

# United States Senate

WASHINGTON, DC 20510

May 4, 2026

Andrea R. Lucas  
Chair  
Equal Employment Opportunity Commission  
131 M Street, NE  
Washington, DC 20507

Dear Ms. Lucas:

We write regarding a statement you issued last year indicating that you intend to modify your agency's rule that affirms the strong protections that the Pregnant Workers Fairness Act (PWFA) grants workers undergoing fertility treatments.<sup>1</sup> President Trump has claimed he wants to increase Americans' access to fertility treatments—even going as far as to dub himself “the Fertilization President.”<sup>2</sup> But modifying the Equal Employment Opportunity Commission (EEOC)'s PWFA regulations to remove individuals undergoing fertility treatments would break President Trump's promise, making it more likely that employers could deny accommodations to workers undergoing fertility treatment—or force them to work in conditions that could undermine their health or their treatment's success. We write to request that you abandon your efforts to weaken this rule.<sup>3</sup>

President Trump has repeatedly held himself out as an ardent supporter of fertility treatment, especially in vitro fertilization (IVF). On the campaign trail, President Trump said: “We're totally in favor of IVF,” “we really are the party for IVF,” and “I'm the father of IVF.”<sup>4</sup> Once in office, President Trump dubbed himself “the fertilization president.”<sup>5</sup> He even claimed he would make fertilization treatments free, which he described as “tremendous goodies in the bag for

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<sup>1</sup> EEOC, “Position of Acting Chair Lucas Regarding the Commission's Final Regulations Implementing the Pregnant Workers Fairness Act,” <https://www.eeoc.gov/wysk/position-acting-chair-lucas-regarding-commissions-final-regulations-implementing-pregnant>; Jones Day, “A Look At EEOC Actions In 2025 And What's Next,” Eric Dreiband and Graham Foster, January 14, 2026, <https://www.jonesday.com/-/media/files/publications/2026/01/a-look-at-eeoc-actions-in-2025-and-whats-next-law-360/files/law360--a-look-at-eeoc-actions-in-2025-and-whats-fileattachment/law360--a-look-at-eeoc-actions-in-2025-and-what.pdf?rev=1cff745321e64533b84e748a0fe29c83>.

<sup>2</sup> NPR, “Trump says he'll support free IVF treatments in a second term,” Sarah McCammon, Clay Masters, and Lexie Schapitl, August 30, 2024, <https://www.npr.org/2024/08/30/nx-s1-5094454/trump-tells-town-hall-crowd-that-he-supports-free-ivf-treatments>.

<sup>3</sup> The White House, “Fact Sheet: President Donald J. Trump Announces Actions to Lower Costs and Expand Access to In Vitro Fertilization (IVF) and High-Quality Fertility Care,” October 16, 2025, <https://www.whitehouse.gov/fact-sheets/2025/10/fact-sheet-president-donald-j-trump-announces-actions-to-lower-costs-and-expand-access-to-in-vitro-fertilization-ivf-and-high-quality-fertility-care/>.

<sup>4</sup> NBC News, “Trump says he's the ‘father of IVF’ – and that he just recently learned what it is,” Darih Gregorian, October 17, 2024, <https://www.nbcnews.com/politics/2024-election/trump-says-father-ivf-recently-learned-rcna175940>.

<sup>5</sup> People, “Donald Trump Nicknames Himself the ‘Fertilization President’ at Women's History Month Celebration,” Meredith Kile, March 27, 2025, <https://people.com/donald-trump-nicknames-himself-fertilization-president-womens-history-month-11704347>.

women.”<sup>6</sup> This has not come to pass. President Trump has set forth an Executive Order purportedly aimed at expanding access to IVF, but its implementation has been weak.<sup>7</sup> In particular, President Trump’s attempt to get drug manufacturers to lower prices for IVF drugs only applies to a “narrow subset of drugs within the broader IVF regimen,” failing to address the larger expense of IVF cycles, including the costs of all the medications used, embryo storage, and embryo transfers.<sup>8</sup> And his proposed fertility benefits amount to little more than a voluntary invitation to employers to offer benefits if they want to, with no requirements or incentives to do so.<sup>9</sup> At the same time, President Trump signed into law the *One Big Beautiful Bill Act*,<sup>10</sup> which will kick 14.2 million people off their insurance by 2034<sup>11</sup>—dashing the hopes of would-be parents who can no longer afford even the most basic of health care, let alone expensive fertility treatments. Now, his EEOC appointees are taking this betrayal a step further by undermining critical protections for workers undergoing fertility treatments.

