection via EEO-4, “possible and purely hypothetical misuse of data does not require the banning of reasonable procedures to acquire such data.”¹⁴ The speculative argument that this data collection could be misused is not sufficient to justify ending the collection of this critical data.

The proposed rule devotes particular attention to the evolution of the category describing Hispanic and Latino workers, tracing the shift from “Spanish Americans” in 1966, to “Spanish Surnamed Americans” in 1975, to “Hispanic” in 1978, and offers that history as evidence that the Commission’s categories are arbitrary artifacts of bureaucratic and political preference.¹⁵ That history shows the opposite. The earliest category was too narrow, and it left uncounted millions of workers of Central and South American origin whose absence from the data made discrimination against them harder to see and harder to remedy. Each subsequent revision brought the count closer to the workforce as it actually existed. That a measure improves over sixty years, as the country’s understanding of its own population improves, is a sign of a functioning data collection rather than a defect in one. The Commission’s own filing instructions have long made clear that these designations “do not control who is protected by Title VII’s

¹² See, e.g., *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, [551 U.S. 701, 720](#) (2007)

¹³ *Spurlock v. Fox*, [716 F.3d 383, 394](#) (6th Cir. 2013)

¹⁴ *United States v. State of N.H.*, [539 F.2d 277](#) (1st Cir. 1976)

¹⁵ 91 Fed. Reg. at 46336-37.

prohibitions against employment discrimination based on race or national origin.”¹⁶ The categories describe the workforce; they do not define anyone’s rights.

Lastly, we reject the Commission’s argument that the data collection focuses on minorities and women. While it is true that Title VII prohibits discrimination against all workers based on protected characteristics, the Commission ignores the history of the *Civil Rights Act*—historic legislation that was born out of the civil rights movement in response to racial segregation and discrimination. It is also well understood that unlawful discrimination disproportionately impacts individuals from minority communities and women. It is particularly ironic that the Commission in the proposed rule calls this an “impermissible” focus when the Chair of the Commission has focused her outreach on specific populations, including by posting a video exclusively focused on asking white men to file claims.¹⁷ The collection of data is a neutral government action and is critical to understanding the demographics of the workforce—including the makeup of both minority and non-minority employees.

Ultimately, the Commission asks the public to conclude that a reporting framework every administration has utilized for nearly sixty years and courts have repeatedly permitted is suddenly unlawful. The proposed rule fails to provide a persuasive legal basis for such a dramatic departure from longstanding law and practice.

IV. Conclusion

Congress enacted the federal equal employment opportunity laws to eliminate workplace discrimination and promote equal access to employment opportunities. The Commission’s longstanding collection of demographic data is an important mechanism for carrying out those statutory responsibilities.

The proposed rule fails to meaningfully account for the costs that rescinding these reporting requirements would impose on workers and on the Commission’s enforcement efforts. Executive Orders 12866 and 13563 require agencies to adopt regulations only after determining that their benefits justify their costs. Yet, the Commission focuses almost exclusively on reducing employer reporting obligations while giving insufficient consideration to the substantial costs of weaker and less efficient enforcement. Those costs are real: investigations will take longer, systemic discrimination will be more difficult to identify, and workers subjected to unlawful discrimination will wait longer for relief.

Rescinding these reporting requirements would reduce the Commission’s capacity to detect systemic discrimination, weaken enforcement efforts, and diminish the availability of reliable data that benefits employers, workers, researchers, and policymakers alike. The elimination of

¹⁶ EEOC, 2024 EEO-1 Component 1 Data Collection Instruction Booklet 15 n.41.

¹⁷ Lucas, A. [@andreualucasEEOC]. (2025, December 17). *Are you a white male who has experienced discrimination at work based on your race or sex?* [Video]. X. [X post](#)

this comprehensive reporting tool would further reduce transparency, exacerbate inconsistencies, and limit the Commission's ability to assess national employment trends over time.¹⁸ We must not further hinder the Commission's ability to enforce federal laws and prevent discrimination, especially at a time when the Commission's own workforce has been reduced by nearly 25 percent since fiscal year 2025 under the recent federal staffing reductions.¹⁹

At a time when many American families continue to face significant economic pressures, workers cannot afford to lose jobs, promotions, wages, or opportunities because discrimination goes undetected or unaddressed. Weakening the Commission's ability to identify and remedy unlawful discrimination will only increase those harms.

Congress provided the Commission with the authority and the tools necessary to enforce the nation's workplace civil rights laws. The annual EEO reporting framework is one of those essential tools. It improves investigative efficiency, strengthens systemic enforcement, conserves limited agency resources, and helps ensure that workers receive timely justice when discrimination occurs. Continuing to enforce this 60-year standard makes it easier to detect unlawful discrimination, investigate violations, and enforce civil rights protections.

