

Trump's assault on independent agencies endangers us all

Report • By Lauren McFerran and Celine McNicholas • October 22, 2025

Summary

Independent agencies were carefully designed by Congress to ensure that those charged with safeguarding critically important public interests—like workers’ rights, product safety, or household financial security—would act to serve the public good, not the president’s political needs. However, since taking office, the Trump administration has been on a crusade to attack and undermine the effectiveness of independent agencies. Trump has taken several unprecedented and illegal steps to politicize these agencies, including:

- Summarily firing dozens of independent agency leaders—who, by law, can only be removed from office for misconduct—based on political disagreements and then either stacking boards with Trump loyalists or letting seats sit vacant, depriving agencies of the ability to function.
- Implementing new controls over the day-to-day operations of agencies, including giving the White House control over which agency projects to fund or defund, and requiring every agency leader to employ a “White House liaison” in their office.
- For the first time, requiring independent agencies to submit draft regulations to the Office of Management and Budget for White House review prior to publication and to coordinate with the White House to review all their existing regulations, giving Trump the power to change or veto independent agencies’ expert-led standards.

These actions will have a sweeping impact and will directly undermine the safety and well-being of workers, consumers, and the public. While all government agencies need to have some ability to make decisions based on policy expertise rather than political considerations, Congress deliberately chose to structure certain agencies to be more independent for good reason: Their decisions particularly benefit from expert analysis and collaborative decision-making rooted in a variety of perspectives. These watchdog agencies make decisions that impact our country at all levels, from deciding which toys are safe for

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our kids to determining what interest rate levels will help the economy thrive. Nobody wants unqualified politicians weighing in to make these decisions based on which bank or toy company gave them the most political contributions.

Trump’s assault on independent thinking within the government deserves more attention and opposition from Congress, both to defend its prerogative to create public watchdogs within the executive branch and to protect the people these important agencies were designed to serve.

Introduction

The first six months of the second Trump administration have been characterized by a haphazard yet comprehensive evisceration of basic government institutions. From the mass firing of federal workers to the effective shuttering of entire agencies, Trump and his billionaire allies have pillaged public-serving institutions while giving themselves cover by claiming to promote “efficiency” (Gangitano 2025; Shao and Wu 2025; Rubin 2025).

Some of the most critical targets of these attacks have been independent agencies. Unlike executive agencies, which are overseen by the White House and accountable to the president through a cabinet secretary that is part of the president’s administration, independent agencies are established by Congress to serve a specific public purpose. While housed within the executive branch, they are not subject to day-to-day control by the White House. These agencies are supposed to perform essential watchdog functions—protecting individuals like workers, consumers, and retirees from being abused by better-resourced and more powerful corporate actors. The United States Government Manual lists over 55 such permanent independent agencies in the federal government, including well-known entities like the Federal Reserve Board and the Equal Employment Opportunity Commission, as well as lesser-known agencies like the Merit Systems Protection Board (Federal Register 2025).

These agencies have been among the earliest targets of Trump’s governmental dismantling. First, he has taken the historically unprecedented (and clearly unlawful) step of firing dozens of board members and commissioners before the expiration of their terms in office—not for any allegations of misconduct, but solely due to political disagreement or assertions of presidential prerogative (EPI 2025a; EPI 2025b; Peck 2025; EPI 2025c; Goldstein and Steel 2025). He has also issued multiple executive orders asserting new levers of control over independent agencies—giving the White House unprecedented control over these agencies’ regulations, enforcement decisions, and day-to-day operations (The White House 2025a, 2025b). More recently, President Trump has gone as far as publicly attacking and then firing Lisa Cook, a member of the Federal Reserve Board of Governors, a move that could have long-lasting economic implications (Rugaber and Weissner 2025). The Federal Reserve is perhaps the most well-known independent agency among the public; its mandates include promoting full employment, stable prices, and moderate long-term interest rates, among others.

Many of these changes have largely flown under the public radar screen, but the implications for the U.S. public are significant. While many government agencies have enforcement authority that can serve as a check on corporate power, independent agencies are unique in their ability to hold powerful actors accountable, regardless of political influence. The structure of independent agencies also promotes stability and prioritizes expert decision-making on topics of critical national importance. From the Federal Reserve's decisions about interest rates to the Consumer Product Safety Commission's evaluation of car seat safety, the work of independent agencies impacts working families' lives every day. The public deserves to know that these agencies are working as Congress intended: to serve the people of the United States. The Trump administration's actions are threatening the effectiveness of these agencies and putting people's lives and well-being at risk.

This report will explore the structures and protections that characterize independent agencies and the multifaceted attacks that these agencies have experienced in recent months. We will then examine several case studies of key independent agencies that protect workers and consumers: the National Labor Relations Board, the Equal Employment Opportunity Commission, the Consumer Product Safety Commission, and the National Credit Union Administration. We will explore why and how Congress designed them to be independent, the important role their independence has played in protecting the U.S. public, and how their functions will be compromised if brought under the direct control of the Trump White House.

As these case studies will show, the devastation of independent agencies by the Trump administration creates tremendous potential for abuses of power that could let wealthy corporations pad their profits at the expense of ordinary people's lives and livelihoods. The systematic attack on independent agencies deserves more attention and opposition from Congress, both to defend its prerogative to create public watchdogs within the executive branch and to protect the people these important agencies were designed to serve.

The characteristics of independent agencies

The history of independent agencies dates back to the 1880s when Congress created the Interstate Commerce Commission to regulate railroad rates. Businesses were so reliant on the railroads that Congress decided it was important to minimize the potential for disruption by insulating the regulatory system from the vagaries of the political process (Inskeep 2025). Many additional independent agencies were created by Congress during the New Deal. It is commonly thought that these New Deal agencies were created to be independent because Congress wanted their decisionmaking to benefit from specialized expertise and—for several of these agencies—because they were tasked with performing adjudicative functions and, thus, were structured more like courts to preserve the integrity of the deliberative process and promote collaborative and consensus-based decisionmaking (Corrigan and Revesz 2017, 639).

Unlike executive departments—which are run by a single cabinet secretary who is a part of the president’s administration, tasked with advancing the president’s agenda in how they execute their statutory functions, and can be removed by the president at will—the design of independent agencies reflects a judgment made by Congress that they could not perform their essential functions properly if they were subject to presidential pressure. For example, early legislative proposals to house the Federal Communications Commission within the Department of Commerce were rejected out of fear that concentrating power over such important means of communication (at that time, the radio system) in the hands of a politically accountable cabinet secretary would create too much potential for political manipulation (Stella 2025).

