



Submitted via regulations.gov

August 24, 2026

Raymond Windmiller
Executive Officer, Executive Secretariat
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Re: Notice of Proposed Rulemaking, Removal of Reporting Requirements, RIN 3046-AB37

Dear Mr. Windmiller:

On behalf of the American Association of University Women (AAUW), we submit these comments in strong opposition to the Equal Employment Opportunity Commission's (EEOC or Commission) proposed rule to eliminate EEO workforce demographic reporting requirements, including the EEO-1 report. The proposed rule would rescind the EEO-1, EEO-2, EEO-3, EEO-4, EEO-5, and EEO-6 reporting requirements and related recordkeeping provisions.ⁱ

For more than 140 years, AAUW has worked to remove barriers to women's educational and economic opportunity. Research has always been central to that mission. Through AAUW's research on the gender pay gap, women's leadership, occupational segregation, and other barriers to women's economic security, we have seen repeatedly that inequity is difficult to address when it is difficult to see.

Eliminating data does not eliminate discrimination — it eliminates accountability.

The EEO-1 report requires covered employers to report aggregated employee counts by race and ethnicity, sex, and job category. That information does not by itself establish that discrimination has occurred, nor does it explain every disparity. What it can do is reveal patterns in workforce representation, job placement, advancement, and occupational segregation, and, when considered alongside other evidence, potential drivers of pay inequity. It gives employers and enforcement agencies information they can use to ask better questions and determine where further examination may be warranted.ⁱⁱ

The Commission proposes to eliminate this infrastructure at a time when significant gender and racial inequities remain in the American workplace. The NPRM states that the reports are inconsistent with equal employment opportunity law and potentially unconstitutional, unnecessary to enforce anti-discrimination laws, and overly burdensome; it estimates \$273,137,678.30 in annual private-employer EEO-1 reporting costs. Rather than abandon workforce demographic reporting, AAUW urges the Commission to retain annual collection and undertake a transparent process to modernize and strengthen it.ⁱⁱⁱ

AAUW also remains concerned that the Commission provided only 30 days for the public to respond to a proposal that would dismantle a federal data collection system with a history spanning nearly six decades. AAUW requested an extension of the comment period on August 6, 2026. A proposal of this consequence warrants meaningful input from workers, employers, researchers, civil rights organizations, state agencies, and others that rely on these data.^{iv}



I. EEO Data Is an Essential Tool for Identifying Potential Workplace Discrimination

Equal employment opportunity must be measurable.

National labor market statistics can tell us a great deal about the American workforce. They can show disparities in earnings or occupational representation across the economy. But national statistics cannot substitute for employer-level workforce information. A national statistic may tell us that women are underrepresented in senior leadership; it cannot tell an enforcement agency whether women are absent or significantly underrepresented in higher-level job categories at a particular covered employer.

That distinction matters. The National Academies' EEOC-commissioned review documents the Commission's use of EEO-1 workforce composition data in charge intake and investigations, systemic enforcement, selection of Commissioner charges, comparisons with peer establishments, and special reports. At charge intake, for example, EEO-1 information can provide context about the sex and race or ethnicity composition of the occupations involved in a claim; as an investigation proceeds, analysts may compare an establishment with similar employers in the same industry and labor market.^{v, vi}

A recent Commission enforcement action demonstrates how employer-level information can work alongside other evidence. In *EEOC v. Central Transport, LLC*, the Commission relied on EEO-1 information alongside applicant data and other evidence in assessing whether Central Transport's hiring practices disadvantaged women applicants. Central Transport had submitted EEO-1 reports containing employee sex and job classifications from 2016 through 2022. During the investigation, the company also asserted that it did not have sex information for employees hired during that period. When the Commission compared the employer's EEO-1 information with applicant data, it identified a statistically significant disparity between women and men hired for truck driver positions.^{vii, viii, ix, x}

