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July 30, 2026

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

RE: EEOC-2026-0001, FY 2026-2030 Strategic Plan

Dear Chair Lucas:

I write with regard to the Equal Employment Opportunity Commission's (EEOC or Commission) draft Strategic Plan for Fiscal Years 2026-2030 (Draft Strategic Plan).¹ As an agency, the EEOC is charged with preventing and remedying workplace discrimination and advancing equal employment opportunities under our nation's civil rights laws. Federal law requires the EEOC to develop a strategic plan every four years.² The plan details how the Commission will measure performance and allocate resources to achieve its mission. I write to share my concerns about both the process and substance of the Draft Strategic Plan and emphasize a number of actions that the EEOC has taken that run counter to the stated goals of the Draft Strategic Plan and the EEOC's mission.

Regarding the process, the Commission did provide an opportunity to offer feedback before considering the Draft Strategic Plan. I note, however, that Members of Congress and stakeholders had a little over two weeks, inclusive of a holiday, to provide their comment.³ That timeframe and process does not resemble the iterative process outlined in the *Government Performance and Results Act (GEPR) Modernization Act of 2010* which requires the agency to consult periodically with the Majority and Minority in Congress when developing or making adjustments to a strategic plan and to "solicit and consider the views and suggestions of those entities."⁴ The EEOC permitted a full 30 days for public comment on the past two proposed strategic plans.⁵ On this basis alone, the Commission should withdraw the Draft Strategic Plan

¹ U.S. Equal Emp. Opportunity Comm'n., *Draft FY 2026-2030 Strategic Plan* (2026), <https://www.regulations.gov/document/EEOC-2026-0001-0001>.

² 5 U.S.C. § 306.

³ As a result of this truncated timeframe, only 23 comments were submitted within the comment period.

⁴ *Id.*

⁵ U.S. Equal Emp. Opportunity Comm'n., *Draft FY 2018-2022 Strategic Plan* (2017) <https://www.regulations.gov/document/EEOC-2017-0005-0001> (the comment period opened on December 8, 2017,

and meaningfully engage with Congress and other stakeholders to solicit feedback. The truncated public comment period for this Draft Strategic Plan is also indicative of a troubling pattern of shortchanging public and stakeholder engagement pertaining to the EEOC's actions generally.⁶

The Draft Strategic Plan maintains the same three strategic goals as the existing strategic plan: (1) Combat and Prevent Employment Discrimination Through the Strategic Application of the EEOC's Law Enforcement Authorities; (2) Prevent Employment Discrimination and Advance Equal Employment Opportunities Through Outreach and Training; and, (3) Strive for Organizational Excellence Through our People, Practices.⁷ While each of these goals seem aligned with the EEOC's mission, the Draft Strategic Plan also pledges to rigorously and consistently focus resources on the priorities set forth in the agency's National Enforcement Plan (NEP) to meet its goals related to combatting and preventing discrimination.⁸ The National Enforcement Plan focuses on "Chair Priorities", including addressing race and sex discrimination related to diversity, equity, and inclusion (DEI), focusing on national origin discrimination against American workers, and preventing transgender workers from using facilities such as restrooms that are consistent with their gender identity.⁹ The Draft Strategic Plan sets a proposed enforcement target to favorably resolve at least 90% of enforcement lawsuits.¹⁰ However, as a result of the Draft Strategic Plan relying upon enforcement priorities laid out in the NEP, those underlying lawsuits will reflect the misguided enforcement priorities established by the NEP.¹¹ Many of the enforcement priorities outlined in the NEP are inconsistent with the laws the EEOC is tasked with enforcing and are directly at odds with the EEOC's mission of ensuring all workers have equal access to employment opportunities. As the Draft Strategic Plan's goals and performance measures are inextricably tied to the NEP, the Draft Strategic Plan will hamper the ability of the EEOC to fulfill its mission to faithfully execute our nation's civil rights laws.

and closed on January 8, 2017); U.S. Equal Emp. Opportunity Comm'n, *Draft FY 2022-2026 Strategic Plan* (2022) <https://www.regulations.gov/document/EEOC-2022-0004-0001> (the comment period opened on November 4, 2022, and closed on December 5, 2022).