While no two independent agencies look exactly alike, the common thread among these agencies is some level of independence from direct presidential control. Congress uses a variety of tools to insulate independent agencies from White House influence. Most importantly, these agencies generally have some ability to make policy decisions in service of the agency’s mission independent of substantive influence from the president.

Independent regulatory authority

One of the most important protections that most independent agencies have from White House influence is their historical ability to use their regulatory authority independently. For decades, traditional executive branch agencies have been required to submit all regulatory actions to the Office of Management and Budget’s Office of Information and Regulatory Analysis (OIRA) for substantive review and input (including interagency review by other executive agencies) and cannot move forward with regulatory actions without OIRA approval. There is abundant evidence that this process causes excessive delays and can hamstring the regulatory effectiveness of executive departments by reducing transparency and opening the door for political manipulation (Copeland 2013; Goodwin 2020). But, until recent executive orders by President Trump, independent agencies have been largely exempt from this review (Dudley 2025; OMB 2025). This exemption has helped to limit the influence of political actors—who are not experts in the substance of the agency’s work—on the regulatory process and has allowed independent agencies to act more nimbly to protect the public from imminent threats.

Independent enforcement and litigating authority

Since the 1960s, the Department of Justice (DOJ) has had centralized authority to engage in litigation on behalf of the United States government.¹ Thus, while some traditional executive agencies continue to have a significant degree of freedom to pursue enforcement actions under the statutes they administer (DOL n.d.), many do not necessarily have final say about which cases they bring in court or which arguments they make, as such decisions are ultimately controlled by DOJ. However, Congress has given most independent agencies some level of independent litigating authority (though the extent of such control varies from agency to agency).² This authority is essential to the

watchdog functions of these agencies. It allows them to control their own enforcement agenda because they can independently initiate and litigate enforcement actions in court. It also ensures that agency leaders' expertise about laws they administer is respected, because they control which legal arguments the agency makes. Finally, this authority preserves agencies' ability to protect the public by promoting consistent and evenhanded interpretation of the law and ensuring that the meaning of the law is being dictated by experts, not politics.

Removal protections

To ensure that these agencies can truly exercise their regulatory and enforcement powers independent of White House influence, Congress has made a judgment that independent agency leadership should be protected from removal by the president in the absence of misconduct.³ Removal protections are a key component of agency independence because they ensure that agency leaders cannot be fired based on policy disagreements with the president or the leadership of other executive agencies. These protections also play a valuable role in ensuring that agency enforcement of the law is not influenced by partisanship or political favoritism. It is essential that watchdog agencies have the ability to evenhandedly enforce the law against anyone who threatens the public's interests, regardless of whether the subject of the agency's enforcement is a presidential friend or donor.

Multimember structure

Most (but not all) independent agencies are designed to be governed by a multimember group of commissioners or board members. These boards are designed with staggered terms that are usually longer than a single presidential administration.⁴ Congress has explicitly required that some agencies have bipartisan balance, while other agencies have developed to be bipartisan as a matter of practice even if not required by law (Datla and Revesz 2013).⁵ Some agency leaders are required by Congress to have particular backgrounds or expertise as well.⁶ These requirements are intended to foster expertise and continuity and to limit the influence of partisanship in agency operations. Longer terms allow agency leaders to gain expertise, while limiting the influence of any particular president over agency leadership (as typically a board will not entirely turn over during a single presidential administration). Staggered terms also provide stability in agency operations and enforcement of the law, facilitating institutional memory and preventing dramatic shifts when there are changes in the presidential administration. Bipartisanship and background requirements promote expert decision-making and ensure that agency decisions benefit from a variety of perspectives.

Independent control over congressional testimony, legislative proposals, and budget submissions

Finally, independent agencies benefit from being able to speak with their own voice. For example, in communicating with Congress, traditional executive agencies must coordinate with the White House and get approval of testimony and other formal communications. By contrast—while the details vary from agency to agency—many independent agencies communicate directly with Congress in providing information and responding to congressional oversight. Independent agencies often submit their own legislative proposals and comment on proposed legislation when requested by Congress without coordinating with the White House or other executive branch agencies.⁷ In addition, while independent agencies' budget requests are included as part of the president's budget request to Congress, many independent agencies control the content of those submissions, including descriptions of agency priorities and how funds will be allocated.⁸ These unfiltered channels of communication facilitate a relationship of trust between independent agencies and Congress, allowing Congress to objectively and carefully monitor whether these agencies are effectively performing their critical watchdog functions. Finally, while many federal agencies are tasked with conducting independent research and producing independent data, independent agencies have the ability to control their own research agendas and produce reliable findings and data that are trusted by outside parties and insulated from political influence.

The Trump administration's broad attacks on agency independence

In the first few months of his administration, President Trump has taken dramatic steps to exert control over agencies that were intentionally designed by Congress to be insulated from the immediate control of the White House. Most notably, he has fired numerous independent agency heads and board/commission members without cause and has issued several executive orders seeking to fundamentally upend the relationship between independent agencies and the White House.

Firing independent agency leaders

As explained above, most independent agency leaders (at least those on multimember boards and commissions) are protected from removal unless they commit misconduct. Since the start of his administration, President Trump has fired numerous independent agency leaders, either citing no reason at all or explicitly citing policy disagreement, rather than misconduct, as the rationale for the dismissal (Cantor and Sobran 2025).⁹ Many of these communications emphasized the administration's view that statutory "for-cause" removal restrictions do not preclude President Trump from firing independent agency

commissioners because such protections are an unconstitutional restriction on the president’s executive authority under Article II of the Constitution.¹⁰

These firings are blatantly unlawful. In *Humphrey’s Executor v. United States* 90 years ago, the Supreme Court established that it is consistent with the Constitution for Congress to establish independent agencies and commissions whose leaders can only be removed by the president for cause.¹¹ *Humphrey’s Executor* rejected the president’s claim of authority—despite statutory removal protections—to terminate without cause a member of the Federal Trade Commission (FTC). The Court distinguished a prior decision affirming the president’s authority to terminate a postmaster from office by looking to Congress’s purpose in creating the FTC and the functions commissioners perform. The Court explained that the FTC was “created by Congress to carry into effect legislative policies embodied in the statute in accordance with the legislative standard therein prescribed, and to perform other specified duties as a legislative or as a judicial aid,” in contrast to the postmaster, whose duties were restricted to “performance of executive functions” and who was “charged with no duty at all related to either the legislative or judicial power.” The Court concluded that in light of these duties, the FTC “cannot in any proper sense be characterized as an arm or an eye of the executive” because “its duties are performed without executive leave, and, in the contemplation of the statute, must be free from executive control.” The same constitutional principles have been applied to uphold removal protections at other agencies performing “quasi-legislative” or “quasi-judicial” functions, not executive functions—insulating them from removal does not intrude on the president’s constitutional authority to “take care that the laws be faithfully executed” because they are largely not performing purely executive functions.¹²