The EEO-1 filings also enabled the Commission to compare the company's reported workforce information with other records produced during the investigation. The complaint alleges that those records did not account for all employees the company had reported hiring in its EEO-1 filings. The case ultimately resulted in a \$5.5 million consent decree benefiting qualified female truck driver applicants; the decree also requires training concerning recordkeeping obligations and EEO-1 reporting.^{xi, xii}

The lesson is not that EEO-1 data can prove discrimination on its own. It cannot. The lesson is that a regularly collected employer submitted workforce record gives investigators information that can be evaluated alongside complaints, applicant data, testimony, and other evidence. An individual worker can describe what happened to her; employer-level information can help determine whether her experience may be part of a larger pattern.

Individual complaints are therefore not an adequate substitute for workforce data. A woman may know that she was denied a promotion. She generally cannot know whether women throughout her workplace are disproportionately concentrated in lower-level positions. An unsuccessful applicant may suspect that she was treated unfairly. She cannot see the employer's overall workforce composition or determine whether what happened to her is part of a larger pattern.

Research has found that fear of retaliation can deter workers from reporting discrimination and harassment. The National Academies likewise noted that workers may be unaware of discrimination, fear retaliation, or lack the data needed to justify a complaint. That reality reinforces the importance of



enforcement tools that do not depend exclusively on an individual worker's ability to identify a broader pattern and file a complaint.^{xiii}

Women cannot challenge barriers they cannot see. Employers and enforcement agencies cannot identify potential patterns they do not measure.

II. The Loss of Employer Level Data Would Have Particular Consequences for Women and Women of Color

For AAUW, the stakes of this proposal are concrete. AAUW's 2026 *The (Not So) Simple Truth About the Gender Pay Gap* finds that in 2024 women working full-time, year-round earned 81 cents for every dollar earned by men. The disparities are wider for many women of color; AAUW's analysis shows particularly large lifetime losses for Black and Hispanic/Latina women. These gaps affect not only a paycheck today but savings, retirement security, and the ability to build wealth over a lifetime.^{xiv}

AAUW's research also documents the structural factors that contribute to gender pay inequity, including occupational segregation, caregiving penalties, employer practices, and discrimination. Women, and particularly many groups of women of color, remain disproportionately represented in lower paying occupations and underrepresented in many higher paying and leadership roles.^{xv}

National Census data are indispensable for documenting the scale of these inequities. Employer-level workforce data serve a different purpose. EEO-1 data can show whether women are absent or underrepresented in particular job categories within a covered employer. It can reveal patterns of occupational concentration that disappear in an overall headcount. It does not, standing alone, establish why a disparity exists or show which employers are driving a national gender pay gap.

AAUW has long understood the relationship between data and women's advancement. In our 2018 research brief *Broken Ladders: Barriers to Women's Representation in Nonprofit Leadership*, AAUW documented substantial underrepresentation of women in leadership across nonprofit organizations, higher education, and charitable foundations. The report called for improved data collection on women in leadership and cited AAUW's earlier advocacy for expanded employer level data disaggregated by race and gender. The Commission is now proposing to eliminate the foundation on which that kind of employer level analysis depends.^{xvi}

This history matters because AAUW's position is not reactive to this NPRM or this Administration. Across administrations, AAUW has advocated for better disaggregated data to understand barriers to women's advancement. Looking only at sex can obscure racial disparities among women; looking only at race can obscure gender disparities within racial and ethnic groups. Disaggregated analysis can make visible the different experiences of Black women, Latinas, Native women, Asian American, Native Hawaiian and Pacific Islander women, and other groups.

Importantly, retaining EEO-1 reporting does not mean making individual employee records public. Title VII restricts public disclosure of information obtained through the Commission's reporting authority before a proceeding is instituted. The reporting system can preserve appropriate confidentiality protections while allowing the Commission to use employer level information for enforcement and to publish aggregate information that supports public understanding of workforce trends.^{xvii}

Disaggregated data are not valuable because demographic categories determine an individual's abilities or qualifications. They are valuable because aggregate numbers can conceal patterns that merit examination.



