

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Howard Lutnick
Secretary
Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Lutnick:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

¹ See, e.g., *Patent Office Lays Off Staff as Government Shutdown Begins (2)*, Bloomberg Law (Oct. 1, 2025) (online at <https://news.bgov.com/ip-law/patent-office-lays-off-some-staff-as-government-shutdown-begins>); and *USDA Eyes More Layoffs If Government Shuts Down*, Politico Pro (Sept. 29, 2025) (online at <https://subscriber.politicopro.com/article/2025/09/usda-eyes-mass-layoffs-government-shutdown-00585157>).

² See, e.g., *'Pain on the Bureaucracy': Russ Vought's Crusade Upends the Shutdown Fight*, Politico (Sept. 26, 2025) (online at www.politico.com/news/2025/09/26/russ-vought-shutdown-layoffs-00581412); and *White House to Agencies: Prepare Mass Firing Plans for A Potential Shutdown*, Politico (Sept. 24, 2025) (online at www.politico.com/news/2025/09/24/white-house-firings-shutdown-00579909).

³ *Speaker Johnson Defends Agencies Blaming Democrats for Shutdown*, The Hill (Oct. 2, 2025) (online at <https://thehill.com/homenews/house/5535081-trump-defends-politicizing-shutdown/>); *Republicans' Shutdown Blame Game is Fracturing*, Politico (Sept. 25, 2025) (online at www.politico.com/news/2025/09/25/government-shutdown-republican-split-00579533).

⁴ President Donald J. Trump (@realDonaldTrump), Truth Social (Oct. 2, 2025) (online at <https://truthsocial.com/@realDonaldTrump/posts/115304455138824245>) (accessed Oct. 2, 2025).

Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

⁵ *See* 5 U.S.C. § 3501-3504.

⁶ *See also, Senior Government Officials Privately Warn Against Firings During Shutdown*, Washington Post (Oct. 2, 2025) (online at www.washingtonpost.com/politics/2025/10/02/shutdown-rifs-government-warnings/). Statutes make clear that federal officers and employees who violate the Anti-Deficiency Act may be subject to adverse personnel actions or even criminal penalties. 31 U.S.C. § 1349-1350.

⁷ *Id.*

⁸ *See* 31 U.S.C. § 1341.

⁹ 5 C.F.R. § 351.801.

¹⁰ *See*, Memorandum from Russell T. Vought, Director, Office of Management and Budget and Charles

people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

Ezell, Acting Director, Office of Personnel Management to Heads of Executive Departments and Agencies (Feb. 26, 2025) (online at www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf).

¹¹ Based on Democracy Forward, *Investigation: Federal Government Agency RIF and Reorganization Plans* (online at <https://democracyforward.org/work/investigation-federal-government-agency-rif-and-reorganization-plans/>) (accessed Oct. 3, 2025).

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¹³ *Trump Hits Independent Agencies, Sparing the Big Stuff—for Now*, Politico (Oct. 2, 2025) (online at www.politico.com/news/2025/10/02/trump-independent-agencies-shutdown-00592237).

¹⁴ See 18 U.S.C. § 1913; 5 U.S.C. § 7321-7326; Office of Special Counsel, *Hatch Act Advisory Opinion Regarding Official Agency Communications* (Sept. 5, 2024) (online at <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advisory%20Opinion%20Regarding%20Official%20Agency%20Communications.pdf>); and Letter from Ranking Member Robert Garcia, Committee on Oversight and Government Reform, to Acting Special Counsel Jamieson Greer, Office of Special Counsel (Oct. 2, 2025) (online at <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/2025-10-02-garcia-to-osc-re-hatch-act-shutdown-agency-messages.pdf>).

the trust of their staff by changing employees' out of office messages without their knowledge from a non-partisan notice about shutdown closures to a partisan message blaming Democrats for the government shutdown, possibly opening up federal employees to charges of violating federal law themselves.¹⁵ Oversight Democrats are investigating these violations of federal law and will hold wrongdoing accountable.

Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
4. All documents and communications—including agency RIF and reorganization plans—related to proposed RIFs of agency employees.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

¹⁵ *Education Department Employees Surprised to Find Their Email Automatically Changed to Blame Democrats for Shutdown*, NBC News (Oct. 2, 2025) (online at www.nbcnews.com/politics/trump-administration/education-department-employees-email-automatically-changed-rcna235211).

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Sincerely,



Robert Garcia
Ranking Member




Eleanor Holmes Norton
Member of Congress



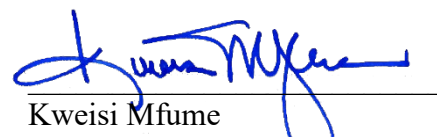
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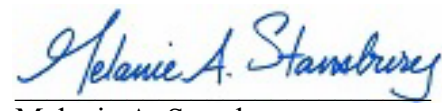
Ro Khanna
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Kweisi Mfume
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Shontel M. Brown
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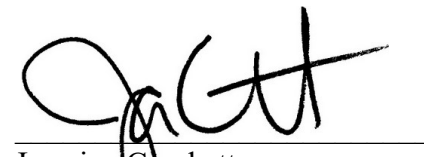
Maxwell Alejandro Frost
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Summer L. Lee
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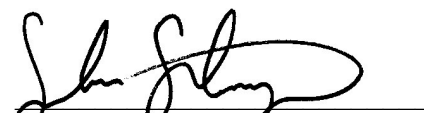
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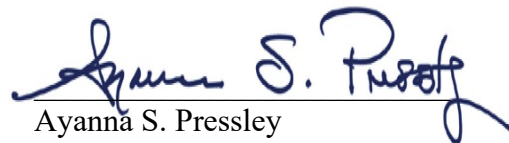

Yassamin Ansari
Member of Congress



Wesley Bell
Member of Congress


Lateefah Simon
Member of Congress


Dave Min
Member of Congress


James Walkinshaw
Member of Congress


Ayanna S. Pressley
Member of Congress


Rashida Tlaib
Member of Congress

cc: The Honorable James Comer, Chairman

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October 3, 2025

The Honorable Kristi Noem
Secretary
Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Dear Secretary Noem:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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Sincerely,




Robert Garcia
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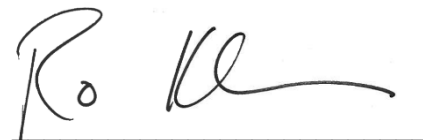
Eleanor Holmes Norton
Member of Congress



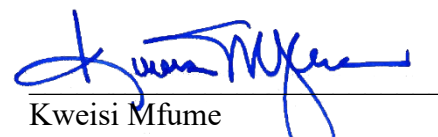
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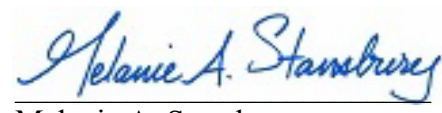
Ro Khanna
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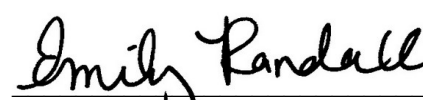
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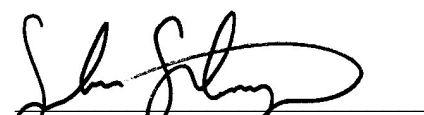
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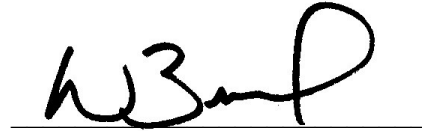


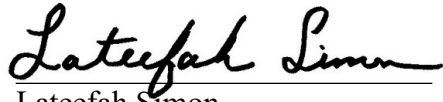
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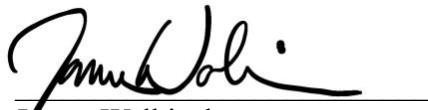
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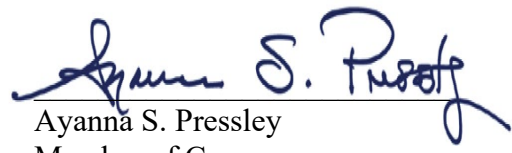

Yassamin Ansari
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Rashida Tlaib
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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Pete Hegseth
Secretary
Department of Defense
1400 Defense Pentagon
Washington, DC 20301

Dear Secretary Hegseth:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

¹ See, e.g., *Patent Office Lays Off Staff as Government Shutdown Begins (2)*, Bloomberg Law (Oct. 1, 2025) (online at <https://news.bgov.com/ip-law/patent-office-lays-off-some-staff-as-government-shutdown-begins>); and *USDA Eyes More Layoffs If Government Shuts Down*, Politico Pro (Sept. 29, 2025) (online at <https://subscriber.politicopro.com/article/2025/09/usda-eyes-mass-layoffs-government-shutdown-00585157>).

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

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people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

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the trust of their staff by changing employees' out of office messages without their knowledge from a non-partisan notice about shutdown closures to a partisan message blaming Democrats for the government shutdown, possibly opening up federal employees to charges of violating federal law themselves.¹⁵ Oversight Democrats are investigating these violations of federal law and will hold wrongdoing accountable.

Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
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The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

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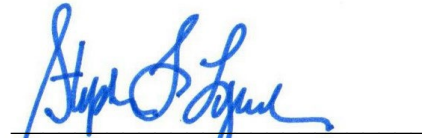
Sincerely,



Robert Garcia
Ranking Member




Eleanor Holmes Norton
Member of Congress



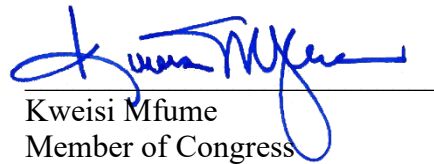
Stephen F. Lynch
Member of Congress




Raja Krishnamoorthi
Member of Congress




Ro Khanna
Member of Congress



Kweisi Mfume
Member of Congress




Shontel M. Brown
Member of Congress



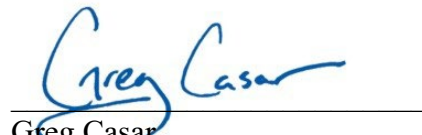
Melanie A. Stansbury
Member of Congress



Maxwell Alejandro Frost
Member of Congress



Summer L. Lee
Member of Congress



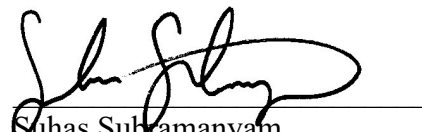
Greg Casar
Member of Congress



Jasmine Crockett
Member of Congress

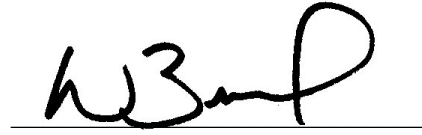


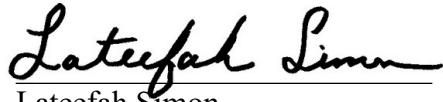
Emily Randall
Member of Congress



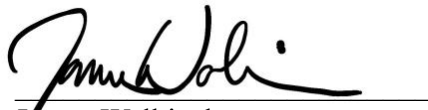
Suhas Subramanyam
Member of Congress

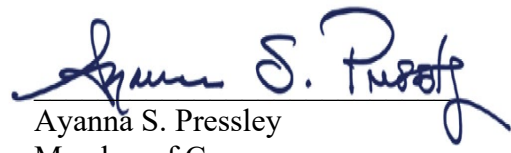

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Chris Wright
Secretary
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Secretary Wright:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

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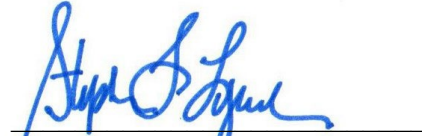
Sincerely,



Robert Garcia
Ranking Member




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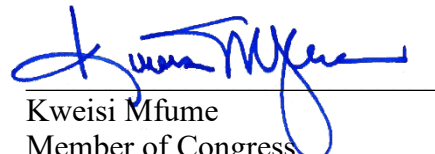
Stephen F. Lynch
Member of Congress




Raja Krishnamoorthi
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Ro Khanna
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Kweisi Mfume
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Shontel M. Brown
Member of Congress



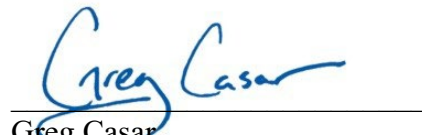
Melanie A. Stansbury
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Summer L. Lee
Member of Congress



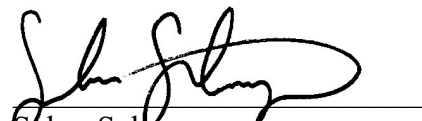
Greg Casar
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Jasmine Crockett
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Emily Randall
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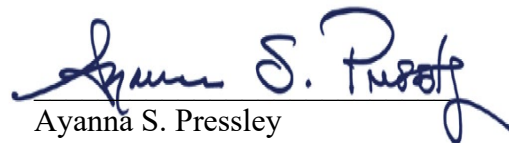

Yassamin Ansari
Member of Congress



Wesley Bell
Member of Congress


Lateefah Simon
Member of Congress


Dave Min
Member of Congress


James Walkinshaw
Member of Congress


Ayanna S. Pressley
Member of Congress


Rashida Tlaib
Member of Congress

cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Doug Burgum
Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Burgum:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

¹ See, e.g., *Patent Office Lays Off Staff as Government Shutdown Begins (2)*, Bloomberg Law (Oct. 1, 2025) (online at <https://news.bgov.com/ip-law/patent-office-lays-off-some-staff-as-government-shutdown-begins>); and *USDA Eyes More Layoffs If Government Shuts Down*, Politico Pro (Sept. 29, 2025) (online at <https://subscriber.politicopro.com/article/2025/09/usda-eyes-mass-layoffs-government-shutdown-00585157>).

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³ *Speaker Johnson Defends Agencies Blaming Democrats for Shutdown*, The Hill (Oct. 2, 2025) (online at <https://thehill.com/homenews/house/5535081-trump-defends-politicizing-shutdown/>); *Republicans' Shutdown Blame Game is Fracturing*, Politico (Sept. 25, 2025) (online at www.politico.com/news/2025/09/25/government-shutdown-republican-split-00579533).

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

⁵ *See* 5 U.S.C. § 3501-3504.

⁶ *See also, Senior Government Officials Privately Warn Against Firings During Shutdown*, Washington Post (Oct. 2, 2025) (online at www.washingtonpost.com/politics/2025/10/02/shutdown-rifs-government-warnings/). Statutes make clear that federal officers and employees who violate the Anti-Deficiency Act may be subject to adverse personnel actions or even criminal penalties. 31 U.S.C. § 1349-1350.

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⁸ *See* 31 U.S.C. § 1341.

⁹ 5 C.F.R. § 351.801.

¹⁰ *See*, Memorandum from Russell T. Vought, Director, Office of Management and Budget and Charles

people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

Ezell, Acting Director, Office of Personnel Management to Heads of Executive Departments and Agencies (Feb. 26, 2025) (online at www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf).

¹¹ Based on Democracy Forward, *Investigation: Federal Government Agency RIF and Reorganization Plans* (online at <https://democracyforward.org/work/investigation-federal-government-agency-rif-and-reorganization-plans/>) (accessed Oct. 3, 2025).

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¹³ *Trump Hits Independent Agencies, Sparing the Big Stuff—for Now*, Politico (Oct. 2, 2025) (online at www.politico.com/news/2025/10/02/trump-independent-agencies-shutdown-00592237).

¹⁴ See 18 U.S.C. § 1913; 5 U.S.C. § 7321-7326; Office of Special Counsel, *Hatch Act Advisory Opinion Regarding Official Agency Communications* (Sept. 5, 2024) (online at <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advisory%20Opinion%20Regarding%20Official%20Agency%20Communications.pdf>); and Letter from Ranking Member Robert Garcia, Committee on Oversight and Government Reform, to Acting Special Counsel Jamieson Greer, Office of Special Counsel (Oct. 2, 2025) (online at <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/2025-10-02-garcia-to-osc-re-hatch-act-shutdown-agency-messages.pdf>).

the trust of their staff by changing employees' out of office messages without their knowledge from a non-partisan notice about shutdown closures to a partisan message blaming Democrats for the government shutdown, possibly opening up federal employees to charges of violating federal law themselves.¹⁵ Oversight Democrats are investigating these violations of federal law and will hold wrongdoing accountable.

Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
4. All documents and communications—including agency RIF and reorganization plans—related to proposed RIFs of agency employees.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

¹⁵ *Education Department Employees Surprised to Find Their Email Automatically Changed to Blame Democrats for Shutdown*, NBC News (Oct. 2, 2025) (online at www.nbcnews.com/politics/trump-administration/education-department-employees-email-automatically-changed-rcna235211).

¹⁶ *Trump Administration Rehires Hundreds of Federal Employees Laid Off by DOGE*, Associated Press (Sept. 23, 2025) (online at <https://apnews.com/article/doge-musk-trump-gsa-fired-employees-ce18553b281fbf5816ec2fd491d79b78>); *USDA Asks Employees to Transfer to ‘Critical’ Vacancies, Suggests More Cuts Coming*, Government Executive (July 16, 2025) (online at www.govexec.com/workforce/2025/07/usda-asks-employees-transfer-criticalvacancies-suggests-more-cuts-coming/406763/); *IRS Plans to Rescind Hundreds of Deferred Resignation Offers to “Fill Critical Vacancies”*, Federal News Network (Aug. 21, 2025) (online at <https://federalnewsnetwork.com/workforce/2025/08/irs-plans-to-rescind-some-deferred-resignation-offers-to-fill-critical-vacancies/>).