In 2022, Congress passed—and President Biden signed into law—the PWFA,<sup>12</sup> which requires employers to grant their employees reasonable accommodations for “known limitations” arising from “pregnancy, childbirth, or related medical conditions.”<sup>13</sup> In many cases, this will boil down to (in your words) “water, a place to sit, fitting attire, increased access to the bathroom, and the like.”<sup>14</sup> The law directed the EEOC to issue legally binding regulations “provid[ing] examples of reasonable accommodations addressing known limitations related to pregnancy, childbirth, or related medical conditions.”<sup>15</sup> The Commission issued its final rule in 2024<sup>16</sup>, over your

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<sup>6</sup> NPR, “Trump says he’ll support free IVF treatments in a second term,” Sarah McCammon, Clay Masters, and Lexie Schapitl, August 30, 2024, <https://www.npr.org/2024/08/30/nx-s1-5094454/trump-tells-town-hall-crowd-that-he-supports-free-ivf-treatments>.

<sup>7</sup> American Society for Reproductive Medicine, “Evaluating the Trump Administration’s Initiative on IVF,” <https://www.asrm.org/advocacy-and-policy/fact-sheets-and-one-pagers/evaluating-the-trump-administrations-initiative-on-ivf/>.

<sup>8</sup> *Id.* at 3, 7.

<sup>9</sup> *Id.* at 3-5. U.S. Senator Elizabeth Warren, “Warren on Trump’s IVF ‘Plan’: ‘Another One of Trump’s Broken Promises,’” press release, October 16, 2025, <https://www.warren.senate.gov/newsroom/press-releases/warren-on-trumps-ivf-plan-another-one-of-trumps-broken-promises>; The Washington Post, “White House releases plan to broaden access to IVF, fertility drugs,” Praveena Somasundaram, Dan Diamond, and Isaac Arnsdorf, October 16, 2025, <https://www.washingtonpost.com/nation/2025/10/16/trump-ivf-fertility-drugs/>.

<sup>10</sup> The One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72 (2025).

<sup>11</sup> Center for American Progress, “The One Big Beautiful Bill Act Will Increase the Number of Americans Without Health Coverage in Every State and Congressional District,” Natasha Murphy, Kennedy Andara, Emily Gee, September 5, 2025, <https://www.americanprogress.org/article/the-one-big-beautiful-bill-act-will-increase-the-number-of-americans-without-health-coverage-in-every-state-and-congressional-district/>.

<sup>12</sup> National Women’s Law Center, “Know Your Rights: Pregnant Workers Fairness Act,” October 30, 2024, <https://nwlc.org/resource/know-your-rights-pregnant-workers-fairness-act/>.

<sup>13</sup> EEOC, “Pregnant Workers Fairness Act,” <https://www.eeoc.gov/statutes/pregnant-workers-fairness-act>.

<sup>14</sup> Statement from EEOC Commissioner Andrea R. Lucas to EEOC Chair Charlotte A. Burrows, EEOC Vice Chair Jocelyn Samuels, EEOC Commissioner Keith R. Sonderling, and EEOC Commissioner Kalpana Kotagal, April 3, 2024, p. 3, <https://www.eeoc.gov/statement-re-vote-final-rule-implement-pregnant-workers-fairness-act>.

<sup>15</sup> 42 U.S.C. § 2000gg-3(a).