Several fired members of independent agencies and commissions have now filed lawsuits challenging their removals as inconsistent with both their agencies’ authorizing statutes and the Supreme Court’s decision in *Humphrey’s Executor* (Newhouse 2025). The administration’s response to these lawsuits has made clear that President Trump’s goal is for the Supreme Court to revisit *Humphrey’s Executor* and ultimately rule that the president has unconstrained authority to fire all agency leaders in the executive branch, including those at independent agencies.¹³

Unfortunately, the Supreme Court has strongly signaled that these removal protections may be deemed unconstitutional in the future, at least for agencies that exercise any level of “executive” authority.¹⁴ While it is unclear how broadly the Court’s ruling will sweep, eliminating these removal protections would jeopardize all facets of agency independence, as agency leaders would be reluctant to engage in regulatory or enforcement actions—or even day-to-day agency decision-making—without coordinating with the White House for fear of termination.

Implementing new levers of control over day-to-day agency operations

At the same time their leadership was being removed from office, these agencies were also targeted by a wave of new executive orders that undermine their independence in

dramatic and unprecedented ways. The first such order, issued on February 18, was entitled “Ensuring Accountability for All Agencies” (The White House 2025a). The order purports to “improve the administration of the executive branch” and “increase regulatory officials’ accountability to the American people” by asserting unprecedented new presidential powers to control the day-to-day operations of independent agencies. These new powers would include:

- giving the director of the Office of Management and Budget (OMB) the authority to control expenditure of the agency’s funds, including defunding “particular activities, functions, projects or objects”;
- requiring all “agency heads” (including, it would seem, each individual member of bipartisan boards, whether Republican or Democrat) to employ a “White House Liaison” as a senior staffer in their offices;
- requiring independent agency chairpersons to “regularly consult with and coordinate policies and priorities with the directors of OMB, the White House Domestic Policy Council and the White House National Economic Council”; and
- giving the director of the OMB the authority to establish and evaluate the “performance standards and management objectives” for independent agency heads.

This level of White House micromanagement undermines the basic structure and function of independent agencies. Congress designed these watchdog agencies to be independent so that they could make decisions—whether about how to prioritize agency objectives, how to most effectively enforce the law, or how to best allocate resources—free from political influence. Independent agencies are often tasked with making decisions that will serve the long-term public interest but may be politically unpopular in the short term. The Federal Reserve provides the most obvious example: It is charged with setting interest rates at a level that will balance the need for maximum employment with the need for stable prices. It is widely acknowledged that allowing an elected official like the president direct control over the Federal Reserve would result in excessive pressure for interest rate reductions that would provide the president with a short-term economic boost, but that would cause long-term inflationary pressure that is detrimental to the economy (Wessel 2025).

Independent agencies are also charged with evenhandedly enforcing the law without favoritism. Giving the White House the ability to pick and choose which prosecutions to fund or which agency objectives to prioritize is fundamentally incompatible with those goals, rendering independent agencies virtually indistinguishable from nonindependent ones, contrary to the clear intentions of Congress.

Usurping independent agency rulemaking authority

President Trump has also used executive orders to undermine independent agencies’ use of their rulemaking powers. These new orders seek to impose a variety of unprecedented constraints on agencies’ ability to use their independent regulatory authority:

- Independent agencies are instructed to review all regulations in their jurisdiction and seek to repeal those deemed inconsistent with “Administration policy.” This substantive review and repeal process must be conducted “in coordination with their DOGE Team Leads and the Director of the Office of Management and Budget” (The White House 2025b).
- Independent agencies must now “consult with their DOGE Team Leads and the Administrator of OIRA” before considering any potential new regulations.¹⁵
- Independent agencies are now required to submit all new regulatory actions to OMB for substantive review before publication (The White House 2025a);
- Independent agencies must seek to immediately repeal any regulation that could be deemed in tension with newer Supreme Court precedents.¹⁶

While policies differ from agency to agency, most independent agencies have historically had independent authority to consider and promulgate new regulations or repeal existing regulations based on their expert judgment, not directives from the White House (or mysterious White House-adjacent entities like DOGE). And they have controlled their own decisions about how to best comply with the Administrative Procedure Act to ensure that their regulatory efforts can survive judicial review. Such independent control of the regulatory process is a critical tool to ensure that watchdog agencies can prioritize protecting the public and serving their statutory missions over politics. In the few months since President Trump issued these orders, the Environmental Protection Agency, for example, has already published a proposed rule to repeal greenhouse gas emissions standards for fossil fuel-powered power plants, citing multiple executive orders by President Trump as the reason for its review of the standard.

Attacks on the independence of agency enforcement

The February 19 order also directly impacts independent agency enforcement of the law, including by:

- giving the president and the U.S. attorney general the ability to override the agency’s own interpretation of the law(s) it administers; and
- directing agency heads to consult with the director of the Office of Management and Budget and then “direct the termination of all . . . enforcement proceedings that do not comply with the Constitution, laws, or Administration policy (emphasis added).”

At most independent agencies, any requirement to coordinate enforcement actions with OMB or to terminate enforcement actions deemed inconsistent with “Administration policy” represents a tectonic shift in enforcement practices. Even traditional executive agencies often retain significant discretion about how they enforce the law and have the authority to initiate and direct their own enforcement actions (DOL 2025). Independent agencies, of course, have traditionally had far greater autonomous control of their enforcement activity. Indeed, these agencies are structured with insulation from political

forces precisely so that they can fairly and evenhandedly enforce the law.

Giving the White House control over the enforcement process could effectively nullify important laws protecting the public if the president chooses to override or undermine enforcement efforts. Such interference would be deeply problematic even at traditional executive departments—it is even more untenable at agencies specifically designed by Congress to be insulated from political influence. The potential for political favoritism to influence the enforcement process allows these agencies to be used as tools for corruption and abuse of power, rather than forces for public good.