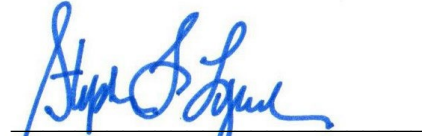
Sincerely,



Robert Garcia
Ranking Member




Eleanor Holmes Norton
Member of Congress



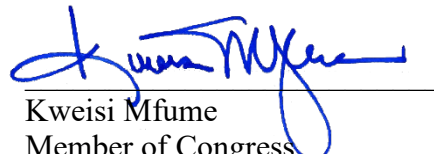
Stephen F. Lynch
Member of Congress




Raja Krishnamoorthi
Member of Congress




Ro Khanna
Member of Congress



Kweisi Mfume
Member of Congress




Shontel M. Brown
Member of Congress




Melanie A. Stansbury
Member of Congress




Maxwell Alejandro Frost
Member of Congress



Summer L. Lee
Member of Congress



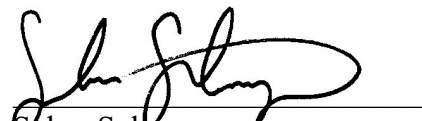
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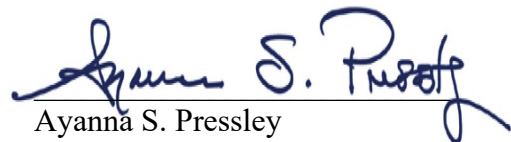

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MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Pamela Bondi
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Bondi:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

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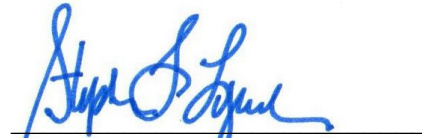

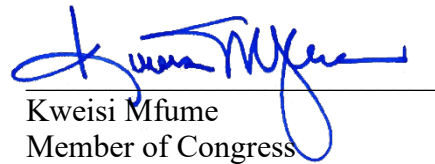



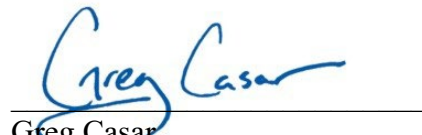


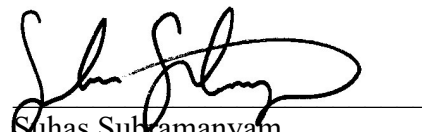
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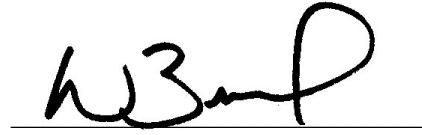
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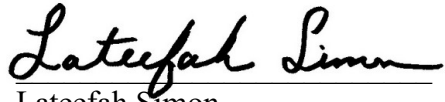
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Sincerely,

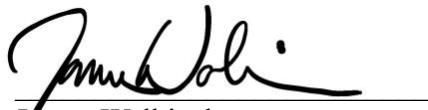

Robert Garcia
Ranking Member
Eleanor Holmes Norton
Member of Congress
Stephen F. Lynch
Member of Congress
Raja Krishnamoorthi
Member of Congress
Ro Khanna
Member of Congress
Kweisi Mfume
Member of Congress
Shontel M. Brown
Member of Congress
Melanie A. Stansbury
Member of Congress
Maxwell Alejandro Frost
Member of Congress
Summer L. Lee
Member of Congress
Greg Casar
Member of Congress
Jasmine Crockett
Member of Congress
Emily Randall
Member of Congress
Suhas Subramanyam
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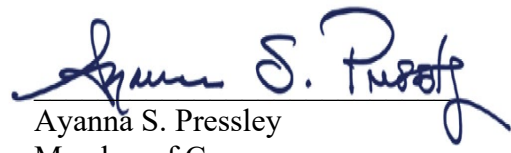

Yassamin Ansari
Member of Congress



Wesley Bell
Member of Congress


Lateefah Simon
Member of Congress


Dave Min
Member of Congress


James Walkinshaw
Member of Congress


Ayanna S. Pressley
Member of Congress


Rashida Tlaib
Member of Congress

cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Lori Chavez-DeRemer
Secretary
Department of Labor
200 Constitution Avenue, NW
Washington, DC 20001

Dear Secretary Chavez-DeRemer:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

¹ See, e.g., *Patent Office Lays Off Staff as Government Shutdown Begins (2)*, Bloomberg Law (Oct. 1, 2025) (online at <https://news.bgov.com/ip-law/patent-office-lays-off-some-staff-as-government-shutdown-begins>); and *USDA Eyes More Layoffs If Government Shuts Down*, Politico Pro (Sept. 29, 2025) (online at <https://subscriber.politicopro.com/article/2025/09/usda-eyes-mass-layoffs-government-shutdown-00585157>).

² See, e.g., *'Pain on the Bureaucracy': Russ Vought's Crusade Upends the Shutdown Fight*, Politico (Sept. 26, 2025) (online at www.politico.com/news/2025/09/26/russ-vought-shutdown-layoffs-00581412); and *White House to Agencies: Prepare Mass Firing Plans for A Potential Shutdown*, Politico (Sept. 24, 2025) (online at www.politico.com/news/2025/09/24/white-house-firings-shutdown-00579909).

³ *Speaker Johnson Defends Agencies Blaming Democrats for Shutdown*, The Hill (Oct. 2, 2025) (online at <https://thehill.com/homenews/house/5535081-trump-defends-politicizing-shutdown/>); *Republicans' Shutdown Blame Game is Fracturing*, Politico (Sept. 25, 2025) (online at www.politico.com/news/2025/09/25/government-shutdown-republican-split-00579533).

⁴ President Donald J. Trump (@realDonaldTrump), Truth Social (Oct. 2, 2025) (online at <https://truthsocial.com/@realDonaldTrump/posts/115304455138824245>) (accessed Oct. 2, 2025).

Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

⁵ *See* 5 U.S.C. § 3501-3504.

⁶ *See also, Senior Government Officials Privately Warn Against Firings During Shutdown*, Washington Post (Oct. 2, 2025) (online at www.washingtonpost.com/politics/2025/10/02/shutdown-rifs-government-warnings/). Statutes make clear that federal officers and employees who violate the Anti-Deficiency Act may be subject to adverse personnel actions or even criminal penalties. 31 U.S.C. § 1349-1350.

⁷ *Id.*

⁸ *See* 31 U.S.C. § 1341.

⁹ 5 C.F.R. § 351.801.

¹⁰ *See*, Memorandum from Russell T. Vought, Director, Office of Management and Budget and Charles

people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

Ezell, Acting Director, Office of Personnel Management to Heads of Executive Departments and Agencies (Feb. 26, 2025) (online at www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf).

¹¹ Based on Democracy Forward, *Investigation: Federal Government Agency RIF and Reorganization Plans* (online at <https://democracyforward.org/work/investigation-federal-government-agency-rif-and-reorganization-plans/>) (accessed Oct. 3, 2025).

¹² See Office of Personnel Management, *Guidance for Shutdown Furloughs* (Sept. 28, 2025) (online at www.opm.gov/policy-data-oversight/pay-leave/reference-materials/guidance-for-shutdown-furloughs-sep-28-2025/) and Complaint, *AFGE v. U.S. Office of Management and Budget*, (No. 25-CV-08302) (Sept. 30, 2025).

¹³ *Trump Hits Independent Agencies, Sparing the Big Stuff—for Now*, Politico (Oct. 2, 2025) (online at www.politico.com/news/2025/10/02/trump-independent-agencies-shutdown-00592237).

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the trust of their staff by changing employees' out of office messages without their knowledge from a non-partisan notice about shutdown closures to a partisan message blaming Democrats for the government shutdown, possibly opening up federal employees to charges of violating federal law themselves.¹⁵ Oversight Democrats are investigating these violations of federal law and will hold wrongdoing accountable.

Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
4. All documents and communications—including agency RIF and reorganization plans—related to proposed RIFs of agency employees.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

¹⁵ *Education Department Employees Surprised to Find Their Email Automatically Changed to Blame Democrats for Shutdown*, NBC News (Oct. 2, 2025) (online at www.nbcnews.com/politics/trump-administration/education-department-employees-email-automatically-changed-rcna235211).

¹⁶ *Trump Administration Rehires Hundreds of Federal Employees Laid Off by DOGE*, Associated Press (Sept. 23, 2025) (online at <https://apnews.com/article/doge-musk-trump-gsa-fired-employees-ce18553b281fbf5816ec2fd491d79b78>); *USDA Asks Employees to Transfer to ‘Critical’ Vacancies, Suggests More Cuts Coming*, Government Executive (July 16, 2025) (online at www.govexec.com/workforce/2025/07/usda-asks-employees-transfer-criticalvacancies-suggests-more-cuts-coming/406763/); *IRS Plans to Rescind Hundreds of Deferred Resignation Offers to “Fill Critical Vacancies”*, Federal News Network (Aug. 21, 2025) (online at <https://federalnewsnetwork.com/workforce/2025/08/irs-plans-to-rescind-some-deferred-resignation-offers-to-fill-critical-vacancies/>).