<sup>16</sup> Equal Employment Opportunity Commission, Federal Register Notice, “Implementation of the Pregnant Workers Fairness Act,” April 19, 2024, <https://www.federalregister.gov/d/2024-07527>.

protests.<sup>17</sup> The final rule, which reflects the clear meaning and intent of PWFA’s statutory text, explicitly affirms that the PWFA protects women undergoing fertility treatment.<sup>18</sup>

At the time, you objected to how the Commission interpreted the phrase “pregnancy, childbirth, or related medical conditions.”<sup>19</sup> In your view, this phrase should not include a worker undergoing fertility treatments, even though infertility is a medical condition related to pregnancy and childbirth.<sup>20</sup> You were also hostile to the inclusion of menstruation,<sup>21</sup> “hormone issues,”<sup>22</sup> and even lactation<sup>23</sup> as medical conditions related to pregnancy and childbirth.

After you became Acting Chair, you announced your intention to rewrite the PWFA regulations to exclude these workers,<sup>24</sup> indicating that you “remain[] opposed to the Commission’s construction of the phrase “pregnancy, childbirth, or related medical conditions” described in the Final Rule . . . [and] intend[] for the Commission to reconsider portions of the Final Rule.” Now that the Commission has a quorum again,<sup>25</sup> you appear to be in a position to initiate the required notice-and-comment process to change the rule.<sup>26</sup>

Fertility treatments are intensive medical processes that have serious impacts on women’s lives. IVF involves several daily needle injections<sup>27</sup> of medicines that can cause side effects like nausea, vomiting, bloating, and fatigue.<sup>28</sup> To get the doses dialed in, patients must often visit their fertility clinic every 1-2 days over a two-week period for morning monitoring appointments, meaning frequent blood draws and transvaginal ultrasounds.<sup>29</sup> And then there are

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<sup>17</sup> EEOC, “Commission Votes: April 2024,” <https://www.eeoc.gov/commission-votes-april-2024>; Statement from EEOC Commissioner Andrea R. Lucas to EEOC Chair Charlotte A. Burrows, EEOC Vice Chair Jocelyn Samuels, EEOC Commissioner Keith R. Sonderling, and EEOC Commissioner Kalpana Kotagal, April 3, 2024, <https://www.eeoc.gov/statement-re-vote-final-rule-implement-pregnant-workers-fairness-act>.

<sup>18</sup> Equal Employment Opportunity Commission, Federal Register Notice, “Implementation of the Pregnant Workers Fairness Act,” April 19, 2024, p. 29183, <https://www.federalregister.gov/d/2024-07527>.

<sup>19</sup> Statement from EEOC Commissioner Andrea R. Lucas to EEOC Chair Charlotte A. Burrows, EEOC Vice Chair Jocelyn Samuels, EEOC Commissioner Keith R. Sonderling, and EEOC Commissioner Kalpana Kotagal, April 3, 2024, p. 4, <https://www.eeoc.gov/statement-re-vote-final-rule-implement-pregnant-workers-fairness-act>.

<sup>20</sup> *Id.* at 10, 14-15.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 7.

<sup>23</sup> *Id.* at 8.

<sup>24</sup> EEOC, “Position of Acting Chair Lucas Regarding the Commission’s Final Regulations Implementing the Pregnant Workers Fairness Act,” <https://www.eeoc.gov/wysk/position-acting-chair-lucas-regarding-commissions-final-regulations-implementing-pregnant>.

<sup>25</sup> Law360, “Senate Confirms Trump’s Pick for EEOC, Restoring Quorum,” Anne Cullen, October 7, 2025, <https://www.law360.com/articles/2397165/senate-confirms-trump-s-pick-for-eeoc-restoring-quorum>.

<sup>26</sup> Congressional Research Service, “Agency Rescissions of Legislative Rules,” Kate R. Bowers and Daniel J. Sheffner, February 8, 2021, <https://www.congress.gov/crs-product/R46673>.

<sup>27</sup> Carrot, “Understanding IVF medications: Everything you need to know,” Jeanette Tomasino, August 7, 2023, <https://www.get-carrot.com/blog/understanding-ivf-medications-everything-you-need-to-know>.

<sup>28</sup> American Society for Reproductive Medicine, “In Vitro Fertilization (IVF): What Are the Risks?,” 2023, <https://www.reproductivefacts.org/news-and-publications/fact-sheets-and-infographics/in-vitro-fertilization-ivf-what-are-the-risks/>.