⁶ Ranking Member Robert C. "Bobby" Scott, Comment Letter on EEOC Actions (Jan. 23, 2026), https://democrats-edworkforce.house.gov/imo/media/doc/scott_letter_to_chair_lucas_re_eeoc_disparate_impact_white_males_harassment_guidance.pdf (see discussion on Harassment Guidance); Commissioner Kotagal's Statement on the National Enforcement Plan, U.S. Equal Emp. Opportunity Comm'n (June 4, 2026), <https://static1.squarespace.com/static/67f14b136c5a8838cca88ae0/t/6a2626d396571748dccbfa31/1780885203868/Kotagal+on+NEP.pdf>; U.S. Equal Emp. Opportunity Comm'n, *FY 2024-2028 Strategic Enforcement Plan* (2024), <https://www.eeoc.gov/strategic-enforcement-plan-fiscal-years-2024-2028> (Sept. 18, 2023) (EEOC had three public listening sessions, heard from 35 witnesses, received public feedback via a dedicated email box, and then provided a 30-day public comment period).

⁷ U.S. Equal Emp. Opportunity Comm'n., *Draft FY 2026-2030 Strategic Plan* (2026), <https://www.regulations.gov/document/EEOC-2026-0001-0001>.

⁸ U.S. Equal Emp. Opportunity Comm'n, *FY 2025-2029 National Enforcement Plan* (2026), https://www.eeoc.gov/sites/default/files/2026-06/NEP_-_signed.pdf.

⁹ *Id.* While the Draft Strategic Plan sets benchmark goals, the National Enforcement Plan sets forth the subject matter priorities to guide all aspects of EEOC's enforcement efforts.

¹⁰ *Id.*

¹¹ *Id.*

This incorporation of the NEP, a document that outlines how the EEOC's resources will be marshalled in service of the Trump Administration's priorities, is inappropriate and undermines the usefulness of the Draft Strategic Plan should it be adopted. It should also be noted that the NEP was adopted without public input.¹²

Unfortunately, once each of the strategic goals is understood in the context of the NEP and the actions the Commission has already taken under the current leadership of the EEOC, it becomes clear that the implementation of the Draft Strategic Plan would undermine the EEOC's mission.

Strategic Goal I: Combat and Prevent Employment Discrimination Through the Strategic Application of the EEOC's Law Enforcement Authorities.

One key tool that the EEOC has to combat discrimination is by enforcing the prohibition on facially neutral policies that have a disparate impact on workers and applicants because of their race, sex, color, national origin, or other protected characteristic. Disparate impact was recognized by the Supreme Court in the 1971 case *Griggs v. Duke Power Co.* and codified in 42 U.S.C. Section 2000e-2(k) in the *Civil Rights Act of 1991*. Disparate impact allows workers to challenge employment practices that appear neutral on their face but disproportionately harm individuals on the basis of their race, color, religion, sex and national origin.¹³ Given that the EEOC was created to enforce Title VII of the *Civil Rights Act of 1964* (Title VII), the EEOC clearly has the authority to take enforcement actions to prevent or address workplace discrimination that is the result of a facially neutral policy or practice that has a disparate impact.

However, the NEP adopts President Trump's directive to "eliminate the use of disparate impact liability theories in investigations to the maximum degree possible," which amounts to a promise not to use enforcement authority recognized by the Supreme Court in 1971 and codified by Congress in 1991.¹⁴ The EEOC's decision to abandon enforcement of disparate impact is also consistent with the Department of Justice's (DOJ) Office of Legal Counsel memo finding the EEOC's existing guidelines on Title VII's disparate impact provisions to be unconstitutional.¹⁵ The DOJ memo erroneously relies on the U.S. Supreme Court's recent decision in *Louisiana v. Callais*,¹⁶ extending the Court's reasoning in that case by suggesting that evidence of disparate impact may be indicative of intentional discrimination, but it is not an independent source of liability in the absence of evidence of intentional discrimination. This interpretation is misguided and contrary to settled law. When a seemingly neutral policy or action causes a disproportionate and unjustified negative harm to a group it may not always be possible to prove that the harm was intentional, although that absence of proof doesn't mean that there was no

¹² *Supra* note 5, Commissioner Kotagal's Statement.

¹³ See *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971) (holding that employment tests must be job-related and cannot have a disparate impact); see also *Civil Rights Act of 1991*, Pub. L. No. 102-166, 105 Stat. 1071 (Nov. 21, 1991).

¹⁴ Exec. Order No. 14281, 90 Fed. Reg. 17537 (Apr. 28, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-04-28/pdf/2025-07378.pdf>.

¹⁵ U.S. Dep't of Justice, Office of Legal Counsel, Memorandum Opinion for the Chair, U.S. Equal Employment Opportunity Commission: Constitutionality of Disparate-Impact Liability Under Title VII (June 9, 2026), https://www.justice.gov/olc/media/1444871/dl?utm_medium=email&utm_source=govdelivery.

