

Quick Guide: Independent Regulatory Agencies¹

Statutory Removal Provisions, Leadership Structures, and Removal Status

Agency	Statutory For-Cause Removal Provision	Leadership Structure and Composition	Current Legal Status of Removal Authority
Board of Governors of the Federal Reserve System (FRB)	President may remove members only “for cause.” 12 U.S.C. § 242	Multimember board (7 members, politically balanced by custom)	Litigation pending: President’s for-cause removal is at issue in Cook v. Trump (SCT)
Consumer Financial Protection Bureau (CFPB)	President may remove for cause: “inefficiency, neglect of duty, or malfeasance.” 12 U.S.C. § 5491(c)	Single director (5-year term)	Seila Law LLC v. CFPB, 591 U.S. 197 (2020) invalidated for-cause protection; President may now remove at will
Commodity Futures Trading Commission (CFTC)	Not explicit in 7 U.S.C. § 2(a)	Multimember commission (5 members, no more than 3 from same party by law)	No active litigation
Consumer Product Safety Commission (CPSC)	President may remove for cause: “for neglect of duty or malfeasance in office but for no other cause.” 15 U.S.C. § 2053(a)	Multimember commission (5 members, no more than 3 from same party by law)	Litigation pending: President’s at-will removal is at issue in Boyle v. Trump (U.S. Supreme Court (SCOTUS) stayed commissioners’ reinstatement pending appeal)
Equal Employment	Not explicit in 42 U.S.C. § 2000e-4	Multimember commission (5	Litigation pending:

¹ This table includes agencies recognized as “independent regulatory agencies” in 44 U.S.C. § 3502(5) and in the Office of Legal Counsel’s opinion, *available at* [43 Op. O.L.C. 232 \(2019\)](#), as well as other agencies that have been historically considered independent in practice.

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Opportunity Commission (EEOC)		members, no more than 3 from same party by law)	President's at-will removal is at issue in Samuels v. Trump (DDC)
Farm Credit Administration (FCA)	Not explicit in 12 U.S.C. § 2242	Multimember board (3 members, no more than 2 from same party by law)	No active litigation
Federal Communications Commission (FCC)	Not explicit in 47 U.S.C. § 154	Multimember commission (5 members, no more than 3 from same party by law)	No active litigation
Federal Deposit Insurance Corporation (FDIC)	Not explicit in 12 U.S.C. § 1812	Multimember commission (5 members, no more than 3 from same party by law)	No active litigation
Federal Election Commission (FEC)	Not explicit in 52 U.S.C. § 30106(a)(2)	Multimember commission (6 members, no more than 3 from same party by law)	Litigation possible: President Trump fired FEC Chair Ellen Weintraub
Federal Energy Regulatory Commission (FERC)	President may remove "only for inefficiency, neglect of duty, or malfeasance in office." 42 U.S.C. § 7171(b)	Multimember commission (5 members, no more than 3 from same party by law)	No active litigation
Federal Housing Finance Agency (FHFA)	President may remove "for cause." 12 U.S.C. § 4512(b)(2)	Single director (5-year term)	Collins v. Yellen, 141 S.Ct. 1761 (2020) invalidated the for-cause protection; director is now removable at will

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Federal Labor Relations Authority (FLRA)	President may remove members “only upon notice and hearing and only for inefficiency, neglect of duty, or malfeasance in office.” 5 U.S.C. § 7104(b)	Multimember authority (3 members, no more than 2 from same party by law)	Litigation pending: President’s at-will removal is at issue in Grundmann v. Trump (D.C. Cir.)
Federal Maritime Commission (FMC)	President may remove for cause: “for inefficiency, neglect of duty, or malfeasance.” 46 U.S.C. § 46101(b)(5)	Multimember commission (5 members, no more than 3 from same party by law)	No active litigation
Federal Mine Safety and Health Review Commission (FMSHRC)	President may remove for cause: “only for neglect of duty or malfeasance in office.” 30 U.S.C. § 823(b)	Multimember commission (5 members, politically balanced by custom)	No active litigation
Federal Retirement Thrift Investment Board (FRTIB)	Not explicit in 5 U.S.C. § 8472	Multimember commission (5 members)	No active litigation
Federal Trade Commission (FTC)	President may remove for cause: “for inefficiency, neglect of duty, or malfeasance in office.” 15 U.S.C. § 41	Multimember commission (5 members, no more than 3 from same party by law)	Litigation pending: Humphrey’s Executor v. U.S. , 295 U.S. 602 (1935) upheld for-cause removal but SCOTUS will revisit in Slaughter v. Trump
Merit Systems Protection Board (MSPB)	President may remove for cause: “only for inefficiency, neglect of duty, or	Multimember board (3 members, no more than 2 from same party by law)	Litigation pending: President’s at-will removal is at issue in Harris v. Bessent