Case studies

In recent weeks, significant attention has rightly been given to the egregious firing of Lisa Cook, a member of the Federal Reserve Board of Governors, and the implications it will have on our economy in both the short and long term. The following case studies highlight four other independent bodies, illustrating the potential consequences for working families when the autonomy of these agencies are compromised. Each of these agencies plays an essential watchdog role in protecting the public from being abused or cheated by more powerful corporate actors. It is clear that greater presidential interference in their operations could undermine their ability to serve the public.

The National Labor Relations Board

Congress established the National Labor Relations Board (NLRB) in 1935 following decades of strife between management and labor. In the years prior to the Board's creation, violent labor disputes were common and workers seeking to join unions and improve working conditions faced brutal repression by corporations, private militias, and police (Andrias 2024). Presidents deployed troops to crack down on labor protests and courts frequently stepped in to suppress labor activity (Taft and Ross 1969).¹⁷

In response to this crisis of labor unrest, Congress passed the National Labor Relations Act of 1935 (NLRA). The NLRA empowered workers, giving them a legal right to form and join unions and to bargain collectively for better wages and working conditions. It also protected workers from retaliation for joining together and speaking up about unfair treatment. In service of these goals, the Act established the NLRB to serve as a neutral adjudicator of labor disputes.

While housed within the executive branch, the Board was created to be “an independent quasi-judicial body” that would adjudicate labor disputes as a court.¹⁸ The NLRB was designed with many of the classic characteristics of independent agencies. For example, board members are protected from removal by the president except for cause,¹⁹ and serve staggered terms of five years—longer than a single presidential administration.²⁰

The Board hears cases involving both allegations that an employer or union has committed an unfair labor practice (such as threatening a worker for discussing working

conditions with colleagues or refusing to bargain with the workers' union) and cases involving objections that arise during a union election. In hearing these cases, the NLRB acts very much like any other court. Board members are charged with adjudicating each case on its merits free from influence by personal interests²¹ or the political process.²² The Board's decision-making procedure must provide parties with due process.²³ The NLRB follows its own precedents and Board decisions can be overturned by federal courts of appeals if the agency fails to act consistently with precedent (unless a majority of the Board votes to revisit or overturn precedent in a case).²⁴ The Board keeps its deliberations confidential and communications with parties or outside entities about pending cases are considered a violation of government and judicial ethics rules.²⁵

In addition to these core adjudicative functions, the NLRB also occasionally engages in rulemaking, either to establish agency procedures or to articulate general principles of substantive law.²⁶ The Board has historically acted independently in these functions and not been subject to substantive regulatory review by the White House.

Throughout its 90-year history, the NLRB has played an essential role in safeguarding the well-being of working people across the country. Because the NLRA protects both the right to form and join a union and the right to engage in employment-related collective action by workers, it is a vital tool to address a myriad of concerns that workers face in the modern economy, including sexual and racial harassment, employee misclassification, and the impact of new technology, among others. In recent years, the NLRB has been extremely effective in serving its statutory goals. In fiscal year 2024, for example, the agency recovered \$56.5 million in backpay and other compensation for workers whose rights were violated and secured reinstatement offers for more than 1200 workers who were unfairly terminated from their jobs for trying to unionize or speak out about their working conditions.

The agency has been able to fulfill its mission successfully because it can enforce the law comprehensively and evenhandedly. Independence is a necessary foundation for its success. The NLRB enforces the law—against both employers and unions—without regard for whether the employer or union in question might be a close ally of the president or a supporter of the president's political party.

How the independence of the agency has been compromised

Since President Trump took office, the historically independent functioning of the NLRB has been severely compromised. On January 28, President Trump fired Gwynne Wilcox, a NLRB member serving in her second term on the Board, whose term was not scheduled to expire until 2028. The removal of Member Wilcox from office was the first time in history that an NLRB member was removed from office by the president. Her departure left the Board without a quorum to hear cases. If the Supreme Court ultimately affirms the president's ability to terminate NLRB members without cause, the integrity of the Board's adjudicative process will be severely compromised, as board members will be forced to make decisions with the looming threat of termination hanging over their deliberations.

For the same reasons that the framers of the Constitution protected federal judges from termination without cause, Congress should similarly be able to protect board members who adjudicate cases so they can do their jobs fairly.

President Trump's executive orders also significantly implicate the operations of the NLRB. To be sure, the new executive orders do not expressly give the White House authority to decide or override the outcome of individual cases before independent agencies like the NLRB. However, the unprecedented level of control that the White House is now asserting over agencies could certainly be used that way. Many of the levers of control in these orders—like the ability to fund or defund particular agency actions, the requirement that all board members employ a “White House liaison,” or the unprecedented declaration that independent agencies cannot take legal positions inconsistent with the White House—would potentially allow Trump to directly dictate the outcome of cases before the Board and the substance of federal labor law. This is hardly a farfetched concern. A recent Trump executive order attempts to do just that: It directly instructs the Board to address an unsettled issue of labor law—namely, whether student athletes are considered “employees” or not—in the context of an order that makes clear what Trump's preferred resolution of this issue would be (The White House 2025e). Such presidential interference into the day-to-day decision-making of the NLRB is completely unprecedented and undermines the fairness and impartiality of the agency's adjudicative process.

Workers rely on the NLRB to protect critical workplace rights. A worker who has been fired for talking to coworkers about unsafe working conditions or whose employer refuses to bargain with the workers' chosen union needs somewhere to turn to put a stop to such unfair labor practices. Without any assurance that they will get a fair hearing at the NLRB in the future, workers will be forced to resort to other strategies to make their voices heard and neither workers nor employers will have a path to resolve their disputes and move forward.

The Equal Employment Opportunity Commission

Following mass protests against Jim Crow segregation and a decades-long Civil Rights Movement, Congress established the Equal Employment Opportunity Commission (EEOC) in Title VII of the Civil Rights Act of 1964 (Aiken, Salmon, and Hanges 2013). Title VII represents one of the cornerstones of our national promise of equal opportunity, protecting workers from discrimination on the job based on their race, color, national origin, religion, sex (including sexual orientation and gender identity), age, disability, pregnancy, or genetic information (Couch, Hersch, and Shinall 2025).²⁷ If a worker experiences employment discrimination—such as unfair treatment in hiring, firing, promotions, job assignments, or on-the-job harassment—the EEOC is where they can turn to for help.