¹⁶ *Louisiana v. Callais*, 145 S. Ct. 2608 (2025).

intent to discriminate. Eliminating disparate impact liability essentially allows employers to get away with causing a proven harm simply because there's no proof of intent. Clearly, that is not an acceptable outcome.

While the EEOC has shifted from the proper enforcement of its employment civil rights laws and is pressing its culture war agenda, it has failed to articulate a plan to address the challenges Generative AI is poised to have on America's workforce. While the Draft Strategic Plan recognizes the impact generative AI is already having on how job applications are submitted and how candidates are screened¹⁷, it offers little direction regarding how the EEOC will address these changes in the employment landscape. The Draft Strategic Plan further ignores the fact that AI-assisted employment decisions inherently pose a risk of having a disparate impact.¹⁸

Furthermore, the NEP ignores the Supreme Court's clear pronouncement in *Bostock v. Clayton County (Bostock)* that employees are protected from discrimination in employment on the basis of sexual orientation and gender identity. Instead, the NEP focuses on excluding transgender individuals from using the bathroom that aligns with their gender identity. In fact, the Draft Strategic Plan removes language that was included in the 2022-2026 Strategic Plan expressly clarifying that Title VII prohibits employment discrimination based on sex, including sexual orientation and gender identity.¹⁹ Refusing to take steps to prevent or address disparate impact or to protect LGBTQ+ individuals from discrimination runs counter to the strategic goal of combatting and preventing employment discrimination through the strategic application of the EEOC's law enforcement authority. The EEOC's strategic plan should be an evergreen document that guides the agency's work with fealty to Title VII and other anti-discrimination laws regardless of the occupant of the Oval Office. In sum, the proposed draft does not live up to that standard.

Strategic Goal II: Prevent Employment Discrimination and Advance Equal Employment Opportunities Through Outreach and Training.

As with the first strategic goal, this goal must be examined within the context of Commission's recent execution of engagement with the public. The goals of this strategic objective include ensuring that, "Members of the public are aware of employment discrimination laws, know their rights and responsibilities under these laws, and understand how to file a charge of discrimination with the EEOC" and that "[e]mployers, federal agencies, unions, and staffing agencies have the information necessary to advance equal employment opportunity for all workers, prevent discrimination, and remedy discriminatory practices."²⁰ It is difficult to comprehend how the current outreach and training pursuits of the Commission are responsive to

¹⁷ *Supra* note 1, at 28.

¹⁸ Lorena Manasturean, *Help Wanted, Screened by Algorithms: Mobley v. Workday and the Legal Limits of AI Hiring*, 81 U. Miami L. Rev. __ (Feb. 6, 2026), <https://lawreview.law.miami.edu/help-wanted-screened-by-algorithms-mobley-v-workday-and-the-legal-limits-of-ai-hiring/>.

¹⁹ U.S. Equal Emp. Opportunity Comm'n., *FY 2022-2026 Strategic Plan* (2023), <https://www.eeoc.gov/eeoc-strategic-plan-2022-2026>.

²⁰ U.S. Equal Emp. Opportunity Comm'n., *Draft FY 2026-2030 Strategic Plan* (2026), <https://www.regulations.gov/document/EEOC-2026-0001-0001>.

these goals. For example, some of the recent actions taken by the EEOC that raise concern include: singling out white men and inviting them to file discrimination complaints,²¹ intimidating prominent law firms,²² attempting to collect sensitive data about applicants and employees of these firms, and threatening private companies that value diversity and inclusion.²³ These efforts are misaligned with the reports of discrimination that the EEOC has consistently received most often, with disability, age, and color being the types of discrimination most often reported, in that order.²⁴ To the extent that the EEOC stays the course, these efforts are contrary to its mission and the goals expressed in the Draft Strategic Plan with respect to outreach and training.

Additionally, the EEOC has recently proposed a rule to rescind a number of workforce reporting requirements, including its EEO-1 form that has been used for decades to collect demographic information from employers with at least 100 workers.²⁵ The Commission's plan to stop collecting employers' race and gender data will deprive the EEOC of a critical tool that has allowed it to focus antidiscrimination enforcement strategies, individual investigations, and outreach efforts where they are needed most. Moreover, ending this data collection will also provide cover for the Commission to focus on discrimination against white men without the inconvenience of having to collect data that is likely to undermine the Administration's preferred narrative about who is facing discrimination in the workplace. Rescinding these reporting requirements also ultimately reduces transparency into the nation's workforce, removing an important tool to examine the progress of employers to create diverse workplaces. It is important to note, however, that Title VII requires employers to maintain workforce records in the event that they are investigated for alleged discrimination.²⁶ Moreover, employers remain subject to state law requirements mandating such reporting.²⁷ Employers also remain free to survey the demographics of their workplaces to monitor their practices to ensure that there are not discriminatory effects in violation of federal civil rights laws.²⁸ For these reasons, the proposal by the EEOC will create needless confusion for employers, workers, and the public.

