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June 17, 2026

The Honorable Andrea Lucas
Chair
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Dear Chair Lucas:

We write to express our concern with and opposition to the Equal Employment Opportunity Commission's (EEOC) decision to propose rescinding the regulations requiring the collection of workplace demographic data, known as EEO-1.¹ This data has been collected by the agency since 1966 as a critical tool to ensure equal opportunity in our nation's workplaces, fulfilling the core mission of the EEOC.² We are further alarmed that the EEOC has not announced the opening of the 2026 collection cycle (2026 EEO-1 Data Collection Cycle), which would collect from employers the EEO-1 workplace demographic data from 2025. We strongly urge you to reverse course on these matters and remain faithful to the EEOC's historic mission to protect workers from discrimination.

Under Title VII of the *Civil Rights Act of 1964* (Title VII), employers are required to make records available that are relevant to making any determination of unlawful employment practices.³ Building upon that statutory requirement, the EEOC's above-mentioned regulations required certain large, private employers to proactively submit annual workplace demographic

¹ A proposed rule to rescind workplace data collection was filed with the Office of Management and Budget on May 14, 2026. See Office of Info. & Regulatory Affairs, *EO Details: RRID 1382263*, [Reginfo.gov](https://www.reginfo.gov), <https://www.reginfo.gov/public/do/eoDetails?rrid=1382263> (last visited May 29, 2026). The proposed rescission also implicates the data collection of EEO-2 (apprenticeship programs), EEO-3 (unions), EEO-4 (state and local governments), and EEO-5 (public schools) data as well as other reporting requirements under federal civil rights laws. Workplace demographic data is used by the EEOC to combat employment discrimination as well as by covered employers to perform self-assessments of their efforts to prevent and respond to employment discrimination.

² The mission of the EEOC is to "prevent and remedy unlawful employment discrimination and advance equal opportunity for all." U.S. Equal Emp. Opportunity Comm'n, *Overview*, <https://www.eeoc.gov/overview> (last visited May 29, 2026).

³ 42 U.S.C. § 2000e-8(c).

data to the agency.⁴ The EEOC uses this data to inform its investigations into claims of employment discrimination and helps the agency target its limited resources where the data suggests there may be barriers to equal opportunity or evidence of patterns of discrimination. This is especially important given that the EEOC's budget has not substantively increased in 45 years, despite facing increased charge filings from a much larger and more diverse workforce than when the agency was created.⁵

In addition to hampering the effective enforcement of our nation's civil rights laws, the EEOC's cessation of collecting EEO-1 data will also broadly undermine civil rights and our nation's commitment to diversity. For example, states and local agencies use EEO-1 data for enforcement efforts related to their own anti-discrimination laws.⁶ Cessation also deprives researchers, the press, and the public of a valuable source of information to examine employment diversity.⁷

Furthermore, it is deeply troubling that the EEOC is failing to fulfill its obligations to conduct the 2026 EEO-1 Data Collection Cycle, while it concurrently proposes to remove the very regulations requiring employers to report that data and which would *only* apply to future reporting.⁸ Historically, both private sector employers with 100 or more employees and federal contractors with 50 or more employees meeting certain criteria have been informed in the spring that they are required to submit data for a single pay period in the fall quarter, including data by job category as well as by sex, race, or ethnicity.⁹ To date, however, the EEOC has failed to open the 2026 EEO-1 Data Collection Cycle.¹⁰

Notwithstanding the EEOC's failure to conduct the 2026 EEO-1 Data Collection Cycle, employers still have an affirmative obligation to report the data under EEOC's regulations—which remain in effect for 2025 data as well as likely in effect for the 2026 data, until such time a rescission is formally adopted.¹¹ Even if the EEOC is successful in this rescission, employers

⁴ *Employer Reporting and Recordkeeping Requirements*, 31 Fed. Reg. 2832 (Feb. 17, 1966) (codified at 29 C.F.R. Part 1602).

⁵ Delesiya Davis & Udochi Onwubiko, *Congress Keeps Shortchanging the EEOC – And Workers Are Shouldering the Consequences*, Nat'l Partnership for Women & Families (Sept. 17, 2025), <https://nationalpartnership.org/congress-keeps-shortchanging-the-eecoc-and-workers-are-shouldering-the-consequences/>.

⁶ U.S. Equal Emp. Opportunity Comm'n, *Fact Sheet: The EEOC and FEPA Data-Sharing* (Apr. 9, 2021), <https://www.eeoc.gov/fact-sheet-eeoc-and-fepa-data-sharing>.

⁷ Sinduja Rangarajan, *How We Analyzed Silicon Valley Tech Companies' Diversity Data*, *Reveal* from The Center for Investigative Reporting (July 10, 2018), <https://revealnews.org/article/how-we-analyzed-silicon-valley-tech-companies-diversity-data/>. See also Thomas J. Donohue, *Why Greater Diversity is an Economic Imperative*, U.S. Chamber of Commerce (Sept. 16, 2019), <https://www.uschamber.com/diversity/why-greater-diversity-economic-imperative#:~:text=For%20every%2010%25%20increase%20in,to%20have%20industry%2Dleading%20profitabilit>

⁸ *Supra*, note 1.