For these reasons, we urge the Commission to reject the proposed rescission and retain the EEO reporting and related recordkeeping requirements.

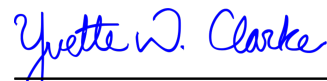
Sincerely,



Lisa Blunt Rochester
United States Senator



Teresa Leger Fernández
Chair
Democratic Women's Caucus



Yvette D. Clarke
Chair
Congressional Black Caucus

¹⁸ Associated Press. (2026, July 16). *Federal civil rights agency moves to stop requiring demographic data collection after 60 years*. PBS NewsHour. [PBS NewsHour](#)

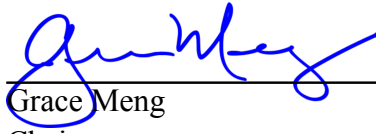
¹⁹ U.S. Equal Employment Opportunity Commission, Office of Inspector General. (2025). *FY 2026 management challenges*. [EEOC Office of Inspector General](#)



Adriano Espaillat

Chair

Congressional Hispanic Caucus



Grace Meng

Chair

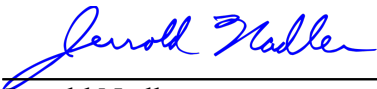
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Pacific American Caucus



Mark Takano

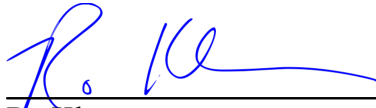
Chair

Congressional Equality Caucus



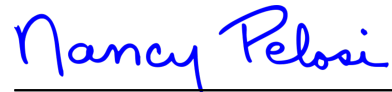
Jerrold Nadler

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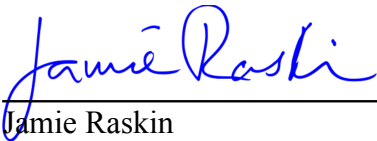
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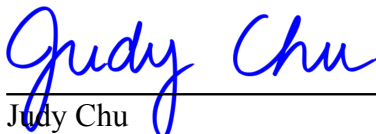
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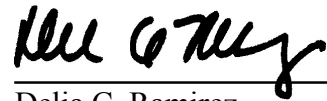
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Janelle S. Bynum

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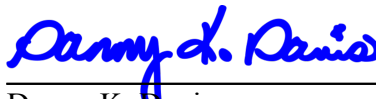
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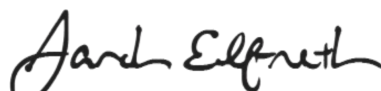
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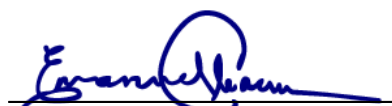
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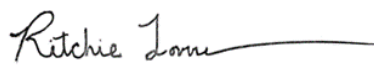
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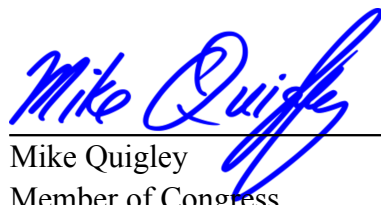
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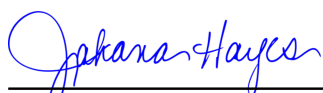
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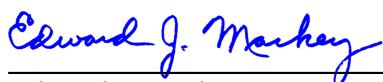
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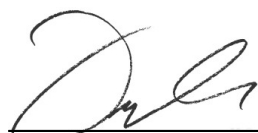
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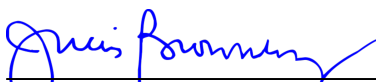
Maxine Waters
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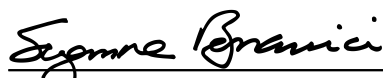
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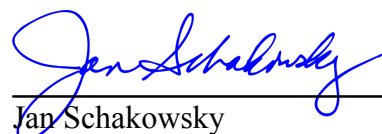
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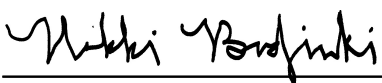
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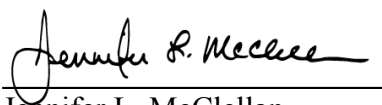
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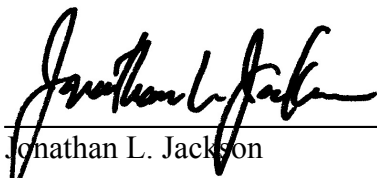
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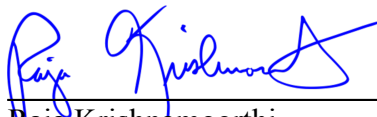
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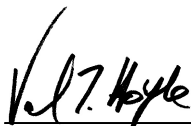
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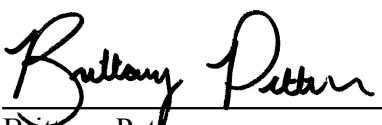
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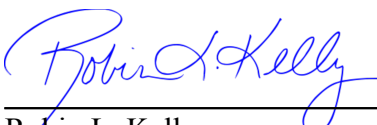
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Member of Congress