Sincerely,



Robert Garcia
Ranking Member




Eleanor Holmes Norton
Member of Congress



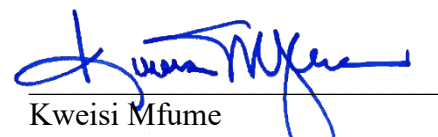
Stephen F. Lynch
Member of Congress




Raja Krishnamoorthi
Member of Congress




Ro Khanna
Member of Congress



Kweisi Mfume
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Shontel M. Brown
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Maxwell Alejandro Frost
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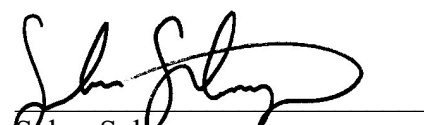
Greg Casar
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Emily Randall
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Suhas Subramanyam
Member of Congress

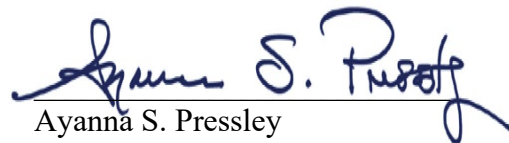

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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Sean Duffy
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Duffy:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

⁵ *See* 5 U.S.C. § 3501-3504.

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people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

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Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:


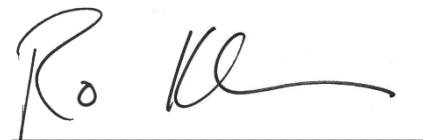
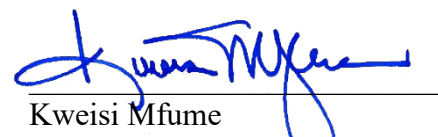

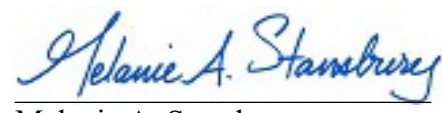


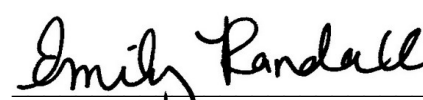
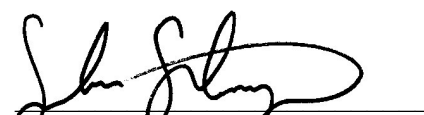
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3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
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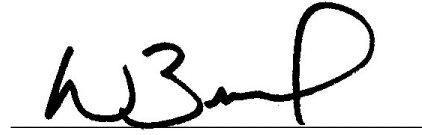
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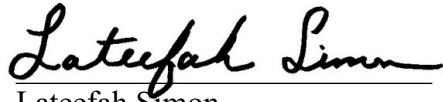
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Sincerely,

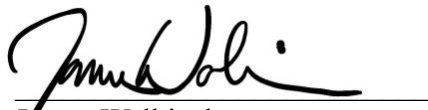

Robert Garcia
Ranking Member
Eleanor Holmes Norton
Member of Congress
Stephen F. Lynch
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Raja Krishnamoorthi
Member of Congress
Ro Khanna
Member of Congress
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Member of Congress
Shontel M. Brown
Member of Congress
Melanie A. Stansbury
Member of Congress
Maxwell Alejandro Frost
Member of Congress
Summer L. Lee
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Greg Casar
Member of Congress
Jasmine Crockett
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Emily Randall
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Suhas Subramanyam
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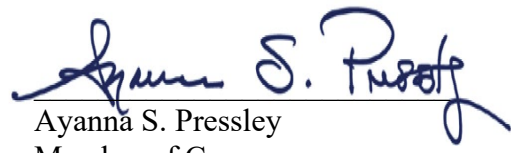

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Dave Min
Member of Congress


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Ayanna S. Pressley
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Rashida Tlaib
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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Linda McMahon
Secretary
Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary McMahon:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

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people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

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the trust of their staff by changing employees' out of office messages without their knowledge from a non-partisan notice about shutdown closures to a partisan message blaming Democrats for the government shutdown, possibly opening up federal employees to charges of violating federal law themselves.¹⁵ Oversight Democrats are investigating these violations of federal law and will hold wrongdoing accountable.

Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
4. All documents and communications—including agency RIF and reorganization plans—related to proposed RIFs of agency employees.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

¹⁵ *Education Department Employees Surprised to Find Their Email Automatically Changed to Blame Democrats for Shutdown*, NBC News (Oct. 2, 2025) (online at www.nbcnews.com/politics/trump-administration/education-department-employees-email-automatically-changed-rcna235211).

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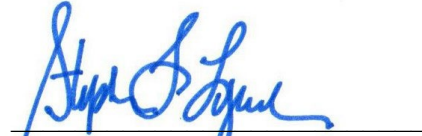
Sincerely,



Robert Garcia
Ranking Member




Eleanor Holmes Norton
Member of Congress



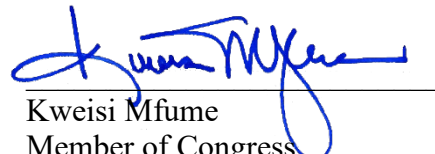
Stephen F. Lynch
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Raja Krishnamoorthi
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Ro Khanna
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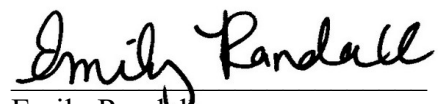
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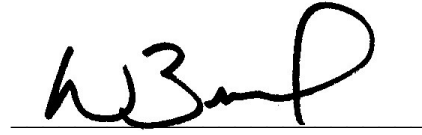


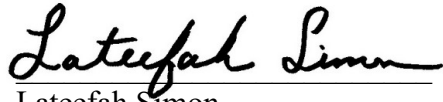
Emily Randall
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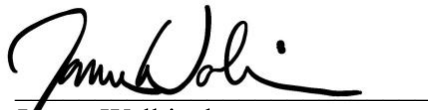
Suhas Subramanyam
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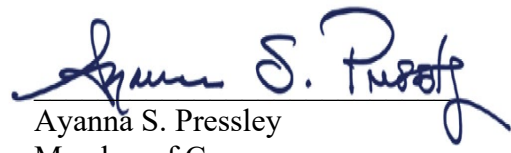

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October 3, 2025

The Honorable Lee Zeldin
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Zeldin:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

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Robert Garcia
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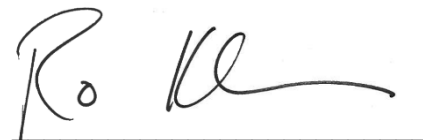
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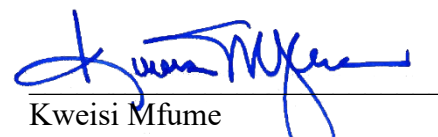
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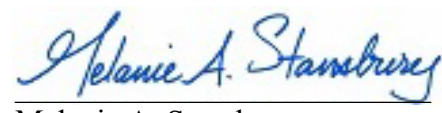
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Summer L. Lee
Member of Congress



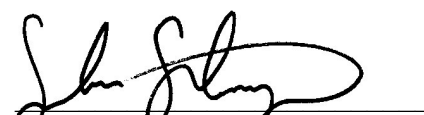
Greg Casar
Member of Congress



Jasmine Crockett
Member of Congress

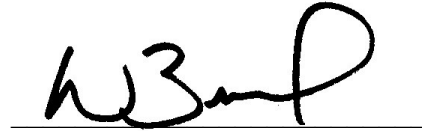


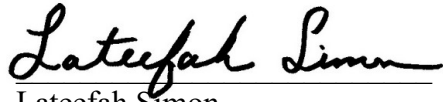
Emily Randall
Member of Congress




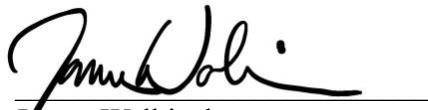
Suhas Subramanyam
Member of Congress

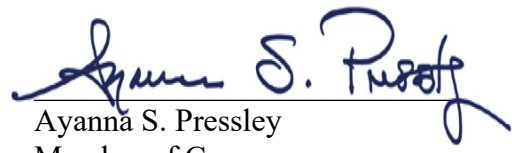

Yassamin Ansari
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Member of Congress


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Rashida Tlaib
Member of Congress

cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

Mr. Michael Rigas
Acting Administrator
General Services Administration
1800 F Street, NW
Washington, DC 20405

Dear Acting Administrator Rigas:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

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people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

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Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
4. All documents and communications—including agency RIF and reorganization plans—related to proposed RIFs of agency employees.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.


¹⁵ *Education Department Employees Surprised to Find Their Email Automatically Changed to Blame Democrats for Shutdown*, NBC News (Oct. 2, 2025) (online at www.nbcnews.com/politics/trump-administration/education-department-employees-email-automatically-changed-rcna235211).

