

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Statement of Regulatory and Deregulatory Priorities

The U.S. Equal Employment Opportunity Commission (EEOC, Commission, or Agency) is responsible for enforcing federal laws that make it illegal to commit employment discrimination under: title VII of the Civil Rights Act of 1964, as amended (prohibits employment discrimination on the bases of race, color, religion, sex (including pregnancy, childbirth or related conditions, transgender status, and sexual orientation), and national origin); the Equal Pay Act of 1963, as amended (makes it illegal to pay unequal wages to persons of different sexes performing substantially equal work under similar working conditions at the same establishment); the Age Discrimination in Employment Act of 1967, as amended (prohibits employment discrimination based on age of 40 or older); titles I and V of the Americans with Disabilities Act, as amended, and sections 501 and 505 of the Rehabilitation Act, as amended (prohibits employment discrimination based on disability); title II of the Genetic Information Nondiscrimination Act (prohibits employment discrimination based on genetic information and limits acquisition and disclosure of genetic information); section 304 of the Government Employee Rights Act of 1991 (protects certain previously exempt state and local government employees from employment discrimination on the bases of race, color, religion, sex, national origin, age, or disability); and the Pregnant Workers Fairness Act of 2022 (requires covered entities to provide reasonable accommodation to qualified workers' known limitations related to, affected by, or arising out of pregnancy, childbirth or related conditions, unless doing so would cause an undue hardship).

The EEOC has authority to issue legislative regulations under the Age Discrimination in Employment Act (ADEA), title I of the Americans with Disabilities Act (ADA), title II of the Genetic Information Nondiscrimination Act (GINA), and the Pregnant Workers Fairness Act (PWFA). Under title VII of the Civil Rights Act of 1964, the EEOC's authority to issue legislative regulations is limited to procedural, recordkeeping, and reporting matters.

Ten pending items are identified in the EEOC's 2026 Regulatory Agenda –four at the proposed rule stage and six at the final rule stage. Of those items, one “economically significant” item is singled out as a key priority in this Regulatory Plan: the proposed rulemaking to rescind EEO data reporting requirements.

RESCISSION OF EEO-1 REPORTING REQUIREMENTS

The EEOC requires in its regulations under Title VII, the ADA, GINA and the PWFA that covered entities file, as applicable, an “Employer Information Report (EEO-1),” “Apprenticeship Information Report (EEO-2),” “Local Union Equal Employment Opportunity Report (EEO-3),” “State and Local Government Information Report (EEO-4),” “Elementary and Secondary Staff Information Report (EEO-5),” or “Higher Education Staff Information Report (EEO-6)” depending on the category of covered entity. Since 1966, the EEOC has mandated that employers with at least 100 employees submit workforce demographic data via an EEO-1 form on an annual basis, pursuant to its authority to gather information under Title VII, as amended. The other collections were instituted at different, later points in EEOC’s history.

These EEO data collections were not mandated by statute; they were an agency-created requirement, which imposed a significant financial and administrative burden on the EEOC with limited practical utility for enforcing antidiscrimination laws. It additionally imposed unjustified costs on America’s employers, including thousands of small businesses; apprenticeship program providers; unions; state and local employers; public elementary and secondary school systems; and higher education institutions.

The Commission will issue a Notice of Proposed Rulemaking to rescind the regulations at 29 CFR 1602 that impose these data-collection requirements.

EEOC	PROPOSED RULE STAGE
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1. • RESCISSION OF EEO-1, EEO-2, EEO-3, EEO-4. EEO-5, AND EEO-6 REPORTING

REQUIREMENT UNDER TITLE VII, THE ADA, GINA, AND THE PWFA [3046-AB37]

Priority:

Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Regulatory Accounting:

Deregulatory

Unfunded Mandates:

Undetermined

Legal Authority:

42 U.S.C. 2000e-8, 2000e-12; 44 U.S.C. 3501 et seq.; 42 U.S.C. 12117; 42 U.S.C. 2000ff-6; 42 U.S.C. 2000gg-2.

CFR Citation:

29 CFR 1602. 7-1602.9

Legal Deadline:

None

Abstract:

The EEOC intends to issue a NPRM to rescind all portions of 29 CFR 1602 which require covered entities to file an Employer Information Report EEO-1," Apprenticeship Information Report EEO-2," Local Union Equal Employment Opportunity Report EEO-3," State and Local Government Recordkeeping ReportEEO-4," Elementary-Secondary Staff Information Report EEO-5," or Higher Education Staff Information Report EEO-6," depending on the category of covered entity. Neither the EEO-2 nor EEO-6 reports have been collected by the EEOC for decades, and their rescission is simply a matter of conforming the regulation to this reality. The remaining reports impose significant financial and administrative burdens on the agency and those reporting. For example, in the EEO-1, since 1966, the EEOC has required employers with at least 100 employees to submit workforce demographic data on an annual basis, pursuant to its authority to gather information under Title VII of the Civil Rights Act of 1964, as amended. This agency-created requirement imposes a significant financial and administrative burden on America's employers, including thousands of small businesses. For example, in its most recent Paperwork Reduction Act (PRA) Notice published in the Federal Register on May 2, 2023, the EEOC estimated a total of 5,238,467 reporting hours per year by employers to comply with the agency's EEO-1 regulation. The EEOC further estimated these reporting hours cost the nation's employers a total of \$273,137,678.30 per year.

Statement of Need:**Statement of Regulatory and Deregulatory Priorities**

The U.S. Equal Employment Opportunity Commission (EEOC, Commission, or Agency) is responsible for enforcing federal laws that make it illegal to commit employment discrimination under: title VII of the Civil Rights Act of 1964, as amended (prohibits employment discrimination on the bases of race, color, religion, sex (including pregnancy, childbirth or related conditions, transgender status, and sexual orientation), and national origin); the Equal Pay Act of 1963, as amended (makes it illegal to pay unequal wages to persons of different sexes performing substantially equal work under similar working conditions at the same establishment); the Age Discrimination in Employment Act of 1967, as amended (prohibits employment discrimination based on age of 40 or older); titles I and V of the Americans with Disabilities Act, as amended, and sections 501 and 505 of the Rehabilitation Act, as amended (prohibits employment discrimination based on disability); title II of the Genetic Information Nondiscrimination Act (prohibits employment discrimination based on genetic information and limits acquisition and disclosure of genetic information); section 304 of the Government Employee Rights Act of 1991 (protects certain previously exempt state and local government employees from employment discrimination on the bases of race, color, religion, sex, national origin, age, or disability); and the Pregnant Workers Fairness Act of 2022 (requires covered entities to provide reasonable accommodation to qualified workers' known limitations related to, affected by, or arising out of pregnancy, childbirth or related conditions, unless doing so would cause an undue hardship).

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Ten pending items are identified in the EEOC's 2026 Regulatory Agenda four at the proposed rule stage and six at the final rule stage. Two of those items are singled out as key priorities in this Regulatory Plan: the proposed rulemaking to revise the regulations implementing the PWFA and the proposed rulemaking to rescind EEO data reporting requirements. There is one completed item.

Rescission of Reporting Requirements

The EEOC requires in its regulations under Title VII, the ADA, GINA and the PWFA that covered entities file, as applicable, an Employer Information Report (EEO-1), Apprenticeship Information Report (EEO-2), Local Union Equal Employment Opportunity Report (EEO-3), State and Local Government Information Report (EEO-4), Elementary-Secondary Staff Information Report (EEO-5), or Higher Education Staff Information Report (EEO-6), depending on the category of covered entity. Title VII gave the EEOC authority to make regulations for the collection of data, but it does not require its collection. These specific data collections were agency-created requirements and not statutory mandates. Additionally, these requirements impose significant financial and administrative burdens on the EEOC, as well as the nation's employers, including thousands of small businesses. They impose similar costs on state and local governments, labor organizations, educational institutions, and entities that administer apprenticeship programs.

The Commission will issue a Notice of Proposed Rulemaking to rescind its regulations at 29 CFR 1602, which impose these data-collection requirements.

Summary of Legal Basis:

This EEO data collection was not mandated by statute, but was an agency-created requirement, which imposed a significant financial and administrative burden on the EEOC with limited practical utility for enforcing antidiscrimination laws. It additionally imposed unjustified costs on America's employers, including thousands of small businesses; apprenticeship program providers; unions; state and local employers; public elementary and secondary school systems; and higher education institutions.

The Commission will issue a Notice of Proposed Rulemaking to rescind its regulations at 29 CFR 1602, which impose these data-collection requirements. With its rescission, the EEOC no longer has authority to collect contractor data on behalf of DOL.

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