To fulfill this vital mission, the EEOC performs three main functions. First, for workers in the private sector, it oversees a thorough process to consider each charge of discrimination (EEOC 2025c). The EEOC will investigate charges; facilitate mediation and conciliation;

and—if the agency finds cause to believe that discrimination has occurred, and conciliation fails—can opt to file a lawsuit to enforce the statute.²⁸ While the EEOC commissioners do not directly adjudicate these cases, they must vote on whether the agency will go to court and pursue certain types of significant cases, especially those presenting novel or unsettled legal issues likely to generate public controversy (EEOC 2021).

Second, for complaints where a federal government agency is the employer, the EEOC performs a judicial role. Federal employees who file a discrimination complaint have the right to request a hearing with an administrative judge from the EEOC. If the complainant or the employing agency does not agree with the administrative judge’s decision, they can appeal to the EEOC, which hears and votes on the case as a panel of judges (EEOC 2025e).

Finally, the EEOC issues regulations, guidelines, and formal enforcement guidance, which must be approved by a majority of commissioners (EEOC 2025f, 2025g). The EEOC also issues resource documents, which do not require Commission approval (EEOC 2025h).

From the agency’s inception, Congress took steps to ensure the EEOC’s bipartisan and independent nature. No more than three of the Commission’s five members can be of the same political party and commissioners serve staggered terms of five years—longer than a single presidential administration.²⁹ While Congress did not specifically provide “for-cause” removal protection for commissioners, the EEOC’s structural components qualify it as an independent agency whose commissioners are protected by Supreme Court precedent in *Humphrey’s Executor*. Additionally, the statute contains a “holdover cause” enabling sitting commissioners to serve until their successors are appointed and qualified, with limits on the maximum length of the holdover period.³⁰ Such holdover provisions are common in independent agencies; they provide continuity and preserve institutional knowledge, while avoiding the uncertainties associated with transitions in presidential administrations and the often lengthy Senate confirmation process.

The EEOC has been extremely effective in accomplishing its mission and its work yields a high return on investment. In 2024, using a \$455 million budget, the EEOC secured almost \$700 million in monetary relief for about 21,000 victims of employment discrimination and educated more than 268,000 individuals nationwide about employment discrimination and their workplace rights (EEOC 2025a). In the last few years, the Commission has undertaken a number of important initiatives through both rulemaking and litigation, including implementing the Pregnant Workers Fairness Act’s protections to ensure that pregnant workers receive reasonable accommodations in the workplace; educating the public about the implications of artificial intelligence for workplace civil rights; issuing long-awaited guidance on workplace harassment; and historically advancing employment discrimination protections for the LGBTQ+ community (EEOC 2024, 2025a).³¹

How the independence of the agency has been compromised

On January 27, President Trump fired EEOC Chair Charlotte Burrows and Vice Chair Jocelyn Samuels before their terms were set to expire in 2028 and 2026, respectively.

Their unprecedented removals left the EEOC without a three-member quorum and unable to vote on litigation recommendations or issue federal sector decisions, regulations, enforcement guidance, and other critical rulings.³²

The impact of Trump's encroachment on the EEOC's independence has already been felt. For example, the Commission recently dropped lawsuits it had filed on behalf of transgender workers. While agreeing that these workers are protected under civil rights laws, Commission Chair Andrea Lucas explained to Congress that she dropped the cases because her agency is not independent and must comply with President Trump's orders targeting transgender and nonbinary people (Senate HELP 2025). In June, the EEOC also moved to drop a racial discrimination lawsuit relying on a well-established legal theory regarding the lawfulness of facially neutral policies that have a disproportionately negative impact on disadvantaged groups, again citing an executive order from President Trump (Olson and Savage 2025). According to former EEOC General Counsel David Lopez, dropping these lawsuits constitutes an "unprecedented abdication of [the agency's] enforcement responsibilities" (Lopez 2025). By abandoning individual lawsuits in response to presidential directives that are contrary to well-established federal laws, the EEOC has effectively empowered the White House to define the contours of civil rights law, contrary to the will of Congress in establishing the EEOC.

Acting Chair Lucas has also undermined the agency's decision-making process in response to presidential orders. Following Trump's March 6 executive order, "Addressing Risks from Perkins Coie LLP," which directs the acting chair of the EEOC to investigate the practices of large law firms, Lucas demanded information from 20 prominent law firms about diversity fellowships and other programs (The White House 2025c; EEOC 2025b). In a letter to Acting Chair Lucas, eight former EEOC members explained that this demand for information exceeds Lucas's authority as chair. No single member of the Commission has the authority to unilaterally change the EEOC's long-standing position—reflected in the agency's majority-approved strategic enforcement plan—regarding employers' diversity, equity, and inclusion efforts.³³ Such policy shifts have historically required a vote by the full Commission, consistent with the intent of Congress that the EEOC—like many other independent agencies—should engage in collaborative and deliberative decision-making.

The EEOC plays a critical role in ensuring that all workers in the U.S. can receive fair treatment and have an equal opportunity to succeed at work. To fully execute its mission, the EEOC must be able to interpret and enforce our civil rights laws free from political influence and presidential whims. The removal of EEOC commissioners who disagree with the president's agenda, along with recent intrusions into the agency's prosecutorial independence and deliberative process, is inconsistent with both the independent nature of the agency and the will of Congress, threatening the fundamental protections that everyone should enjoy in the workplace.

Consumer Product Safety Commission

Every day, hundreds of millions of consumers across the U.S. purchase new products that, if not properly designed and built, could inadvertently harm them and their families. In

worst case scenarios, companies will recall faulty items from shelves, like when Samsung recalled a version of its Galaxy phone because it could overheat and catch fire; or when Infantino recalled an infant carrier due to faulty buckles that posed a fall hazard; or when Midea recalled specific window AC units because they led to mold growth and respiratory issues (CPSC 2016, 2020, 2025d). These, of course, are the very scenarios companies and consumers hope to never experience. Today, thanks in large part to the Consumer Product Safety Commission, consumers can purchase goods with a certain degree of confidence that what they are bringing into their homes won't pose a risk to their health and safety. And when things do go wrong, consumers know that systems and processes are in place to remove dangerous goods from our stores.