Data identify questions. They do not dictate answers.

III. Workforce Data Supports Merit Based Employment and Helps Prevent Discrimination

AAUW supports workplaces in which people are hired and advance based on their qualifications, skills, experience, and contributions. Workforce data do not undermine that principle. They help employers and enforcement agencies assess whether employment systems are actually delivering it.

The Commission's own current National Enforcement Plan describes equal opportunity as a workplace in which individuals are judged on their character, skills, and abilities, while also acknowledging that limited resources require the agency to make strategic enforcement choices. The plan notes that the Commission receives, on average, more than 80,000 charges and 250,000 charge inquiries each year, prioritizes certain pattern or practice intentional discrimination matters, and identifies protecting Commission access to information as an enforcement priority. Reliable workforce information is consistent with, not contrary to, those objectives.^{xviii}

The increasing use of automated employment tools makes this concern especially timely. A 2026 study of roughly four million job applications screened by the same algorithmic vendor found clear racial disparities in applicant outcomes and showed that aggregate analyses could obscure adverse impact at particular positions. The study did not evaluate EEO-1 reporting, but it illustrates a broader principle directly relevant here: systems that appear neutral in the aggregate can produce patterns that become visible only when outcomes are examined more closely.^{xix}

As employment decisions become increasingly mediated by automated systems, the need to understand outcomes becomes more important, not less. Data also support prevention. Employers can examine workforce composition and ask why qualified women enter an organization but rarely reach management, why particular job categories have little demographic diversity, or whether changes to recruitment or promotion practices are producing unexpected outcomes.

The Commission's analysis of rescission should therefore account for more than administrative savings. A complete assessment must consider not only reporting costs, but also the enforcement, prevention, and economic costs of losing one of the federal government's principal nationwide sources of employer-level demographic workforce information.

IV. The Commission Should Explain Its Treatment of Demographic Data Collection

AAUW is concerned by the Commission's suggestion that collecting demographic information may itself be inconsistent with equal employment opportunity principles or constitutionally suspect. AAUW is not a legal organization, and we do not attempt here to resolve the constitutional arguments raised by the Commission. Our concern is a practical policy question: if collecting demographic information is itself problematic, why is the federal government simultaneously relying on, and in some contexts expanding, demographic data collection to identify potential discrimination elsewhere?

We recognize that education and employment are governed by different statutes, regulatory frameworks, and enforcement regimes. Those differences matter. But they do not resolve the narrower concern raised by the NPRM: whether the collection itself of race- and sex-disaggregated information is problematic when that information is not itself being used to make decisions based on race or sex.



The U.S. Department of Education provides a useful comparison. Through the Integrated Postsecondary Education Data System (IPEDS), the Department continues to collect demographic information from postsecondary institutions. In August 2025, the Department directed the National Center for Education Statistics to expand admissions data collection to include information disaggregated by race and sex for applicant, admitted, and enrolled cohorts, stating that the information would help assess whether race-based preferences were being used in admissions. NCES subsequently implemented the Admissions and Consumer Transparency Supplement (ACTS), which collects race- and sex-disaggregated admissions and enrollment information for covered institutions.^{xx}

Separately, on July 22, 2026, the U.S. Department of Education announced that its Office for Civil Rights had opened Title VI investigations into five medical schools for alleged racial discrimination in admissions. The following day, the EEOC published this NPRM proposing to eliminate its longstanding demographic workforce reports. The medical school announcement does not establish that IPEDS data triggered those investigations, and AAUW does not suggest that it did. The relevant contrast is more basic: one part of the federal government continues to collect and expand disaggregated demographic information as part of an effort to identify potential discrimination, while the EEOC proposes to abandon its analogous workforce information system in part because it questions demographic collection itself.^{xxi}

If collecting disaggregated demographic information can help the federal government examine whether discrimination may be occurring in education, the Commission should explain why comparable collection is inherently problematic when examining equal opportunity in employment.