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Sincerely,



Robert Garcia
Ranking Member




Eleanor Holmes Norton
Member of Congress



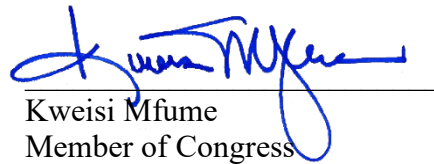
Stephen F. Lynch
Member of Congress




Raja Krishnamoorthi
Member of Congress




Ro Khanna
Member of Congress



Kweisi Mfume
Member of Congress




Shontel M. Brown
Member of Congress



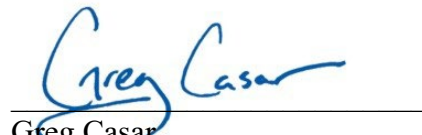
Melanie A. Stansbury
Member of Congress



Maxwell Alejandro Frost
Member of Congress



Summer L. Lee
Member of Congress



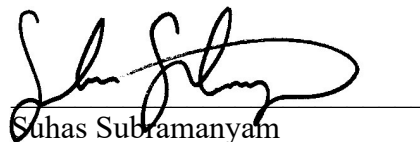
Greg Casar
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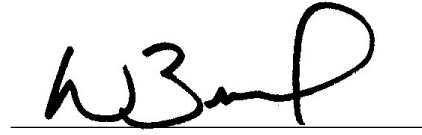


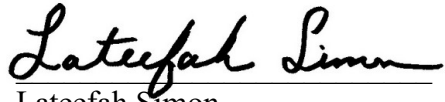
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Member of Congress


Mr. Michael Rigas

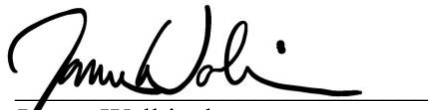
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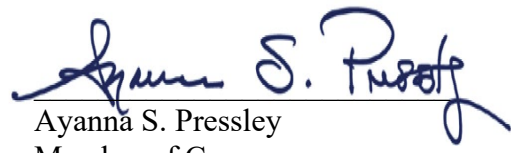

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cc: The Honorable James Comer, Chairman

Congress of the United States

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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Robert F. Kennedy Jr.
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Kennedy:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

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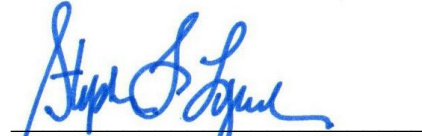
Sincerely,



Robert Garcia
Ranking Member




Eleanor Holmes Norton
Member of Congress



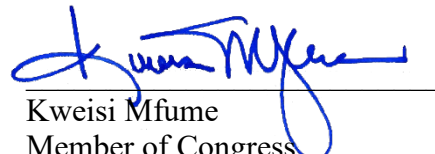
Stephen F. Lynch
Member of Congress




Raja Krishnamoorthi
Member of Congress




Ro Khanna
Member of Congress



Kweisi Mfume
Member of Congress




Shontel M. Brown
Member of Congress



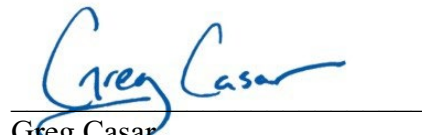
Melanie A. Stansbury
Member of Congress




Maxwell Alejandro Frost
Member of Congress



Summer L. Lee
Member of Congress



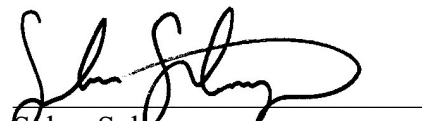
Greg Casar
Member of Congress



Jasmine Crockett
Member of Congress





Emily Randall
Member of Congress





Suhas Subramanyam
Member of Congress

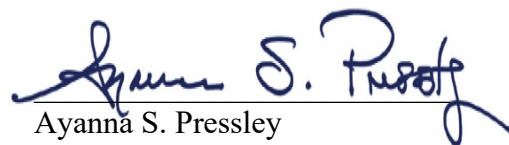

Yassamin Ansari
Member of Congress



Wesley Bell
Member of Congress


Lateefah Simon
Member of Congress


Dave Min
Member of Congress


James Walkinshaw
Member of Congress


Ayanna S. Pressley
Member of Congress


Rashida Tlaib
Member of Congress

cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Scott Turner
Secretary
Department of Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

Dear Secretary Turner:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

¹ See, e.g., *Patent Office Lays Off Staff as Government Shutdown Begins (2)*, Bloomberg Law (Oct. 1, 2025) (online at <https://news.bgov.com/ip-law/patent-office-lays-off-some-staff-as-government-shutdown-begins>); and *USDA Eyes More Layoffs If Government Shuts Down*, Politico Pro (Sept. 29, 2025) (online at <https://subscriber.politicopro.com/article/2025/09/usda-eyes-mass-layoffs-government-shutdown-00585157>).

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

⁵ *See* 5 U.S.C. § 3501-3504.

⁶ *See also, Senior Government Officials Privately Warn Against Firings During Shutdown*, Washington Post (Oct. 2, 2025) (online at www.washingtonpost.com/politics/2025/10/02/shutdown-rifs-government-warnings/). Statutes make clear that federal officers and employees who violate the Anti-Deficiency Act may be subject to adverse personnel actions or even criminal penalties. 31 U.S.C. § 1349-1350.

⁷ *Id.*

⁸ *See* 31 U.S.C. § 1341.

⁹ 5 C.F.R. § 351.801.

¹⁰ *See*, Memorandum from Russell T. Vought, Director, Office of Management and Budget and Charles

people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

Ezell, Acting Director, Office of Personnel Management to Heads of Executive Departments and Agencies (Feb. 26, 2025) (online at www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf).

¹¹ Based on Democracy Forward, *Investigation: Federal Government Agency RIF and Reorganization Plans* (online at <https://democracyforward.org/work/investigation-federal-government-agency-rif-and-reorganization-plans/>) (accessed Oct. 3, 2025).

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¹³ *Trump Hits Independent Agencies, Sparing the Big Stuff—for Now*, Politico (Oct. 2, 2025) (online at www.politico.com/news/2025/10/02/trump-independent-agencies-shutdown-00592237).

¹⁴ See 18 U.S.C. § 1913; 5 U.S.C. § 7321-7326; Office of Special Counsel, *Hatch Act Advisory Opinion Regarding Official Agency Communications* (Sept. 5, 2024) (online at <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advisory%20Opinion%20Regarding%20Official%20Agency%20Communications.pdf>); and Letter from Ranking Member Robert Garcia, Committee on Oversight and Government Reform, to Acting Special Counsel Jamieson Greer, Office of Special Counsel (Oct. 2, 2025) (online at <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/2025-10-02-garcia-to-osc-re-hatch-act-shutdown-agency-messages.pdf>).

the trust of their staff by changing employees' out of office messages without their knowledge from a non-partisan notice about shutdown closures to a partisan message blaming Democrats for the government shutdown, possibly opening up federal employees to charges of violating federal law themselves.¹⁵ Oversight Democrats are investigating these violations of federal law and will hold wrongdoing accountable.

Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:


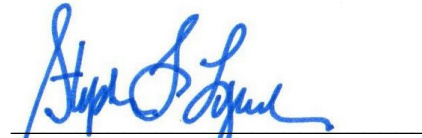

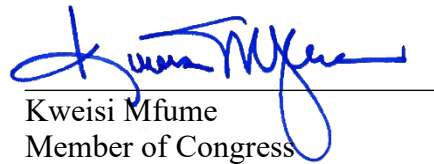




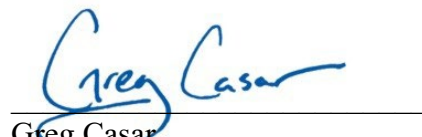
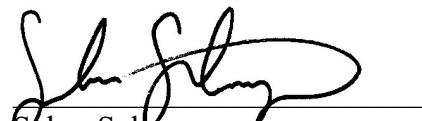
1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
4. All documents and communications—including agency RIF and reorganization plans—related to proposed RIFs of agency employees.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.


¹⁵ *Education Department Employees Surprised to Find Their Email Automatically Changed to Blame Democrats for Shutdown*, NBC News (Oct. 2, 2025) (online at www.nbcnews.com/politics/trump-administration/education-department-employees-email-automatically-changed-rcna235211).


¹⁶ *Trump Administration Rehires Hundreds of Federal Employees Laid Off by DOGE*, Associated Press (Sept. 23, 2025) (online at <https://apnews.com/article/doge-musk-trump-gsa-fired-employees-ce18553b281fbf5816ec2fd491d79b78>); *USDA Asks Employees to Transfer to ‘Critical’ Vacancies, Suggests More Cuts Coming*, Government Executive (July 16, 2025) (online at www.govexec.com/workforce/2025/07/usda-asks-employees-transfer-criticalvacancies-suggests-more-cuts-coming/406763/); *IRS Plans to Rescind Hundreds of Deferred Resignation Offers to “Fill Critical Vacancies”*, Federal News Network (Aug. 21, 2025) (online at <https://federalnewsnetwork.com/workforce/2025/08/irs-plans-to-rescind-some-deferred-resignation-offers-to-fill-critical-vacancies/>).