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	malfeasance in office.” 5 U.S.C. § 1202(d)		(SCOTUS stayed reinstatement pending appeal)
National Credit Union Administration (NCUA)	Not explicit in 12 U.S.C. § 1752a	Multimember board (3 members, no more than 2 from same party by law)	Litigation pending: President’s at-will removal is at issue in Harper v. Bessent (D.C. Circuit stayed reinstatement pending appeal)
National Labor Relations Board (NLRB)	President may remove “for neglect of duty or malfeasance in office, but for no other cause.” 29 U.S.C. § 153(a)	Multimember board (5 members, politically balanced in practice)	Litigation pending: At-will removal is at issue in Wilcox v. Trump (SCOTUS stayed reinstatement pending appeal)
National Transportation Safety Board (NTSB)	President may remove “for inefficiency, neglect of duty, or malfeasance in office.” 49 U.S.C. § 1111(c)	Multimember board (5 members, no more than 3 from same party by law)	Litigation pending: At-will removal is at issue in Brown v. Trump
Nuclear Regulatory Commission (NRC)	President may remove “for inefficiency, neglect of duty, or malfeasance in office.” 42 U.S.C. § 5841(e)	Multimember commission (5 members, no more than 3 from same party by law)	Litigation possible: President Trump fired NRC Commissioner Christopher Hanson
Occupational Safety and Health Review Commission (OSHRC)	President may remove “for inefficiency, neglect of duty, or malfeasance in office.” 29 U.S.C. § 661(b)	Multimember commission (3 members)	No active litigation

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Office of Financial Research (OFR)	Not explicit in 12 U.S.C. § 5343(b)	Single director (6-year term)	No active litigation
Office of the Comptroller of the Currency (OCC)	Comptroller shall hold office for five years unless sooner “removed by the President, upon reasons to be communicated by him to the Senate.” 12 U.S.C. § 1(c)	Single comptroller (5-year term)	No active litigation
Postal Regulatory Commission (PRC)	President may remove commissioners “only for cause.” 39 U.S.C. § 502(a)	Multimember commission (5 members, no more than 3 from same party by law)	No active litigation
Securities and Exchange Commission (SEC)	Not explicit in 15 U.S.C. § 78d	Multimember commission (5 members, no more than 3 from same party by law)	No active litigation. <i>Free Enterprise Fund v. PCAOB</i>, 561 U.S. 477 (2010) assumed without deciding that SEC commissioners were removable only for cause
Social Security Administration (SSA)	President may remove commissioner only “pursuant to a finding by the President of neglect of duty or malfeasance in office.” 42 U.S.C. § 902(a)	Single commissioner (6-year term)	No active litigation

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Surface Transportation Board (STB)	President may remove members “for inefficiency, neglect of duty, or malfeasance in office.” 49 U.S.C. § 1301(b)	Multimember board (5 members, no more than 3 from same party by law)	Litigation pending: President’s at-will removal is at issue in Primus v. Trump (DDC)
United States International Trade Commission (USITC)	Not explicit in 19 U.S.C. § 1330	Multimember commission (6 members, no more than 3 from same party by law)	No active litigation
US Privacy and Civil Liberties Oversight Board (PCLOB)	Not explicit in 42 U.S.C. § 2000ee	Multimember board (5 members, no more than 3 from same party by law)	Litigation pending: President’s at-will removal of two board members is at issue in LeBlanc v. PCLOB (D.C. Cir.)

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