V. The EEOC Should Modernize EEO Reporting, Not Eliminate It

AAUW does not contend that the EEO reporting system should remain frozen in time. A reporting system developed nearly six decades ago should evolve with the workforce. Concerns about outdated categories, reporting burden, or data quality are reasons to improve the collection through notice and stakeholder engagement, not reasons to eliminate the collection altogether.

The federal government has already demonstrated that demographic standards can evolve. In 2024, the Office of Management and Budget revised Statistical Policy Directive No. 15 to improve the accuracy and usefulness of federal race and ethnicity data, including by adding a Middle Eastern or North African category, combining race and ethnicity into a single question, and calling for more detailed data collection by default. Evolution in demographic categories is not evidence that demographic information lacks value. It is evidence that data systems should improve as the population and our understanding of how to measure it change.^{xxii}

The National Academies similarly approached shortcomings in EEO data as problems to be studied and improved. Its review evaluated data quality, coverage, collection protocols, intended uses, confidentiality, and future collection options and offered recommendations to improve future data collection and use.^{xxiii} AAUW urges the Commission to withdraw the proposed rescission and instead undertake a transparent modernization process with employers, workers, researchers, civil rights organizations, state agencies, and other stakeholders. That process should examine whether demographic categories reflect current federal standards and support meaningful intersectional analysis; whether occupational categories adequately reflect today's jobs, industries, organizational structures, and employment practices; how reporting technology and federal coordination can reduce unnecessary burden; how data quality and usability can be improved; how confidentiality protections can be strengthened; and what information is needed to understand emerging practices such as automated hiring and screening technologies.



Most importantly, the Commission should maintain annual collection throughout any modernization transition. Modernization should not create a temporary, or indefinite, gap in workforce reporting. The NPRM presents a false binary between retaining the current system unchanged and eliminating it. AAUW supports a third course: improve the system while preserving the information necessary to measure equal opportunity.

VI. Rescission Would Create a Gap in the Nation's Longitudinal Workforce Record That Cannot Be Reconstructed

There is another cost to rescission that deserves separate consideration: once a year of workforce data is not collected, that information cannot simply be recreated later.

EEO reporting has created a longitudinal federal record spanning nearly six decades, notwithstanding changes in form design and reporting practice. The Commission adopted the annual EEO-1 reporting requirement in 1966 and has modified the collection over time as reporting practices and demographic standards changed.^{xxiv}

The value of that record is not limited to any one year. Longitudinal employer level information allows researchers, policymakers, enforcement agencies, and employers to examine progress, stagnation, and retrenchment over time. It can help answer whether women are gaining access to higher level occupations, whether industries are becoming more or less segregated, and whether major economic changes have different effects across groups of workers.

AAUW knows the value of longitudinal information firsthand. Our pay equity research depends on the ability to compare outcomes across time. A single statistic can tell us where women stand today. A consistent series of statistics tells us whether we are making progress. The same principle applies to EEO workforce information.

A gap created by rescission cannot be filled retroactively. Employers can resume reporting in a later year, but researchers and enforcement agencies cannot go back and reconstruct with the same consistency what the covered workforce looked like during the missing period. The Commission should treat the loss of continuity itself as a substantive cost of rescission.

If the Commission believes aspects of the current system are outdated, it should improve them. If reporting imposes unnecessary burdens that can be reduced without sacrificing essential information, it should reduce them. If data quality can be strengthened, it should strengthen it. But modernization does not require erasure.

VII. Conclusion

For generations, AAUW has used research to understand the barriers that stand between women and full economic opportunity. That experience has taught us a simple lesson: progress depends on our willingness to measure where inequities remain.

Women cannot challenge barriers they cannot see. Employers and enforcement agencies cannot identify potential patterns they do not measure. The federal government cannot credibly promise equal employment opportunity while eliminating one of its principal nationwide sources of employer level demographic workforce information.