Finally, one of the most important ways that the EEOC interfaces with the public is by publishing guidelines that provide employers and employees with information about how

²¹ Sarah Dean, *Equal Employment Opportunity Commission Head Asks White Men to Report Discrimination*, NBC News (Dec. 18, 2025), <https://www.nbcnews.com/politics/trump-administration/equal-employment-opportunity-commission-head-asks-white-men-report-dis-crna249939>.

²² David Thomas, *Democratic Lawmakers Say EEOC Chair Aided Law Firm "Shakedown" by Trump*, Reuters (July 9, 2025), <https://www.reuters.com/legal/government/democratic-lawmakers-say-eeoc-chair-aided-law-firm-shakedown-by-trump-2025-07-09/>.

²³ Michelle Travis, *7 Experts Rebuke EEOC for Unlawful Anti-DEI Targeting of Employers*, Forbes (Apr. 2, 2025), <https://www.forbes.com/sites/michelletravis/2025/04/02/7-experts-rebuke-eeoc-for-unlawful-anti-dei-targeting-of-employers/>.

²⁴ U.S. Equal Emp. Opportunity Comm'n, *Enforcement and Litigation Statistics*, EEOC, <https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0> (last visited July 13, 2026).

²⁵ Removal of Reporting Requirements, 91 Fed. Reg. 46332, (July 23, 2026).

²⁶ 42 U.S.C. § 2000e-8(c).

²⁷ Jim Paretti et al., *EEOC Proposes to Rescind All EEO Reporting and Recordkeeping Requirements*, Littler.com (July 22, 2026), <https://www.littler.com/news-analysis/asap/eeoc-proposes-rescind-all-eeo-reporting-and-recordkeeping-requirements>.

²⁸ *Id.*

employers can ensure that they are creating workplaces that are free from discrimination and that apprise employees and applicants of their right to be free from discrimination and how to address it when it occurs. One of the most pernicious forms of discrimination is harassment, which accounts for 40% of charges filed with the EEOC.²⁹ However, despite the evidence that harassment continues to be one of the most significant forms of discrimination facing employees in the workplace, the Commission voted to rescind its 2024 harassment guidance. The 2024 harassment guidance outlines EEOC's legal analysis of standards for harassment under federal civil rights laws prohibiting discrimination based on race, color, religion, sex, national origin, age, disability, or genetic information.³⁰ The primary reason for this decision was that the updated 2024 guidance correctly asserted that, in light of the holding in *Bostock*, harassment of transgender individuals in the workplace violates Title VII.³¹ Withdrawing this guidance is an abandonment of the Commission's responsibility to inform stakeholders what behavior constitutes discrimination under federal civil rights laws and undermines the Draft Strategic Plan's assertion that the Commission will focus its outreach and training efforts to have a broad impact on preventing and remedying employment discrimination.³²

Strategic Goal III: Strive for Organizational Excellence Through our People, Practices.

This strategic goal is more important than ever given the reductions in force leading to nearly a 45-year low in staffing.³³ According to its most recent annual report, the EEOC began Fiscal Year (FY) 2026 with an onboard staff of 1,809, down from 2,170 at the start of FY 2025.³⁴ The Draft Strategic Plan notes that progress towards reducing vacancies in mission-critical positions will be measured through staffing levels and workforce development. While addressing staffing deficit may be a reasonable goal, it is difficult not to be skeptical of the Chair's commitment to solving this challenge since this current EEOC has expressed antagonism towards diversity, equity, inclusion, and accessibility (DEIA) – even in its own workforce. The current Strategic Plan commits the Commission to expanding the diversity of its workforce,³⁵ but the Draft Strategic Plan removes references to DEIA. This is consistent with the Commission's move

²⁹ Andrea Hsu, *Trump's EEOC Strikes Harassment Guidance Amid Debate Over Transgender Protections*, NPR (Jan. 22, 2026), <https://www.wbur.org/npr/nx-s1-5683134/eeoc-trump-gender-identity-harassment>.

³⁰ *Enforcement Guidance on Harassment in the Workplace*, U.S. Equal Emp. Opportunity Comm'n (April 29, 2024), <https://www.naacpldf.org/wp-content/uploads/Enforcement-Guidance-on-Harassment-in-the-Workplace.pdf>.