⁹ Caroline Carrier, *Employers: Your Next EEO-1 Report May Be Your Last Ever (U.S.)*, *Employment Law Worldview* (May 21, 2026), <https://www.employmentlawworldview.com/employers-your-next-eeo-1-report-may-be-your-last-ever-us/>.

¹⁰ *Id.*

¹¹ 29 C.F.R. § 1602.7 (2026).

continue to be statutorily required under Title VII to produce records. This could include workplace demographic data that a future EEOC could enforce to address workplace discrimination.¹²

For nearly sixty-one years, the EEOC has been the leading federal agency focused on ensuring equal opportunity in employment, working toward fulfillment of creating fair and just workplaces through its enforcement of our civil rights laws. Taken together, the proposal to rescind longstanding regulations and the failure to fulfill existing obligations under those regulations to conduct the 2026 EEO-1 Data Collection Cycle undermine the EEOC's mission. In 1991, Congress amended Title VII to codify a longstanding understanding by the agency and the Supreme Court that disparate impact discrimination is a form of discrimination that violates Title VII.¹³ In 2024, this country was made aware of Project 2025's advocacy for the elimination of EEO-1 data collection.¹⁴ The authors of Project 2025 reasoned it could be used to support a charge of discrimination under Title VII's disparate impact theory.¹⁵ Reasonable minds can conclude that the EEOC's proposed rescission represents yet another effort by this Administration to advance a harmful proposal from Project 2025.¹⁶

Given the critical importance of this data collection, we respectfully request that you provide the following information so that the Committee can exercise its responsibility of meaningful and timely oversight. Your response is critical to assessing whether the EEOC is fulfilling its statutory mission to prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.

1. Please provide EEOC's internal analyses of the legal authority to not conduct the 2026 EEO-1 Data Collection Cycle.
2. Please provide any and all information, documents, and communications, including downloads, copies, or screenshots of any messages on any digital communications platform, related to the EEOC's decision to propose the rule titled "Rescission of EEO-1, EEO-3, EEO-4, EEO-5, and Reporting Requirements Under Title VII, the ADA, GINA, and the PWFA".

¹² Gregory Robinson, *EEO-1 Reporting on the Chopping Block? What Employers Need to Know*, JD Supra (May 21, 2026), <https://www.jdsupra.com/legalnews/eo-1-reporting-on-the-chopping-block-6359172/%20> ("Should these reporting obligations ultimately be rescinded, employers should think carefully before dismantling their internal demographic tracking processes.... Further, just as the Trump Administration is seeking to eliminate these requirements, a future administration could reinstate them. Employers who dismantle their tracking infrastructure may find themselves scrambling to rebuild those systems if reporting obligations return. Maintaining existing processes—even during a period when reporting is not required—is a low-cost way to ensure compliance readiness.").

¹³ *The Origins of Disparate Impact and How it Works*, The Leadership Conference on Civil and Human Rights, <https://civilrights.org/disparate-impact-ai-origins/> (last visited June 9, 2026).

¹⁴ *Mandate for Leadership The Conservative Promise Project 2025*, The Heritage Foundation 583 (2023) https://static.heritage.org/project2025/2025_MandateForLeadership_FULL.pdf.

¹⁵ *Id.*

¹⁶ *Id.*

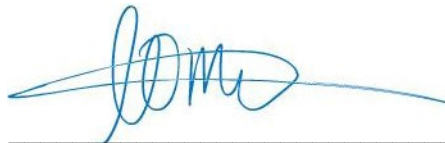
3. Please provide the following items:
 - a. Provide copies of EEOC's analyses performed to determine whether the current data collection and reporting was overly burdensome on companies subject to the EEO-1 requirements.
 - b. Provide copies of any analyses performed to determine whether ending those requirements would have an impact on the demographic make-up of the American workforce.
4. Does the EEOC plan to announce the opening of the 2026 EEO-1 Data Collection Cycle? If not, please provide a rationale. If it does, what will the reporting deadline be for employers to submit data for the 2026 EEO-1 Data Collection Cycle.
5. If the proposed rule to rescind data collection regulations is not finalized until 2027, does the EEOC also plan not to collect 2026 workplace data for the 2027 EEO-1 Data Collection Cycle, even though employers remain obligated to report it?

Please provide the EEOC's response to the above requests by July 2, 2026. Please also provide the EEOC's response to each of the above requests as it becomes available rather than waiting to provide all responses at once. Thank you for your attention to this request. Please send all official correspondence and information related to this request to the Committee's Democratic staff at EWDOversight@mail.house.gov. We look forward to your response.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member



ILHAN OMAR
Ranking Member
Subcommittee on Workforce Protections