

Statement of Andrea R. Lucas
Nominee for Reappointment as Member of the
U.S. Equal Employment Opportunity Commission
Committee on Health, Education, Labor, and Pensions
United States Senate

Chairman Cassidy, Ranking Member Sanders, and Members of the Committee, it is an honor to appear before this Committee as a nominee for a second term on the U.S. Equal Employment Opportunity Commission. I am grateful to President Trump for the trust he has placed in me since designating me in January to lead the Commission, and for renominating me this Spring for a second term, giving me the potential opportunity to continue to serve the American public at the EEOC, our nation's premier civil rights enforcement agency.

In 2020, I was nominated by President Trump, approved by this Committee, and confirmed by a vote of the United States Senate to serve my first term as a Member of the Commission. It has been a tremendous privilege to serve on the Commission for almost five years since then, working to advance equal employment opportunity and civil rights for all Americans. During that time, I have engaged extensively with workers, employers, and related stakeholders, including members of this Committee. If I have the honor of being reconfirmed, I look forward to continuing to work with this Committee.

To sit before you today is testament to the power of the American dream. My great-grandparents arrived in this country from Italy with second-grade educations and their son, my grandfather, entered kindergarten without knowing a word of English. And yet, today, I appear before you as an attorney and a nominee to continue to lead the EEOC. I am humbled to have the opportunity to serve the country that has given so many opportunities to my family in a few generations.

Today, I am joined in person by friends and family, most importantly, my husband of almost 17 years, Brinton, who has walked alongside and supported me in every high and low of both my professional and personal life. Our two daughters, Audrey and Abby, are watching me on television today. I joined the Commission six months pregnant with my younger daughter, Abby, and both girls have grown up knowing nothing but my service to our country. I work every day to be a role model to them as I balance dedication to my country and to my family. I hope the sacrifices I have made on behalf of each better prepares me to serve the respective other. My daughters are joined in their virtual viewing by many family members across the country, including my mother. I wish my late father was still here to witness today's hearing, but I know he is with me in spirit.

To better understand what drives me at the EEOC, you should know about the two men who strongly influenced my thoughts on employment law and civil rights. One is my father. The other is former EEOC Chair, now Supreme Court Justice, Clarence Thomas, for whom my husband had the privilege of clerking.

When I was a child, I watched my dad stand up for what was right in his workplace—opposing sexual harassment and speaking honestly about his faith—and he lost his job over it. My father did not regret standing up for his beliefs, but his courage cost him, and it cost our family deeply. I

have experienced the immediate and long-term effects of discrimination firsthand. I see my dad's courage replicated in so many EEOC cases where workers like him stand up for their rights and pay a price. I know my work matters because I have a responsibility to those workers to zealously protect their rights.

I've also seen, though, how in my dad's case, taking any formal action in response to what happened to him never crossed his mind, and practically would never be something he could afford. And that's true for many employees. The EEOC is charged with protecting workers. I believe that protecting workers starts first with preventing discrimination. Of course, our duty to remedy discrimination is central to our mission as a law enforcement agency—and I have and will continue to support the agency engaging in robust, high-quality enforcement work. However, remedies are always a second-best option for workers. Like my father, they would prefer discrimination to never have happened. I have kept these lessons from my dad's experiences in mind during my first term on the Commission and have sought to prioritize the agency's twin goals: preventing and remedying employment discrimination.

With respect to Justice Thomas, I have long admired the Justice and learned much from studying his time as Chair of the EEOC. He came to the EEOC at just the right time to rescue the agency from disaster with his efficiency reforms, making the agency accountable to the people we serve, while focusing on individual rights over group identity. That's exactly what I hope to accomplish in my continued tenure on the Commission, should I have the privilege of being reconfirmed.

In a 1988 essay, then-Chair Thomas lamented that “civil rights [had] become entrenched as an interest-group issue rather than an issue of principle and universal significance for all individuals.” As the head of the EEOC, I am committed to dismantling identity politics that have plagued our civil rights laws. If I have the privilege of serving a second term, I intend to dispel the notion that only the ‘right sort of’ charging party is welcome through our doors and to reinforce instead the fundamental belief enshrined in the Declaration of Independence and our civil rights laws—that all people are ‘created equal.’ I am committed to ensuring equal justice under the law and to focusing on equal opportunity, merit, and colorblind equality. Through his series of landmark civil rights executive orders, President Trump has given the EEOC the most ambitious civil rights agenda in decades. If I have the honor of being reconfirmed, I am passionate about achieving that agenda.

Thank you for your consideration. I look forward to answering your questions.