Congress established the Consumer Product Safety Commission (CPSC) as an independent agency in 1972, charged with protecting consumers from unreasonable risks of injuries (Carpenter 2018). The creation of the CPSC was the result of work under a bipartisan presidential commission examining the mechanisms available at the time to protect consumers. The Commission ultimately recommended Congress pass legislation to create the CPSC. Importantly, during hearings, Congress considered whether to place the CPSC within the then Department of Health, Education and Welfare, but ultimately decided to create an independent agency to insulate the agency's work from political pressure (Page 1974). Congress empowered the CPSC with authorities to achieve four main objectives: first, conduct research into the injuries and illnesses associated with the use of consumer products; second, facilitate the development of and adherence to safety standards—both through formal rulemaking and engaging industries to adopt voluntary standards; third, aid consumers as they seek to understand and compare the safety risks of various products; and finally, protect consumers from unreasonable risks associated with the goods they purchase.³⁴

Today, the CPSC's efforts cover an extremely broad set of consumer products—from children's toys, to household appliances, cribs, and mattresses.³⁵ Importantly, the CPSC authority covers products made both domestically and abroad.³⁶ Beyond advancing research and standard-setting, the CPSC has numerous enforcement tools at its disposal, including conducting compliance inspections at factories, warehouses, or establishments where products are made or held. The CPSC also has the authority to obtain samples of products imported into the U.S. When the CPSC determines that a product that is already on the market poses a substantial hazard to consumers, it seeks remedial actions either by engaging companies directly to negotiate a corrective action agreement or pursuing administrative actions that culminate in a vote by the Commission and mandate for specific corrective actions. While recalling products is perhaps the most widely recognized corrective action of the CPSC, there are several actions that CPSC and companies can undertake, including: notifying the public of the hazard; modifying the product so that it is in compliance with safety standards; and providing refunds to consumers, among other actions.³⁷

The CPSC has many of the classic characteristics of independent agencies.³⁸ It is led and overseen by five commissioners, one of which is designated as the chair. Commissioners are appointed by the president and approved by the Senate, serving seven-year terms. By statute, they can only be removed from office for "neglect of duty or malfeasance in

office.” Congress has also stipulated that no more than three members of the Commission could be from the same political party.

How the independence of the agency has been undermined

Last year, consumers spent more than \$6.2 trillion on consumer goods, many of which are regulated by the CPSC. Most products purchased every day are safe for consumers to use in large part thanks to the ongoing efforts by the CPSC to develop and update standards as new or improved products enter the market. Nonetheless, in this year alone, CPSC has issued numerous recalls, including in one instance bike helmets which failed to protect individuals and could result in head injury (CPSC 2025a). The purpose and independence of the CPSC is as crucial as ever to consumers’ health and safety. Alarming though, Trump has sought to politicize this little-known agency that plays an outsized role in the day-to-day lives of everyone in the U.S.

In May, Trump fired three members of the Commission who were nominated by President Biden and had not yet served their full terms: Mary Boyle, Alexander Hoehn-Saric, and Richard Trumka Jr. (Quinn 2025). While a federal district court and the Fourth Circuit Court of Appeals both found the firings unlawful and temporarily reinstated the commissioners, the Supreme Court stayed the district court’s order and they were removed from office again (Quinn 2025; Howe 2025). The activities that unfolded at the Commission during the initial period that these three Commissioners were gone highlight the potential damage of politicizing this independent agency. On May 13, 2025, the remaining two commissioners voted to stop the Federal Register from publishing a proposed regulation establishing safety standards for Lithium-Ion batteries in micro mobility products, such as e-bikes and e-scooters (CPSC 2025c). The Commission had previously approved the adoption and publication of this proposed rule in April in response to its finding that over 220 people were injured or killed by such batteries between 2019 and 2023 (CPSC 2025b). While the district court’s reinstatement of the fired commissioners enabled them to (at least temporarily) correct the actions taken in their absence, the danger to consumers of a politicized CPSC was clear.

Now that the three commissioners have been removed again, the risk to consumers returns. For example, the chair of the Commission serves as the principal executive of the CPSC and has the authority to appoint, upon approval of the Commission, a number of positions with the CPSC, including an executive director; general counsel; and assistant executive directors of compliance and administrative litigation, health sciences, and engineering, among others. Now that the three commissioners have been removed again, the chair (with the approval of the remaining member) could potentially take significant personnel actions, such as replacing industry experts with political operatives.

When Congress created the CPSC it sought to create an independent agency that established and enforced safety standards that were driven by the independent expertise of the agency and without influence from conflicts of interest or political swings of power. Yet the Trump administration’s recent efforts to undermine the CPSC and politicize its

actions not only runs counter to the intent of Congress but also puts the health and safety of U.S. families at risk.

National Credit Union Administration

For more than 115 years, credit unions have provided vital financial services to individuals, businesses, and communities across the United States (NCUA 2023). As nonprofit financial institutions that are membership-based, credit unions have long provided services—including low-interest car loans and mortgages—to individuals and communities that may be underserved by corporate banks. Today, more than 143 million people in the U.S. are members of a credit union (NCUA 2025c). This includes, for example: the Teachers Credit Union, which was founded more than 70 years ago by educators in New York; credit unions that serve rural areas like the Guadalupe Credit Union in Santa Fe, New Mexico; and credit unions like the State Employees Credit Union, which provides services to state employees in North Carolina, among others.³⁹

The first credit unions in the United States were established in the early 1900s and continued to grow in numbers as states—beginning with Massachusetts—passed laws to certify and regulate them (NCUA 2023). In 1934, following the financial crisis of the Great Depression, Congress passed the Federal Credit Union Act (FCUA), which created a uniform federal standard and process for certifying and regulating credit unions.⁴⁰ Originally, Congress charged the Farm Credit Administration—an independent agency—to implement the FCUA (NCUA 1989). In the years following, the federal credit union system moved to a variety of federal agencies, including the Federal Deposit Insurance Corporation (FDIC). By 1970, Congress created a stand-alone independent agency—the National Credit Union Administration (NCUA)—headed by a single administrator. And then in just a few short years, Congress again amended the Act in 1978 to establish the structure that remains in place today (NCUA 2023). Most notably, Congress replaced the single administrator of the NCUA with a three-member board, capping a long series of actions to ensure the federal oversight of credit unions in the United States was entrusted to an independent agency and sufficiently insulated from swings in the political views of the executive branch. The NCUA's independence allows it to make unbiased decisions based on sound financial principles to best serve the communities that credit unions support (ACU 2025).