<sup>29</sup> Shady Grove Fertility, “The Significance of Monitoring During Infertility Treatment,” July 5, 2022, <https://www.shadygrovefertility.com/article/monitoring-infertility-treatment/>; New Hope Fertility, “IVF Treatment While Working: A Flexible Option for Busy Professionals,” March 2, 2026,

the procedures themselves—egg retrieval and embryo transfer—one of which requires intravenous sedation and neither of which allows for flexible scheduling.<sup>30</sup>

The PWFA protects workers’ rights to accommodations for a wide range of medical conditions related to pregnancy—including IVF and other fertility treatments—and the EEOC’s rule affirms those protections.<sup>31</sup> The current regulation explicitly protects the right of workers undergoing IVF to request reasonable accommodations like short breaks to take medication, a schedule that accommodates daily monitoring appointments and medical procedures, or even access to a chair.<sup>32</sup> These are exactly the kind of “small adjustments” that would allow these workers to continue to perform their jobs during their treatments and that, as you have pointed out, “should be expected from common decency and good manners, but sadly, sometimes [are] denied.”<sup>33</sup> This is why it is so important that the PWFA protects these workers—and that the relevant regulations make that clear. Yet, you have stated that you “intend[]” to remove these workers from the rule.<sup>34</sup> Removing them from this rule does not change the fact that these workers are owed these protections, but it does make it more likely that employers will illegally deny women undergoing IVF their rights under PWFA.

President Trump designated you Acting Chair of the EEOC on January 20, 2025,<sup>35</sup> and he re-nominated you to serve as Chair several months later.<sup>36</sup> Your plan to remove workers undergoing fertility treatments from the rule reveals that President Trump’s promise to “expand[] access” to IVF was entirely hollow.<sup>37</sup> As one legal scholar put it, “[i]f a worker can’t take time off for appointments, then cheaper treatment and greater health-care options are moot.”<sup>38</sup>

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<https://www.newhopefertility.com/blog/ivf-treatment-while-working-a-flexible-option-for-busy-professionals/>.

<sup>30</sup> University of Rochester Medical Center, “IVF Step-by-step,” <https://www.urmc.rochester.edu/strong-fertility-center/services/infertility/infertility-treatment-options/ivf/ivf-step-by-step>.

<sup>31</sup> Equal Employment Opportunity Commission, Federal Register Notice, “Implementation of the Pregnant Workers Fairness Act,” April 19, 2024, <https://www.federalregister.gov/d/2024-07527>.

<sup>32</sup> Worklife Law, “Fertility Treatment, IVF, & Your Rights at Work,” <https://pregnantatwork.org/wp-content/uploads/Fertility-Treatment-IVF-Your-Rights-at-Work.pdf>.

<sup>33</sup> Statement from EEOC Commissioner Andrea R. Lucas to EEOC Chair Charlotte A. Burrows, EEOC Vice Chair Jocelyn Samuels, EEOC Commissioner Keith R. Sonderling, and EEOC Commissioner Kalpana Kotagal, April 3, 2024, p. 3, <https://www.eeoc.gov/statement-re-vote-final-rule-implement-pregnant-workers-fairness-act>.

<sup>34</sup> EEOC, “Position of Acting Chair Lucas Regarding the Commission’s Final Regulations Implementing the Pregnant Workers Fairness Act,” <https://www.eeoc.gov/wysk/position-acting-chair-lucas-regarding-commissions-final-regulations-implementing-pregnant>.

<sup>35</sup> EEOC, “President Appoints Andrea R. Lucas EEOC Acting Chair,” press release, January 21, 2025, <https://www.eeoc.gov/newsroom/president-appoints-andrea-r-lucas-eeoc-acting-chair>.

<sup>36</sup> EEOC, “Andrea R. Lucas Designated Chair of the U.S. Equal Employment Opportunity Commission,” press release, November 6, 2025, <https://www.eeoc.gov/newsroom/andrea-r-lucas-designated-chair-us-equal-employment-opportunity-commission>.