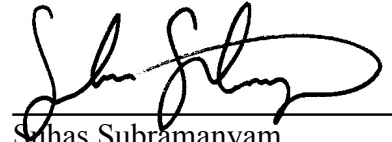
Suzan K. DelBene
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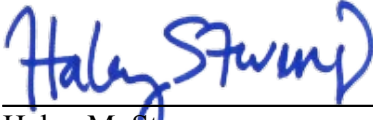
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Suhas Subramanyam
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Adam B. Schiff
United States Senator



Brad Sherman
Member of Congress



Mark DeSaulnier
Member of Congress



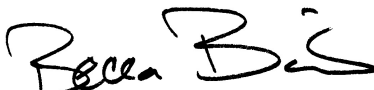
Donald S. Beyer Jr.
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Member of Congress
Ranking Member, Committee
on Education and Workforce



Laura Friedman
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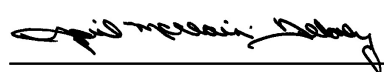
Chellie Pingree
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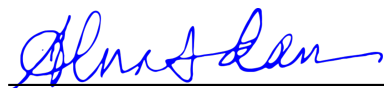
Joseph D. Morelle
Member of Congress



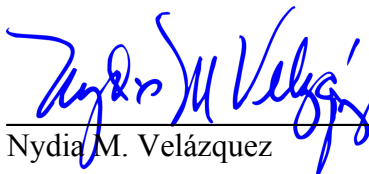
Nellie Pou
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April McClain Delaney
Member of Congress



Alma S. Adams, Ph.D.
Member of Congress



Nydia M. Velázquez
Member of Congress



Chrissy Houlahan
Member of Congress



Valerie P. Foushee
Member of Congress



Juan Vargas
Member of Congress



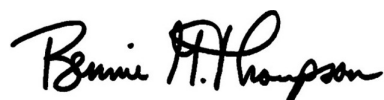
Ted W. Lieu
Member of Congress



Ilhan Omar
Member of Congress



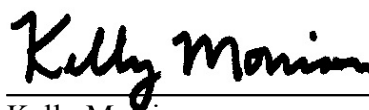
Seth Moulton
Member of Congress



Bennie G. Thompson
Member of Congress



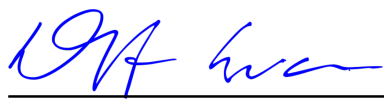
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Kelly Morrison
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Debbie Wasserman Schultz
Member of Congress



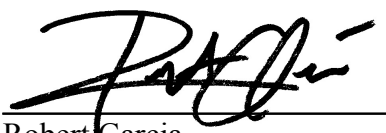
Dwight Evans
Member of Congress



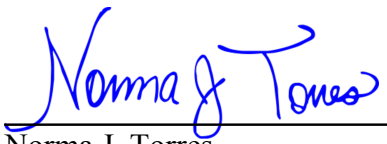
Alexandria Ocasio-Cortez
Member of Congress



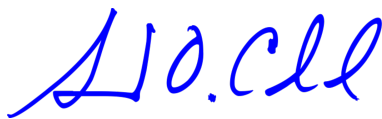
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Robert Garcia
Member of Congress



Norma J. Torres
Member of Congress



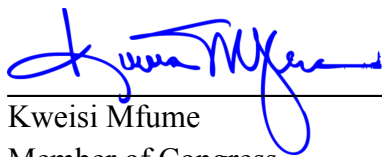
Salud Carbajal
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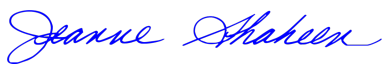
Kweisi Mfume
Member of Congress



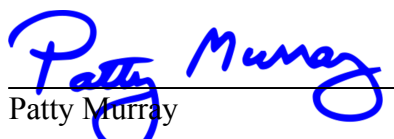
Lauren Underwood
Member of Congress



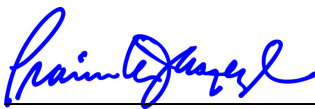
Lucy McBath
Member of Congress



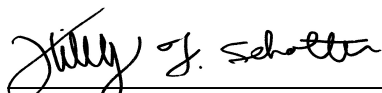
Jeanne Shaheen
United States Senator



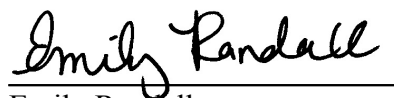
Patty Murray
United States Senator



Pramila Jayapal
Member of Congress



Hillary J. Scholten
Member of Congress



Emily Randall
Member of Congress