Sincerely,



Robert Garcia
Ranking Member
Eleanor Holmes Norton
Member of Congress
Stephen F. Lynch
Member of Congress
Raja Krishnamoorthi
Member of Congress
Ro Khanna
Member of Congress
Kweisi Mfume
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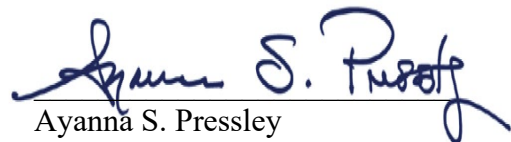

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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Sean Duffy
Acting Administrator
National Aeronautics and Space Administration
300 E Street, SW
Washington, DC 20024

Dear Acting Administrator Duffy:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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Sincerely,




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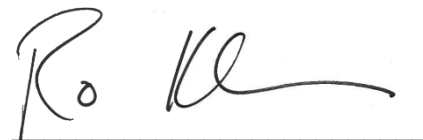
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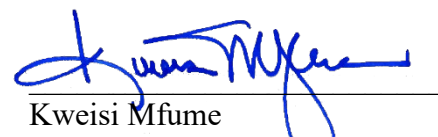
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Maxwell Alejandro Frost
Member of Congress



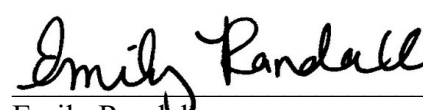
Summer L. Lee
Member of Congress



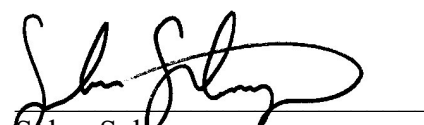
Greg Casar
Member of Congress



Jasmine Crockett
Member of Congress

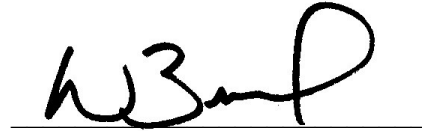


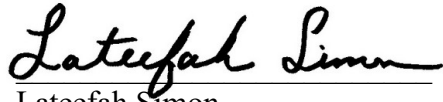
Emily Randall
Member of Congress




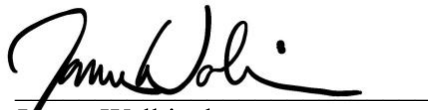
Suhas Subramanyam
Member of Congress

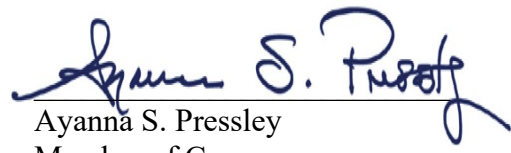

Yassamin Ansari
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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable David A. Wright
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Wright:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

¹ See, e.g., *Patent Office Lays Off Staff as Government Shutdown Begins (2)*, Bloomberg Law (Oct. 1, 2025) (online at <https://news.bgov.com/ip-law/patent-office-lays-off-some-staff-as-government-shutdown-begins>); and *USDA Eyes More Layoffs If Government Shuts Down*, Politico Pro (Sept. 29, 2025) (online at <https://subscriber.politicopro.com/article/2025/09/usda-eyes-mass-layoffs-government-shutdown-00585157>).

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

⁵ *See* 5 U.S.C. § 3501-3504.

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people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

Ezell, Acting Director, Office of Personnel Management to Heads of Executive Departments and Agencies (Feb. 26, 2025) (online at www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf).

¹¹ Based on Democracy Forward, *Investigation: Federal Government Agency RIF and Reorganization Plans* (online at <https://democracyforward.org/work/investigation-federal-government-agency-rif-and-reorganization-plans/>) (accessed Oct. 3, 2025).

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¹³ *Trump Hits Independent Agencies, Sparing the Big Stuff—for Now*, Politico (Oct. 2, 2025) (online at www.politico.com/news/2025/10/02/trump-independent-agencies-shutdown-00592237).

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Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
4. All documents and communications—including agency RIF and reorganization plans—related to proposed RIFs of agency employees.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

¹⁵ *Education Department Employees Surprised to Find Their Email Automatically Changed to Blame Democrats for Shutdown*, NBC News (Oct. 2, 2025) (online at www.nbcnews.com/politics/trump-administration/education-department-employees-email-automatically-changed-rcna235211).

¹⁶ *Trump Administration Rehires Hundreds of Federal Employees Laid Off by DOGE*, Associated Press (Sept. 23, 2025) (online at <https://apnews.com/article/doge-musk-trump-gsa-fired-employees-ce18553b281fbf5816ec2fd491d79b78>); *USDA Asks Employees to Transfer to ‘Critical’ Vacancies, Suggests More Cuts Coming*, Government Executive (July 16, 2025) (online at www.govexec.com/workforce/2025/07/usda-asks-employees-transfer-criticalvacancies-suggests-more-cuts-coming/406763/); *IRS Plans to Rescind Hundreds of Deferred Resignation Offers to “Fill Critical Vacancies”*, Federal News Network (Aug. 21, 2025) (online at <https://federalnewsnetwork.com/workforce/2025/08/irs-plans-to-rescind-some-deferred-resignation-offers-to-fill-critical-vacancies/>).


Sincerely,




Robert Garcia
Ranking Member



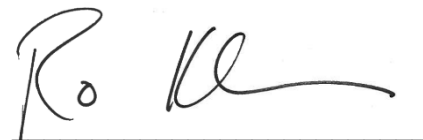
Eleanor Holmes Norton
Member of Congress



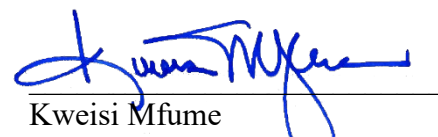
Stephen F. Lynch
Member of Congress




Raja Krishnamoorthi
Member of Congress



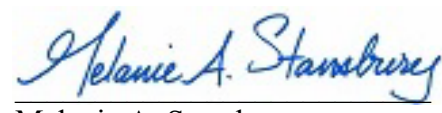
Ro Khanna
Member of Congress



Kweisi Mfume
Member of Congress




Shontel M. Brown
Member of Congress




Melanie A. Stansbury
Member of Congress



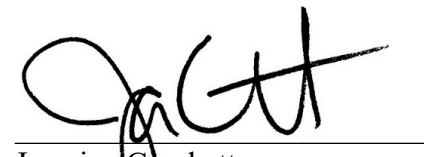
Maxwell Alejandro Frost
Member of Congress



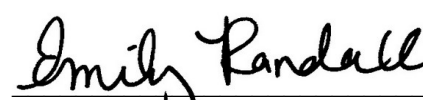
Summer L. Lee
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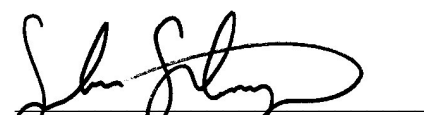
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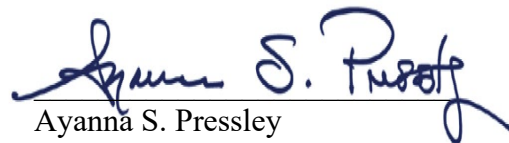

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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

Mr. Brian Stone
Chief of Staff Performing the Duties of the Director
National Science Foundation
2415 Eisenhower Avenue
Alexandria, VA 22314

Dear Mr. Stone:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

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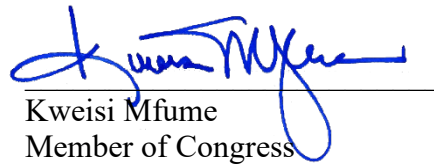



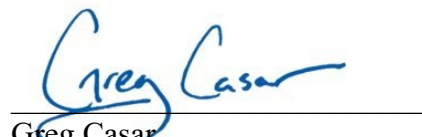

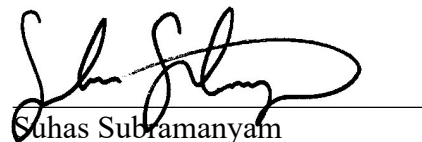
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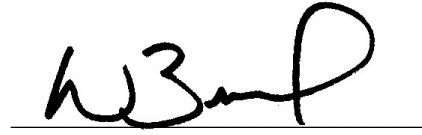
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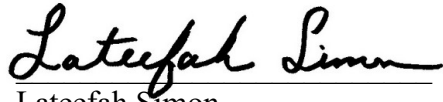
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Sincerely,



