U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of the Chair
Andrea R. Lucas

Statement of Chair Andrea Lucas
Regarding Notice of Proposed Rulemaking to Rescind EEO Data Reporting Requirements

Today, at a public meeting, the EEOC voted to publish a Notice of Proposed Rulemaking (NPRM) to rescind the annual requirement for employers and other regulated entities to file the EEO-1 through EEO-6 reports with the EEOC, which currently respectively require annual reporting of aggregate data on the race and sex of covered entities' employees or union members. These reports are not mandated by Title VII, raise potential constitutional concerns, and collect race and sex data that neither is narrowly tailored nor necessary for enforcing federal antidiscrimination laws. After a comprehensive legal review, the Commission preliminarily has determined that these reporting requirements impose significant costs while offering limited enforcement value.

For decades, the EEOC's regulations have required over two million employers—regardless of whether any allegation of discrimination was ever made—to classify their employees by race and sex every year and report that aggregate data to the EEOC. In contrast, each year, the EEOC receives approximately 80,000 to 90,000 charges of discrimination—a high volume of charges for a relatively small agency to investigate, but proportionately very low compared to the number of regulated entities. Even assuming each charge received was filed against a separate employer or other covered entity, which is not in fact the case, the agency's annual charge receipts would equate to only approximately 4.5% of covered entities receiving a charge of discrimination against them in a particular year. Despite this, the EEOC's current regulations impose a blunt and blanket demand that all two million plus employers submit an annual race and sex data report to the EEOC, imposing hundreds of millions of dollars (approximately $275 million in compliance burdens) on these regulated entities.

And these regulatory reporting requirements have potential and likely broader ripple effects—on employers, employees, and our society—beyond the direct, quantifiable costs they impose in terms of the administrative costs of completing the reports. Not least of these ripple effects are the potential constitutional harms from the government issuing a blanket mandate that employers classify their employees by race and sex, untailored to a specific enforcement need. Other potential harms from this reporting requirement exist as well, from encouraging employers to prioritize preventing discrimination against certain races and one sex, namely "minorities" and women, as opposed to combatting all forms of race and sex discrimination; to promoting racial stereotyping at work; to incentivizing employers to unlawfully treat employees differently based on race or sex in order to "correct" perceived imbalances in employee representation.

As I stated in today's meeting, the Commission's proposal to rescind the EEO Data Reports is consistent with the text of Title VII and Supreme Court precedent. The proposed rescission reaffirms the founding principle that every individual is created equal and entitled to equal treatment under the law. Because the EEO Data Reports require all covered employers to categorize employees annually by race and sex—disconnected from any allegation of a Title VII violation—they stand in direct tension with Title VII's requirement that employment practices be colorblind. Collecting such data absent a specific allegation not only risks hindering effective enforcement but also raises constitutional concerns.

Finally, I believe the Commission's proposed rescission of the annual reporting requirement will not hinder the Commission's law enforcement work to investigate specific charges of discrimination. Every year, the vast majority of the EEO data reports are filed and sit gathering dust, disconnected to any charges currently before the agency and the agency's core law enforcement work. Even where an employer or other covered entity has received a charge of discrimination, an employer's EEO data report is neither necessary nor sufficient by itself for the agency to find reasonable cause to believe unlawful discrimination has occurred. Without fail, it is vastly more valuable for the agency's law enforcement work for the agency during its investigation to issue requests for information tailored to the specific charge and allegations at issue. If finalized following the receipt and consideration of public comments, the Commission's rescission would not change or otherwise affect the Commission's ongoing, statutory right to request specific, tailored records relevant to charge investigations. In my over six years at the EEOC, I have, and will continue to, support the Commission's reasonable pursuit of relevant information in investigations, including via supporting dozens of subpoena enforcement actions filed in federal court to obtain information to which the Commission was entitled and which was necessary to its investigations.

The NPRM will be posted for public inspection and then published in the Federal Register for public comment. Following publication of the NPRM in the Federal Register, stakeholders will have 30 days to provide comments through www.regulations.gov. In addition, the Commission will hold a hearing on August 11, 2026 to receive public testimony about the agency's proposal.

As always, the EEOC will carefully consider all comments before reaching any final determination. I look forward to a thoughtful and robust dialogue as we carry out our duty to enforce the law—and to do so consistent with Title VII's text, constitutional principles, and the equal protection owed to every American worker.