³¹ Press Release, U.S. Equal Emp. Opportunity Comm'n, EEOC Commission Votes to Rescind 2024 Harassment Guidance (Jan. 23, 2026), <https://www.eeoc.gov/newsroom/eeoc-commission-votes-rescind-2024-harassment-guidance>.

³² U.S. Equal Emp. Opportunity Comm'n, *Draft FY 2026-2030 Strategic Plan* (2026), <https://www.regulations.gov/document/EEOC-2026-0001-0001>.

³³ U.S. Equal Employment Opportunity Commission, EEOC Budget and Staffing History, 1980 to Present, <https://www.eeoc.gov/eeoc-budget-and-staffing-history-1980-present> (last visited July 15, 2026).

³⁴ FEDWeek, *EEOC Joins Agencies Looking to Backfill after 2025 Losses* (Apr. 9, 2026), <https://www.fedweek.com/federal-managers-daily-report/eeoc-joins-agencies-looking-to-backfill-after-2025-losses/>.

³⁵ U.S. Equal Emp. Opportunity Commission, *FY 2022-2026 Strategic Plan* (2023), <https://www.eeoc.gov/eeoc-strategic-plan-2022-2026> (last visited July 15, 2026) (“[T]he EEOC recognizes the importance of continued diversity efforts and execution of Executive Order 14035 – *Diversity, Equity, Inclusion, and Accessibility (DEIA)* in the Federal Workforce. Performance Measure 12's allocation of resources and workforce planning efforts will also focus on deploying a variety of DEIA initiatives and continually monitoring the EEOC's progress toward its principal organizational goal of becoming a model employer that promotes equal employment opportunity.”).

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away from diversity-related initiatives that is also reflected in the NEP.³⁶ The EEOC's rejection of DEIA is antithetical to the goal of ensuring that people truly have equal opportunities in employment because it means that no steps can be taken to counteract the long history of discrimination that has shaped and continues to mold the American workplace.

Under your leadership, the EEOC has taken several measures outlined in this letter that contradict and undermine the stated goals of the Draft Strategic Plan. With respect to most of these issues, I have reached out and asked for an explanation of these actions and have so far received very little more than an acknowledgement of the correspondences.³⁷ As mentioned above, the EEOC is obliged by statute to consult periodically with both the Majority and Minority in Congress when developing or making adjustments to a strategic plan. To the best of my knowledge, the Draft Strategic Plan was compiled without such consultation. Additionally, stakeholders and the public were not given adequate time to comment—particularly in comparison to what was provided for the most recent Strategic Plans put forward during the Biden and first Trump Administrations.

For the aforementioned reasons, I respectfully request that you withdraw the Draft Strategic Plan.

Sincerely,



Robert C. "Bobby" Scott
Ranking Member
Committee on Education and Workforce

³⁶U.S. Equal Emp. Opportunity Comm'n., *Draft FY 2026-2030 Strategic Plan* (2026), <https://www.regulations.gov/document/EEOC-2026-0001-0001>.

³⁷ See e.g., Letter from Rep. Bobby Scott and Rep. Ilhan Omar to The Honorable Andrea Lucas, Chair, Equal Opportunity Commission regarding proposal to rescind EEO-1 (June 17, 2026), https://democrats-edworkforce.house.gov/imo/media/doc/committee_members_letter_to_eec_chair_lucas_regarding_eeo-1.pdf; Letter from Rep. Bobby Scott to The Honorable Andrea Lucas, Chair, Equal Opportunity Commission regarding the decision to post a video inviting white males to file complaints (Jan. 23, 2026), https://democrats-edworkforce.house.gov/imo/media/doc/scott_letter_to_chair_lucas_re_eec_disparate_impact_white_males_harassment_guidance.pdf; Letter from Rep. Bobby Scott to The Honorable Andrea Lucas, Chair, Equal Opportunity Commission regarding the decision to rescind updated guidance on harassment in the workplace (Nov. 24, 2025), https://democrats-edworkforce.house.gov/imo/media/doc/ranking_member_scott_letter_to_eec_re_harassment_guidance.pdf; Letter from Rep. Mark Takano, Rep. Bobby Scott, and others to The Honorable Andrea Lucas, Chair, Equal Opportunity Commission regarding actions related to sexual orientation and gender identity discrimination (June 13, 2025), https://democrats-edworkforce.house.gov/imo/media/doc/house_democrats_letter_to_eec_acting_chair_lucas_re_gender_discrimination_claims.pdf