AAUW respectfully urges the Commission to withdraw the proposed rule and retain annual EEO reporting while engaging stakeholders in a transparent process to modernize and strengthen the system.

Eliminating data does not eliminate discrimination — it eliminates accountability. Equal opportunity must remain measurable.

Sincerely,

A handwritten signature in purple ink that reads "Meghan Kissell".

Meghan Kissell
Senior Director, Policy & Member Advocacy

ⁱ U.S. Equal Employment Opportunity Commission, Removal of Reporting Requirements, Notice of Proposed Rulemaking, RIN 3046-AB37, 91 Fed. Reg. 46332, 46332, 46362–63 (July 23, 2026), https://www.eeoc.gov/sites/default/files/2026-07/2026_NL01498_NPRM_Rescission.pdf.

ⁱⁱ See National Academies of Sciences, Engineering, and Medicine, Evaluation of Compensation Data Collected Through the EEO-1 Form 18, 33–34 (2023), <https://doi.org/10.17226/26581> (describing Component 1 as collecting sex, race/ethnicity, and occupation and explaining that employers report employee counts for each combination); U.S. Equal Employment Opportunity Commission, 2024 EEO-1 Component 1 Data Collection Instruction Booklet.

ⁱⁱⁱ Removal of Reporting Requirements, 91 Fed. Reg. at 46332, 46359–60, 46373–74. The NPRM states that the reports are “inconsistent with equal employment opportunity law and potentially unconstitutional,” unnecessary for enforcement, and burdensome; it estimates \$273,137,678.30 in annual private-employer EEO-1 reporting costs.

^{iv} American Association of University Women, Request for Extension of Comment Period for RIN 3046-AB37, Rescission of EEO-1, EEO-2, EEO-3, EEO-4, EEO-5, and Reporting Requirements Under Title VII, the ADA, GINA, and the PWFA (Aug. 6, 2026) (submitted via regulations.gov).

^v Id. at 35–36 (describing use of EEO-1 workforce-composition data at charge intake, in investigations, in comparisons with peer establishments, and in systemic enforcement).

^{vi} National Academies of Sciences, Engineering, and Medicine, Evaluation of Compensation Data Collected Through the EEO-1 Form 34–37 (2023), <https://doi.org/10.17226/26581>.

^{vii} Id. ¶ 20 (alleging that comparison of EEO-1 information with applicant data showed a statistically significant disparity between women and men hired for truck-driver positions).

^{viii} Id. ¶ 19 (alleging that Central Transport asserted during the investigation that it did not possess sex information for employees hired during the same period).

^{ix} Id. ¶ 19 (alleging that Central Transport submitted EEO-1 consolidated and unit reports containing employee sex and job classifications for 2016 through 2022).

^x Complaint ¶¶ 19–20, EEOC v. Central Transport, LLC, No. 2:26-cv-02201-JJT (D. Ariz. filed Mar. 31, 2026).

^{xi} U.S. Equal Employment Opportunity Commission, EEOC Reaches Early \$5.5 Million Resolution With Central Transport Over Nationwide Sex Discrimination in Hiring (May 15, 2026), <https://www.eeoc.gov/newsroom/eeoc-reaches-early-55-million-resolution-central-transport-over-nationwide-sex> (describing the \$5.5 million consent decree and required training on recordkeeping obligations and EEO-1 filing); Consent Decree, EEOC v. Central Transport, LLC, No. 2:26-cv-02201-JJT (D. Ariz. May 2026).

^{xii} Id. ¶¶ 212–13 (alleging discrepancies between the applications Central Transport produced and the number of employees reported as hired in its EEO-1 filings).

^{xiii} National Academies of Sciences, Engineering, and Medicine, *supra* note 5, at 20–24 (noting that some employees may be unaware of discrimination, fear retaliation, or lack data needed to justify a complaint, and discussing information asymmetries and retaliation concerns).



