

August 11, 2026

**Testimony of Rachel N. Morrison Before the Equal Employment Opportunity Commission  
Regarding Notice of Proposed Rulemaking to Rescind EEO Data Reporting Requirements**

Chair Lucas and Commissioners,

Thank you for the opportunity to provide testimony. My name is Rachel Morrison. I am a fellow at the Ethics and Public Policy Center, where I direct EPPC's Administrative State Accountability Project. I am also a former attorney at the EEOC.

I fully support the proposal to eliminate the EEO data reports for the reasons provided in the proposed rule: it is “inconsistent with equal employment opportunity law,” “potentially unconstitutional,” “unnecessary to enforce anti-discrimination laws,” and imposes “substantial burdens” on both employers and the EEOC that are not outweighed by “any marginal benefits.”<sup>1</sup>

I'd like to focus on two main points today. **First, collecting EEO data is unnecessary for the EEOC to fulfill its mission.**

The EEOC's mission is to “prevent and remedy unlawful employment discrimination and advance equal opportunity for all” in the workplace.<sup>2</sup> I remember seeing this mission on the wall every day as I walked off the elevator to go to my office when I was at the EEOC. It's a mission I support, and I know it's a mission you support as well.

I have been pleased to see that under Chair Lucas's leadership the EEOC has renewed its focus on that mission, delivering record-breaking results for workers in America. The EEOC reported that for fiscal year 2025 it secured an incredible “\$660 million for 17,680 victims of employment discrimination”—the “third-highest total monetary recovery in recent history.”<sup>3</sup>

I suspect that the vast amount of data in the EEO reports was not relevant to these enforcement efforts and that even the relevant data was not necessary to achieve these results. From my experience and that of others at the EEOC, the EEO data collected in the reports is frankly not used for EEOC enforcement actions. Instead, what is used is the information, including any demographic information, requested and disclosed during investigations that are tailored to the specific charge of discrimination. Significantly, and as Chair Lucas emphasized in her statement on the proposed rule,<sup>4</sup> eliminating the EEO reports does not change those tailored enforcement efforts.

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<sup>1</sup> EEOC, Removal of Reporting Requirements, 91 Fed. Reg. 46332 (July 23, 2026), <https://www.federalregister.gov/d/2026-14937>.

<sup>2</sup> Overview, EEOC, <https://www.eeoc.gov/overview> (last visited Aug. 11, 2026).

<sup>3</sup> Press Release, EEOC, *EEOC Highlights Record-Breaking Results in Agency Reports* (Apr. 6, 2026), <https://www.eeoc.gov/newsroom/eeoc-highlights-record-breaking-results-agency-reports>.

<sup>4</sup> Statement of Chair Andrea Lucas Regarding Notice of Proposed Rulemaking to Rescind EEO Data Reporting Requirements (July 21, 2026), available at [https://www.linkedin.com/posts/andrea-lucas-a5b27513\\_lucas-statement-activity-7485358734840401922-Yhs3/](https://www.linkedin.com/posts/andrea-lucas-a5b27513_lucas-statement-activity-7485358734840401922-Yhs3/).

Instead of spending millions of taxpayer dollars every year to administer the EEO reports, those funds could be redirected to help even more victims of employment discrimination.

Despite the claims you have heard today that EEO data is necessary and important to fighting discrimination in the workplace, this purported need appears to be limited to race and sex. Religion and pregnancy are also protected under Title VII, yet I have not seen an outcry that religion or pregnancy nondiscrimination enforcement efforts are undermined because the EEOC does not require employers to report that data.

Of course, many bristle at the thought of the federal government collecting data on Jews, Catholics, Muslims, or pregnant women. Indeed, the EEOC has never collected this data across administrations. Yet the EEOC would, I am confident, rigorously dispute any suggestion that its race and sex enforcement efforts are more important than its religion or pregnancy enforcement efforts. The choice not to collect data on religion or pregnancy underscores that the EEO data is not actually necessary for EEOC to enforce Title VII or fulfill its mission.

**This brings me to my second point: the EEO reports undermine EEOC's mission.** EEOC's mission focuses on *unlawful discrimination* and *equal employment opportunity*. The EEO reports focus on neither.

The reports are broad brush data collection divorced from any actual charge of discrimination—and the data focuses solely on outcomes, not equal opportunity.

Setting aside the many problems with trying to classify employees based on race, collecting demographic data can give a snapshot of *what is*, but cannot explain the *why*. And Title VII's prohibition against discrimination in the workplace—which EEOC enforces—focuses on the *why*: whether employment decisions were made “*because of* such individual's race, color, religion, sex, or national origin.”<sup>5</sup>

As evidenced by those who believe the EEO reports are necessary to stop workplace discrimination, the reports have given the false impression that disparities reveal discrimination. If the EEOC is collecting such data it must be important and relevant to whether employers violate Title VII, right? Why else would the EEOC collect this data?

But the reports' focus on outcomes, and by implication disparities, at best shifts Title VII's emphasis away from equal opportunity and at worst induces employers to eliminate the perception of discrimination by minimizing any disparities, which requires them to make employment decisions based on race and sex, otherwise known as unlawful discrimination.

In short, the EEO reports are antithetical to Title VII and undermine EEOC's mission of equal employment opportunity.

For these reasons, among others, the EEOC should finalize its proposal to rescind the EEO reporting requirements.

Thank you.

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<sup>5</sup> 42 U.S.C. § 2000e-2(a) (emphasis added).