

Addendum:

U.S. Equal Employment Opportunity Commission (EEOC)

Original Text (Page 12): The ability of the EEOC and the U.S. Commission on Civil Rights to affect civil rights policy depends on the composition of the Commission. For example, while the Chair of the EEOC can be changed by an incoming President, all five commissioners serve for set terms, and the majority of the EEOC – until July 2026 – will include commissioners who have articulated clear support for DEI and civil rights.

Revised Text: The ability of the EEOC and the U.S. Commission on Civil Rights to affect civil rights policy depends on the composition of the Commission. **Pursuant to the text of the statute that created the EEOC**, all five commissioners serve for set terms. **Under this well established precedent**, the majority of the EEOC would include commissioners who have articulated clear support for DEI and civil rights until July 2026. **However, in an unprecedented move on January 27, President Trump notified two of the three Democratic commissioners that he was removing them from the EEOC. The Congressionally-directed and Senate-confirmed terms of the two pro-DEI commissioners who Trump fired do not end until 2026 (Commissioner Samuels) and 2028 (Commissioner Burrows). Both Commissioners have stated that they are considering their legal options to challenge their removal. By statute, the EEOC is supposed to be bipartisan, with commissioners serving staggered five-year terms. Trump's firing of the two commissioners also means that for now, there are not enough commissioners for a quorum, so the remaining Commissioners cannot take action.**

Explanation: President Trump removed two of the three Democratic commissioners on the EEOC, leaving the EEOC with two remaining commissioners. By statute, no more than three members of the commission can be from the same political party, so if the firings are not overturned, President Trump would be able to make appointments to fill the positions of Commissioners Burrows and Samuels and shift the political majority from Democratic to Republican. (Previously, Democrats would have retained a majority through Commissioner Samuel's term, which would have ended in 2026.) This unprecedented action will likely lead to legal challenges of the removal of the two commissioners. Commissioners for the independent, bipartisan agency are appointed by the president and confirmed by the U.S. Senate for staggered five-year terms.

If these removals are not reversed, it could enable the newly appointed Republican Chair to gain the votes needed to revoke more of the EEOC's guidance regarding protections for all workers from discrimination. Please continue to check in with the APR Network and our partners for the latest updates on these developments.

Addendum:

U.S. Equal Employment Opportunity Commission (EEOC)

Original Text (Page 53): The Trump Administration will certainly seek to steer the EEOC away from its robust support for DEI programs and may seek to reverse protections for LGBTQ and pregnant workers. However, the Administration will be limited in the changes it can make until the middle of 2026 because of the composition of the Commission.

(Page 54): While President Trump has already named a new Chair of the EEOC, the majority of the Commission will remain pro - DEI until July, 2026, when the term of the Vice Chair will end and the President will be able to fill her position with an anti-Equity candidate. This means that the Commission will not have the votes to reverse recent EEOC policy actions like the expansion of protections recently provided under the Pregnant Workers Fairness Act rules or LGBTQ protections in the anti-harassment guidance. While policies will be difficult to reverse until 2026, the chair and general counsel can change the course of what cases are considered for EEOC litigation. However, they will still require a majority vote to be filed by the EEOC in court.

Revised Text (Page 53): The Trump Administration will certainly seek to steer the EEOC away from its robust support for DEI programs and may seek to reverse protections for LGBTQ and pregnant workers. However, the Administration **should** be limited in the changes it can make until the middle of 2026 because of the composition of the Commission. **But, as noted in the Addendum to page 12, in an unprecedented move that will likely be challenged in court, President Trump tried to fire two of the Democratic commissioners before the end of their term.**

(Page 54): While President Trump has already named a new Chair of the EEOC, the majority of the Commission **was anticipated to remain pro** - DEI until July, 2026, when the **statutorily determined and Senate confirmed** term of the Vice Chair was scheduled to end and the President will be able to fill her position with an anti-Equity candidate. This **meant** that the Commission **would** not have the votes to reverse recent EEOC policy actions like the expansion of protections recently provided under the Pregnant Workers Fairness Act rules or LGBTQ protections in the anti-harassment guidance. **However, President Trump sought to undermine the statute creating the EEOC by firing the two commissioners; if the firings are not reversed, there could be sufficient support on the EEOC for reversing these policies. Regardless,** the newly named Republican chair and new general counsel can change the course of what cases are considered for EEOC litigation. They will still require a majority vote to be filed by the EEOC in court.

Explanation: See previous Addendum to page 12 for explanation.