^{xiv} American Association of University Women, *The (Not So) Simple Truth About the Gender Pay Gap: 2026 Update* 4, 8–9 (2026), https://www.aauw.org/app/uploads/2026/03/The_Simple_Truth_Gender_Pay_Gap_2026.pdf. AAUW uses median earnings. In 2024, women working full-time, year-round earned 81% of men’s median earnings; for comparisons by race and ethnicity, AAUW uses white, non-Hispanic men as the comparison group. Black women working full-time, year-round earned 65%, and Hispanic/Latina women 58%, of white, non-Hispanic men’s median earnings.

^{xv} *Id.* at 8–10 (discussing occupational segregation, uneven access to hiring and promotion, discrimination in pay decisions, and caregiving penalties).

^{xvi} American Association of University Women, *Broken Ladders: Barriers to Women’s Representation in Nonprofit Leadership* 6–7, 12 n.38 (May 2018), <https://www.aauw.org/app/uploads/2020/03/women-in-leadership.pdf>. AAUW called for better reporting and collection of leadership data, particularly data disaggregated and cross-tabulated by race/ethnicity and gender, and cited its 2017 statement concerning EEO-1 pay data collection.

^{xvii} 42 U.S.C. § 2000e-8(e) (restricting public disclosure of information obtained by the Commission pursuant to its reporting and investigative authority prior to institution of a proceeding).

^{xviii} U.S. Equal Employment Opportunity Commission, National Enforcement Plan Fiscal Years 2025–2029, at 2, 4–6 (June 4, 2026), https://www.eeoc.gov/sites/default/files/2026-06/NEP_-_signed.pdf.

^{xix} Rishi Bommasani et al., Algorithmic Monocultures in Hiring, Proceedings of the 2026 ACM Conference on Fairness, Accountability, and Transparency (2026), <https://arxiv.org/abs/2605.27371>. The study analyzed approximately 3 million applicants submitting 4 million applications screened by algorithms from the same vendor and found racial disparities in applicant outcomes.

^{xx} U.S. Department of Education, U.S. Secretary of Education Linda McMahon Directs National Center for Education Statistics to Collect Universities’ Data on Race Discrimination in Admissions (Aug. 7, 2025), <https://www.ed.gov/about/news/press-release/us-secretary-of-education-linda-mcmahon-directs-national-center-education-statistics-collect-universities-data-race-discrimination-admissions>; National Center for Education Statistics, Admissions and Consumer Transparency Supplement (ACTS), IPEDS 2025–26, General Instructions and Survey Materials, https://nces.ed.gov/ipeds/use-the-data/download-survey-material/2025/admissions%20and%20consumer%20transparency%20supplement%20%28acts%29/package_17_901.pdf.

^{xxi} U.S. Department of Education, U.S. Department of Education Investigates Five Medical Schools as Trump Administration Pushes to End Racial Discrimination in Admissions (July 22, 2026), <https://www.ed.gov/about/news/press-release/us-department-of-education-investigates-five-medical-schools-trump-administration-pushes-end-racial-discrimination-admissions>.

^{xxii} Office of Management and Budget, Revisions to OMB’s Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, 89 Fed. Reg. 22182, 22182–96 (Mar. 29, 2024), <https://www.federalregister.gov/documents/2024/03/29/2024-06469/revisions-to-ombs-statistical-policy-directive-no-15-standards-for-maintaining-collecting-and>.

^{xxiii} National Academies of Sciences, Engineering, and Medicine, *supra* note 5, at 291–324 (conclusions and recommendations for future EEOC data collection, including improvements in coverage, data quality, collection protocols, confidentiality, consultation, data sharing, and collection design).

^{xxiv} Removal of Reporting Requirements, 91 Fed. Reg. at 46335–39 (recounting adoption of the EEO-1 reporting requirement in 1966 and subsequent changes to the reporting system).