Robert Garcia
Ranking Member
Eleanor Holmes Norton
Member of Congress
Stephen F. Lynch
Member of Congress
Raja Krishnamoorthi
Member of Congress
Ro Khanna
Member of Congress
Kweisi Mfume
Member of Congress
Shontel M. Brown
Member of Congress
Melanie A. Stansbury
Member of Congress
Maxwell Alejandro Frost
Member of Congress
Summer L. Lee
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Greg Casar
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Jasmine Crockett
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Emily Randall
Member of Congress
Suhas Subramanyam
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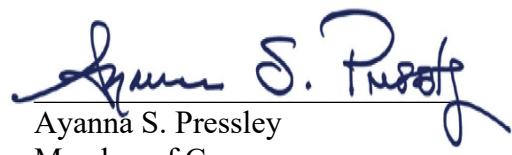

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Rashida Tlaib
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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Scott Kupor
Director
Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Dear Director Kupor:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

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The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

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Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
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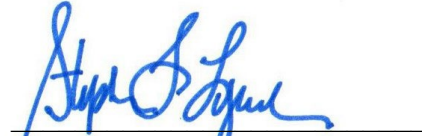
Sincerely,



Robert Garcia
Ranking Member




Eleanor Holmes Norton
Member of Congress



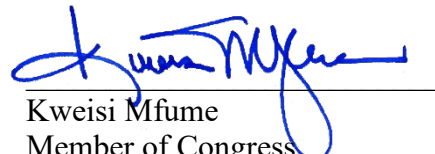
Stephen F. Lynch
Member of Congress




Raja Krishnamoorthi
Member of Congress




Ro Khanna
Member of Congress



Kweisi Mfume
Member of Congress




Shontel M. Brown
Member of Congress




Melanie A. Stansbury
Member of Congress




Maxwell Alejandro Frost
Member of Congress



Summer L. Lee
Member of Congress



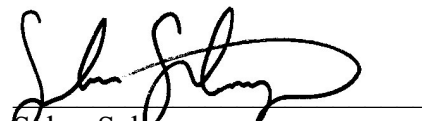
Greg Casar
Member of Congress



Jasmine Crockett
Member of Congress

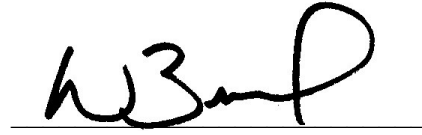


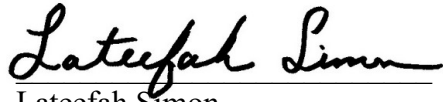
Emily Randall
Member of Congress




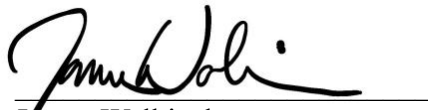
Suhas Subramanyam
Member of Congress

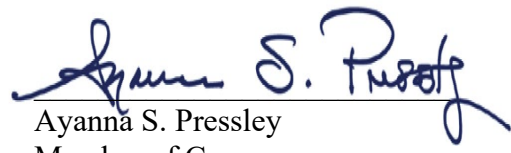

Yassamin Ansari
Member of Congress



Wesley Bell
Member of Congress


Lateefah Simon
Member of Congress


Dave Min
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James Walkinshaw
Member of Congress


Ayanna S. Pressley
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Rashida Tlaib
Member of Congress

cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Kelly Loeffler
Administrator
Small Business Administration
409 3rd Street, SW
Washington, DC 20416

Dear Administrator Loeffler:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

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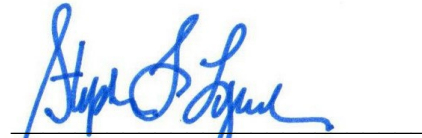
Sincerely,



Robert Garcia
Ranking Member




Eleanor Holmes Norton
Member of Congress



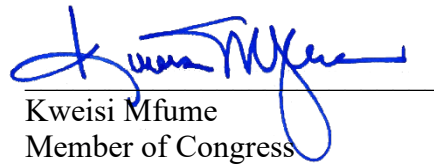
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Ro Khanna
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Kweisi Mfume
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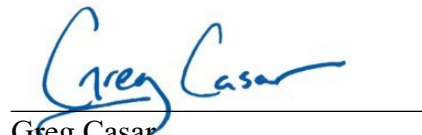
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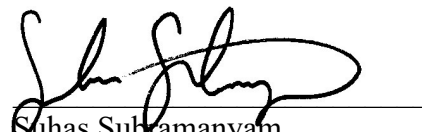
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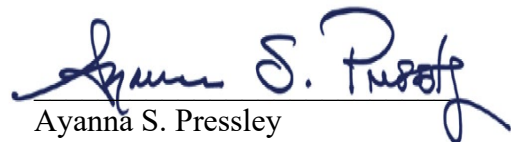

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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Frank Bisagnano
Commissioner
Social Security Administration
1300 D Street, SW
Washington, DC 20254

Dear Commissioner Bisagnano:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

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people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

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Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
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Sincerely,



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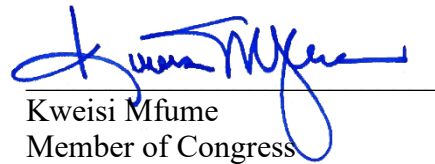
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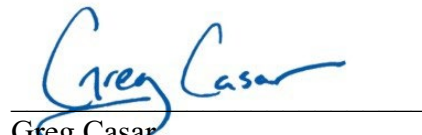
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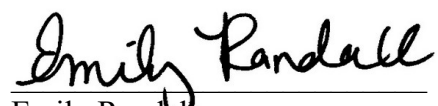
Summer L. Lee
Member of Congress



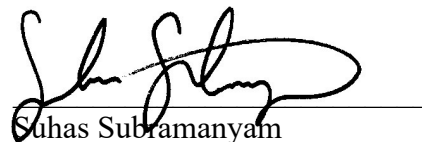
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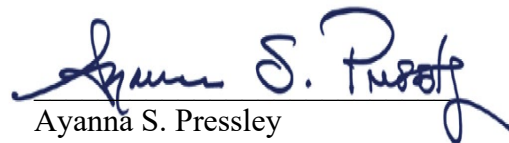

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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Marco Rubio
Secretary
Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Rubio:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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Sincerely,




Robert Garcia
Ranking Member



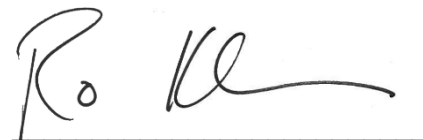
Eleanor Holmes Norton
Member of Congress



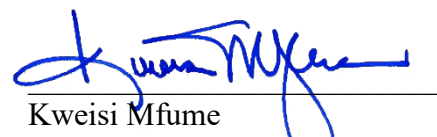
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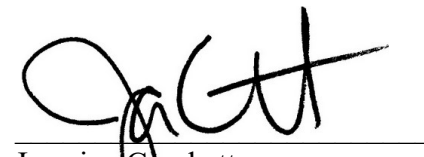
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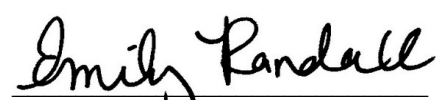
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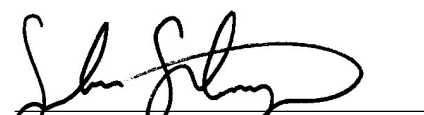
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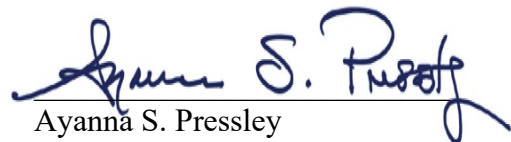

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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Scott Bessent
Secretary
Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Secretary Bessent:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

¹ See, e.g., *Patent Office Lays Off Staff as Government Shutdown Begins (2)*, Bloomberg Law (Oct. 1, 2025) (online at <https://news.bgov.com/ip-law/patent-office-lays-off-some-staff-as-government-shutdown-begins>); and *USDA Eyes More Layoffs If Government Shuts Down*, Politico Pro (Sept. 29, 2025) (online at <https://subscriber.politicopro.com/article/2025/09/usda-eyes-mass-layoffs-government-shutdown-00585157>).

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

⁵ *See* 5 U.S.C. § 3501-3504.