Today, the NCUA charts and regulates credit unions, ensuring that members' hard-earned money remains safe and that they can access the financial resources they need to pursue dreams like higher education and home ownership. By the beginning of 2025, there were more than 143 million members of federally insured credit unions across the United States. Combined, these members have nearly \$2.4 trillion dollars invested in their credit unions (NCUA 2025c). The NCUA plays a vital role in ensuring that credit unions are stable institutions and that members' deposits are adequately protected, most notably through the management of the National Credit Union Share Insurance Fund. Like the FDIC, this fund insures members' deposits up to \$250,000 (NCUA 2025b). The NCUA also enforces a range of regulations that aim to maintain the strength and stability of the credit union system. This includes, for example, regulations regarding the investment and

deposit activities, capital adequacy, and mergers of credit unions, among other activities

Since 1979, a three-member board has led and managed the activities of the NCUA. The board is structured similarly to other independent agencies. Under the FCUA, board members are appointed by the president and approved by the Senate to serve a six-year term.⁴¹ The statute states that “[n]ot more than two members of the board shall be members of the same political party.”⁴² Importantly, when Congress restructured the NCUA so that it was led by the board, it removed all references in the statute to the leadership “serving at the pleasure of the President.”⁴³ While many day-to-day functions of the agency, including examination and supervision of credit unions, are executed by agency staff, the board approves and carries out crucial functions of the agency. Specifically, the board sets policies and procedures for the agency; directs and approves its regulatory actions, including proposed and final rules; and serves as a final appeals board for agency actions against credit unions. Under the statute and regulations, the board meets every month and must have a quorum of a majority of board members to hold meetings.⁴⁴

How the agency’s independence has been undermined

In April, President Trump took unprecedented actions that undermined the NCUA’s overall independence and ability to function. Specifically, Trump fired two Democratic members of the board—Todd Harper and Tanya Otsuka—leaving a single board member. Harper and Otsuka have sued President Trump over their firing claiming that the actions violated both the Federal Credit Union Act as well as the Constitution.⁴⁵ While a district court found they were unlawfully terminated, a court of appeals stayed the district court’s order and they remain unable to perform their duties. While this litigation is pending there is significant confusion and uncertainty about how the NCUA board can or will function.

As discussed above, the FCUA states that there must be a majority of board members to have a quorum and meet. Crucially, the statute does not explicitly contemplate a situation in which there are vacancies on the board, let alone only one member left. Indeed, the statute has holdover protections to ensure there aren’t vacancies on the board, allowing members to serve beyond their six-year term until a replacement member is approved.

The actions taken by Trump in the short term will likely hamper the ability of the NCUA to carry out important functions, including an annual rolling review of one-third of its regulations. This year the NCUA has identified 36 regulations which will be reviewed by the agency (NCUA 2025a). Additionally, fired board member Harper recently highlighted that there are a number of individual credit unions whose ratings by the NCUA indicate that the board should be engaging more closely in the review and potential regulatory actions against these entities, which combined hold \$112 billions in assets (Mullen 2025). Without a full board in place to take necessary actions, these credit unions and their members may be at financial risk.

Conversely, if the single remaining board member attempts to move forward with typical board actions on his own, this would directly undermine the intent of Congress and the statute, i.e., ensuring that the agency and board are not influenced entirely by a single

political party. These actions would also most likely be subject to legal challenges, creating additional uncertainty in the credit union market.⁴⁶ Similarly, if courts eventually allow the firings of the Democratic board members to stand, this would be a significant departure from Congress' clearly expressed intent to move the management of the NCUA away from a structure that is under the direct influence of the president.

Trump's executive orders intruding on agency independence also pose challenges for the NCUA. For example, the new requirement that agencies submit proposed and final regulations to OMB for White House review and approval is particularly challenging for the NCUA, which reviews one-third of its regulations every year and issued 12 new proposed or final regulations in 2024 alone.⁴⁷ At a minimum, extensive involvement by the White House will inevitably delay the regulatory process. More alarming is the prospect that the White House will demand substantive changes to regulations (whether new proposals or regulations already on the books) that undermine the NCUA's independence or do not reflect the best judgments of its expert leaders, putting the communities that rely on affected credit unions at risk.

For the 143 million people who have their savings in a credit union, the uncertainty at the NCUA board at best may cause greater financial stress and uncertainty. For some, the administration's actions may call into question the ability of the federal government to fairly and adequately regulate the financial institutions people have entrusted their savings with or secured loans from. Over time, undue political influence over the NCUA—either through changes in the board structure or overt influence of its regulatory process—could create instability in the credit union system and subsequently motivate members to move out of the system entirely, undermining the financial security of the many unique communities that credit unions serve.

Conclusion

For more than 100 years, the United States has relied on independent agencies to provide essential protections to workers, consumers, retirees, and the general public. Congress carefully and intentionally designed these agencies—like the Federal Reserve and the Environmental Protection Agency—to ensure they could fully realize their missions without being directly affected by political influence, presidential favoritism, or interest group politics. While the laws these agencies administer have been modified periodically through the years, Congress has not wavered from its commitment to preserve their independence. These agencies can serve the public effectively because they prioritize expertise, promote stable and consistent enforcement of the law, and make policy choices that elevate long-term public good over short-term political gain.

Preserving independence is about more than good governance: It's about protecting the public. These agencies ensure that workers are able to join together with their co-workers to form a union and bargain for better wages and working conditions, apply for a job knowing that they are protected from discrimination, put their earnings in a local credit union, and purchase household goods without fear of them being unsafe.

Since taking office, President Trump has waged an unprecedented assault on independent agencies, in some cases firing board members and commissioners despite explicit legal prohibitions, politicizing agencies' rulemaking processes, and—in many instances—bringing the functions of these agencies to all but a halt. These actions not only have immediate consequences for workers and the public—they also create tremendous potential for abuses of power over time that could let wealthy corporations pad their profits at the expense of ordinary people's lives and livelihoods. The systematic attack on independent agencies deserves more attention and opposition from Congress, both to defend its prerogative to create public watchdogs within the executive branch and to protect the people these important agencies were designed to serve.