<sup>37</sup> The White House, “Fact Sheet: President Donald J. Trump Expands Access to In Vitro Fertilization (IVF),” press release, February 18, 2025, <https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-expands-access-to-in-vitro-fertilization-ivf/>.

<sup>38</sup> Bloomberg Law, “Trump’s IVF Goal Set to Clash With EEOC Pregnancy Bias Rule Plan,” Rebecca Klar, December 9, 2025, <https://news.bloomberglaw.com/daily-labor-report/trumps-ivf-goal-set-to-clash-with-eeoc-pregnancy-bias-rule-plan>.

Since you have taken over as Chair and announced your intention to change the EEOC’s rule, workers undergoing IVF or other fertility treatments—or who plan to do so—cannot be certain that they will have access to reasonable accommodations for their treatments. And you have made this situation even worse by shrouding the EEOC’s decision-making in secrecy. On January 14, 2026, you rescinded the Commission’s voting procedures, placing all decisions to call public meetings and schedule Commission votes in your sole discretion.<sup>39</sup> You should not make major decisions affecting the agency and the American people behind closed doors and without input from the public. The people who will be affected by your rewriting of the regulations deserve to know more about your intentions and your process.

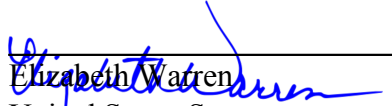
We ask that you halt any further efforts to weaken EEOC rules that protect workers undergoing fertility treatments. And to provide the public with clarity about your intentions concerning the PWFA regulations and your consistency in enforcing the nation’s employment civil rights laws, please answer the following questions by May 13, 2026:


1. Do you intend to change the EEOC’s PWFA regulations to eliminate language explaining the PWFA’s protections for workers undergoing IVF and other fertility treatments?
  - a. If so, please answer the following questions:
    - i. What is your timeline for removing this language?
    - ii. Will the comment period for the required notice-and-comment rulemaking process be of the same length as it was for the original rule (60 days)?
    - iii. Have you considered that removing IVF protections is inconsistent with the administration’s policy, expressed in an executive order, to expand access to IVF?
    - iv. Have you consulted the White House on your intended course of action?
  - b. If not, please explain your change in position.
2. Do you intend to change the EEOC’s PWFA regulations to eliminate language explaining the PWFA’s protections related to menstruation, changes in hormone levels, or lactation?
  - a. If so, please answer the following questions:
    - i. What is your timeline for removing this language?
    - ii. Will the comment period for the required notice-and-comment rulemaking process be of the same length as it was for the original rule (60 days)?
  - b. If not, please explain your change in position.
3. Are you considering any other changes to the EEOC’s current PWFA regulation, and if so, what are they?

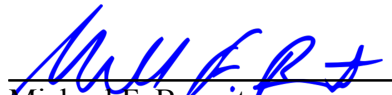
Sincerely,

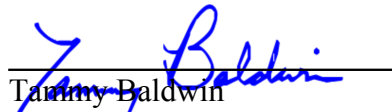
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<sup>39</sup> Law360, “EEOC Chair Defends Revamp: ‘Elections Have Consequences,’” Anne Cullen, January 14, 2026, <https://www.law360.com/employment-authority/articles/2429476>.


  
Elizabeth Warren  
United States Senator


  
Kirsten Gillibrand  
United States Senator

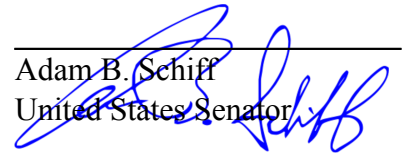
  
Michael F. Bennet  
United States Senator


  
Tammy Baldwin  
United States Senator

  
Cory A. Booker  
United States Senator

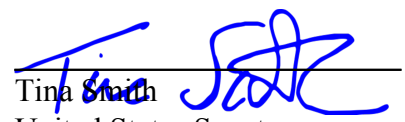
  
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Tammy Duckworth  
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Richard Blumenthal  
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Chris Van Hollen  
United States Senator

  
Ben Ray Lujan  
United States Senator

*Angela D. Alsobrooks*

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United States Senator