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Notes

1. 28 U.S.C. § 516 (2017).
2. Sometimes agencies only have independent authority to litigate in certain subject matter areas, while others have independent authority to litigate only until a matter gets to the Supreme Court (at which point the agency is represented by the solicitor general). Rarely, an agency will have independent litigating authority that encompasses even Supreme Court litigation—with the primary modern example being the Federal Trade Commission.
3. The precise statutory language establishing such removal protections can vary but typically says that appointed officials can only be removed for “inefficiency, neglect of duty, and malfeasance in office” or some similar standard and sometimes requires elements of due process before a removal can take place, such as notice and opportunity for a hearing.
4. See Table 4 in Selin and Lewis (2018).
5. The National Labor Relations Act, for example, does not contain any requirement that the National Labor Relations Board be comprised of bipartisan members, but historically a bipartisan balance has been maintained.
6. For example, the director of the Federal Housing Finance Agency must have extensive understanding of financial management, capital markets, mortgage securities, and housing finance. For further information, see Table 7 in Selin and Lewis (2018).
7. See Table 12 in Selin and Lewis (2018).
8. See Table 12 in Selin and Lewis (2018).
9. For example, Merit Systems Protection Board Chair Cathy Harris's termination message cited no reason for her dismissal (*Harris v. Bessent*, D.C. Cir. R. 2025); Equal Employment Opportunity Commissioner Jocelyn Samuels's termination message criticized her for “enacting or enforcing the

Biden administration’s radical Title VII guidance” (*Samuels v. Trump*, D.D.C. 2025); and National Labor Relations Board Member Gwynne Wilcox termination message cited, among other things, “improperly cabin[ing] employers’ rights to speak on the subject of unionization” and supporting the Board’s joint-employer rule (Bruenig 2025).

10. *Harris v. Bessent*; *Samuels v. Trump*; Bruenig (2025).
11. 295 U.S. 602 (1935).
12. While the Supreme Court subsequently narrowed the scope of *Humphrey’s Executor’s* reach to exclude independent agencies headed by only one official rather than a multimember body (see *Seila Law LLC v. Consumer Financial Protection Bureau*, 591 U.S. 2020) the Court subsequently reaffirmed that *Humphrey’s Executor* remains good law. See *Collins v. Yellen*, 594 U.S. (2021) explaining that *Seila Law* “did not revisit our prior decisions allowing certain limitations on the President’s removal.”).
13. See Acting Solicitor General Harris’s February 2025 letter to Senator Dick Durbin (Harris 2025), indicating the Department of Justice’s intention to argue that *Humphrey’s Executor* should be overruled.
14. *Wilcox v. Trump* (D.D.C. 2025).
15. *Wilcox v. Trump*.
16. See The White House (2025d). The order strongly implies that any regulation whose legality was previously upheld under the deferential *Chevron* standard of judicial review applied by the federal courts before the Supreme Court’s recent decision in *Loper Bright Enterprises v. Raimondo* (U.S. 2024) should be considered for immediate repeal. (This directive is of dubious legality, as it instructs agencies not to use the notice-and-comment process required by the Administrative Procedure Act to repeal a substantive regulation. It also stands in significant tension with the Supreme Court’s explicit direction in *Loper Bright* that prior cases upholding agency action under the *Chevron* standard remain good law).
17. See *Starbucks Corp. v. McKinney*, 602 U.S. 339, 355 (2024) (Jackson, J., concurring) (describing federal courts’ “ignominious history”); see also *Boys Markets, Inc. v. Retail Clerks*, 398 U.S. 235, 250 (1970).
18. See Roosevelt (1935) noting these functions “should not be confused.”
19. Roosevelt (1935). The Act thus adopted the same independent agency model that the Supreme Court had endorsed for the Federal Trade Commission in *Humphrey’s Executor*, a decision handed down less than two months before Congress established the Board. See *Free Enter. Fund v. Public Co. Accounting Oversight Bd.* (2010), 561 U.S. 477, 547 (Breyer, J., dissenting); *Dish Network Corp. v. NLRB* (2020). 953 F.3d 370, 375 n.2 (5th Cir. 2020).
20. See 29 U.S.C. § 153(a).
21. See *ExxonMobil Rsch. & Eng’g Co., Inc. v. NLRB*, No. 23-60495, 2025 WL 782692 (5th Cir. Mar. 12, 2025), which upholds the agency’s vacatur of a prior decision where an NLRB member participated in the case in violation of federal ethics rules regarding financial conflicts of interest.
22. See *Pillsbury Co. v. Federal Trade Comm’n*, 354 F.2d 952 (5th Cir. 1966), which overturned an administrative decision of the Federal Trade Commission that was subject to undue congressional influence.

23. See *Berkshire Emps. Ass'n of Berkshire Knitting Mills v. NLRB* 121 F.2d 235 (3d Cir. 1941).
24. See *NLRB v. CNN America* (2017).
25. See OIG-NLRB (2012), which finds that a member's chief counsel improperly disclosed deliberative information about pending matters to parties outside the Board.
26. 29 U.S.C. § 156.
27. See *Bostock v. Clayton Cty.*, 590 U.S. 644 (2020).
28. See EEOC (2025d). Otherwise, the agency will issue the charging party a "right to sue" letter, enabling them to sue on their own behalf in federal court.
29. Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (1964).
30. 42 U.S.C. § 2000e-4(e).
31. See *Macy v. Department of Justice*, EEOC Appeal No. 0120120821, 2012 WL 1435995 (EEOC Apr. 20, 2012) and *Lawrence v. Office of Personnel Management*, EEOC Appeal No. 0120162065 (May 30, 2024).
32. The five-member commission is now comprised of only two members: Republican Chair Andrea Lucas and Democratic Commissioner Kalpana Kotagal. EEOC's general counsel, Karla Gilbride, was also fired that same day. Former Commissioner Samuels has since filed a lawsuit.
33. The EEOC initiates most investigation in response to complaints filed by employees. Commissioners can file their own charge, but it would not be made public and would require the commissioner to provide evidence of discrimination under penalty of perjury. This is to prevent the Commission from seeking to intimidate employers through public pressure.
34. 15 U.S. Code § 2051; see Carpenter (2018) for a discussion of rulemaking authority.
35. Congress excluded from the agency's scope of coverage products that are regulated by other federal agencies, such as motor vehicles, tobacco products, food, and drugs.
36. See Carpenter (2018).
37. See Carpenter (2018).
38. 15 USC § 2053.
39. For more information on these credit unions, see TFCU (2025), GCU (2025), and SECU (2025).
40. Pub. Law. No. 76-466.
41. 12 U.S. Code §1752a.
42. 12 U.S. Code §1752a(b)1.
43. See *Harper v. Bessent*.
44. 12 U.S. Code §1752a(d); 12 CFR 791.5.
45. See *Harper v. Bessent*.
46. The FCUA does not include a numerical requirement to establish a quorum but instead simply states that "a majority of the Board shall constitute a quorum." See 12 U.S. Code §1752a (d).

47. See: 89 FR 104865; 89 FR 79380; 89 FR 79397; 89 FR 67890; 89 FR 65242; 89 FR 64538; 89 FR 60549; 89 FR 60329; 89 FR 45602; 89 FR 31117; 89 FR 17710; 89 FR 1441.

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