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The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

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Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
4. All documents and communications—including agency RIF and reorganization plans—related to proposed RIFs of agency employees.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

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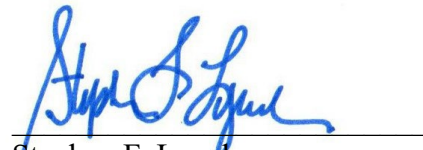
Sincerely,



Robert Garcia
Ranking Member



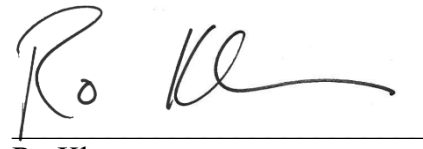
Eleanor Holmes Norton
Member of Congress



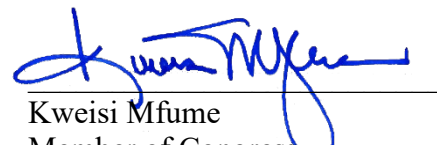
Stephen F. Lynch
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Ro Khanna
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Kweisi Mfume
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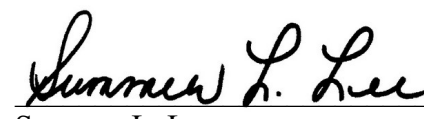
Shontel M. Brown
Member of Congress



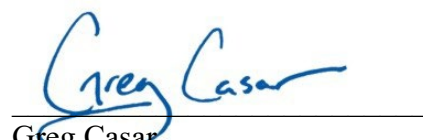
Melanie A. Stansbury
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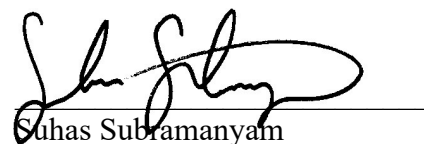
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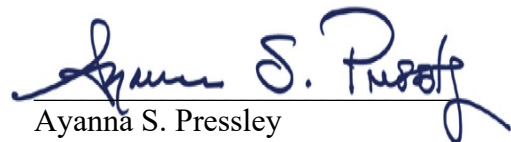

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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Marco Rubio
Acting Administrator
U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Acting Administrator Rubio:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

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These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

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2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
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4. All documents and communications—including agency RIF and reorganization plans—related to proposed RIFs of agency employees.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

¹⁵ *Education Department Employees Surprised to Find Their Email Automatically Changed to Blame Democrats for Shutdown*, NBC News (Oct. 2, 2025) (online at www.nbcnews.com/politics/trump-administration/education-department-employees-email-automatically-changed-rcna235211).

¹⁶ *Trump Administration Rehires Hundreds of Federal Employees Laid Off by DOGE*, Associated Press (Sept. 23, 2025) (online at <https://apnews.com/article/doge-musk-trump-gsa-fired-employees-ce18553b281fbf5816ec2fd491d79b78>); *USDA Asks Employees to Transfer to ‘Critical’ Vacancies, Suggests More Cuts Coming*, Government Executive (July 16, 2025) (online at www.govexec.com/workforce/2025/07/usda-asks-employees-transfer-criticalvacancies-suggests-more-cuts-coming/406763/); *IRS Plans to Rescind Hundreds of Deferred Resignation Offers to “Fill Critical Vacancies”*, Federal News Network (Aug. 21, 2025) (online at <https://federalnewsnetwork.com/workforce/2025/08/irs-plans-to-rescind-some-deferred-resignation-offers-to-fill-critical-vacancies/>).


Sincerely,



Robert Garcia
Ranking Member



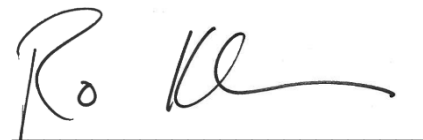
Eleanor Holmes Norton
Member of Congress



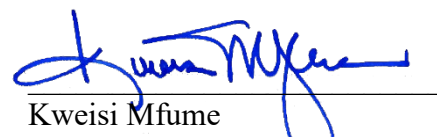
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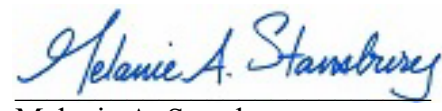
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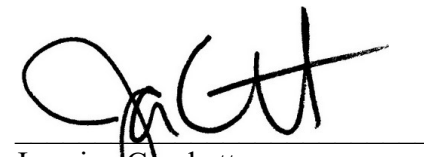
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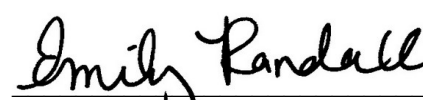
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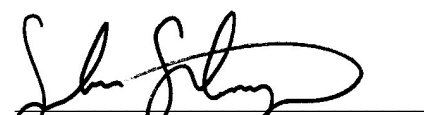
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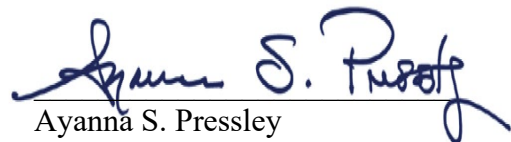

Yassamin Ansari
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Rashida Tlaib
Member of Congress

cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Brooke Rollins
Secretary
Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Rollins:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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³ *Speaker Johnson Defends Agencies Blaming Democrats for Shutdown*, The Hill (Oct. 2, 2025) (online at <https://thehill.com/homenews/house/5535081-trump-defends-politicizing-shutdown/>); *Republicans' Shutdown Blame Game is Fracturing*, Politico (Sept. 25, 2025) (online at www.politico.com/news/2025/09/25/government-shutdown-republican-split-00579533).

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Implementing RIFs during a government shutdown would violate well-established federal laws and regulations regarding RIFs and furloughs as a result of government shutdowns. Indeed, federal statutes do not grant independent legal authority to agencies to conduct RIFs.⁵ Moreover, during a RIF, agencies would be required to incur new obligations in violation of 31 U.S.C. § 1341(a)(1)(A), (B)—the Anti-Deficiency Act—for severance packages to fired employees required under 5 U.S.C. § 5595 (b) and 5 C.F.R. § 351.801.⁶ In the absence of a Congressional appropriation, it is prohibited under the Anti-Deficiency Act to “involve [the United States Government] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law (*see* 31 U.S.C. § 1341(a)(1)(B)).” Obligating the government to make future severance payments as the result of a RIF during a government shutdown would certainly constitute such an obligation.

Additionally, following yet another shutdown during his initial presidency, President Trump signed into law the *Government Employee Fair Treatment Act of 2019* (Pub. L. 116–1). This law amends the Anti-Deficiency Act to require the issuance of backpay to all federal employees furloughed during a shutdown.⁷ The actions of the Trump Administration risk violating this statute, and the structure of the law demonstrates congressional intent that furloughed employees will return to federal service once a shutdown is concluded.⁸

Further, OPM regulations for RIFs (*see* 5 C.F.R. § 351) require that a variety of administrative procedures take place in preparation for and in carrying out RIFs to ensure employees are treated fairly and in accordance with legal and regulatory requirements. Of particular concern is the requirement that employees are entitled to specific written notice of their release from their job at least 60 days before the effective date of release.⁹ Additional agency requirements under the OPM regulations include, for example, determining employees’ retention standing relative to each other (that is, the order in which employees will be either retained or released, based on seniority, veteran status, performance, and other factors). None of these required actions to conduct a RIF could reasonably be construed as emergency work involving the safety of human life or the protection of property.

Furthermore, the record is extremely clear: any RIF or purge of federal workers must be understood as part of a longstanding attempt by extremists within the administration to destroy essential services, and not as a necessary response to a lapse in appropriations. In February, agencies were instructed to begin implementing RIF and reorganization plans by September 30, 2025.¹⁰ Despite calls for transparency, the Trump Administration refused to tell the American

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⁸ *See* 31 U.S.C. § 1341.

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people how it actually intends to execute these “plans,” leaving Congress to wonder if these plans truly exist or if the Administration is merely paying lip service to the law while purging the federal workforce of anyone the Administration views as ideologically impure.¹¹

The Trump Administration’s actions in the days leading up to the shutdown make it clear that it has been their intention to shut down the government as a pretext for sweeping cuts to Congressionally authorized programs and services. On September 28, 2025 (two days before the lapse in appropriations) OPM added to their longstanding “Guidance for Shutdown Furloughs” a brand new claim that it was permissible for agencies to issue RIF notices during the period of orderly shutdown procedures normally completed in the first hours of a shutdown.¹² Further, the update states that OMB had authorized agencies to direct employees to perform work to administer the complicated RIF process during a government shutdown.

These claims demonstrate the lack of seriousness with which this Administration has treated the federal budget process, the important work conducted by federal agencies on behalf of the American people, and the rights of federal employees throughout President Trump’s nearly 9 months in office this term. In discussions prior to the shutdown, OPM reportedly instructed agencies to misleadingly state in RIF memos that the “RIFs were agencies’ decisions, not the president’s nor the administration’s,” and that agencies would need to draft additional RIF plans even if they had already completed reductions or have upcoming reductions scheduled.¹³

Finally, the Administration has already demonstrated a clear willingness to violate the law during the present shutdown. The Administration has likely violated various federal laws by using federal resources to distribute partisan propaganda via agency websites and official emails to thousands of federal employees.¹⁴ In at least one case, agency leaders have apparently violated

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the trust of their staff by changing employees' out of office messages without their knowledge from a non-partisan notice about shutdown closures to a partisan message blaming Democrats for the government shutdown, possibly opening up federal employees to charges of violating federal law themselves.¹⁵ Oversight Democrats are investigating these violations of federal law and will hold wrongdoing accountable.

Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

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Sincerely,



Robert Garcia
Ranking Member




Eleanor Holmes Norton
Member of Congress



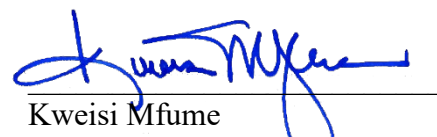
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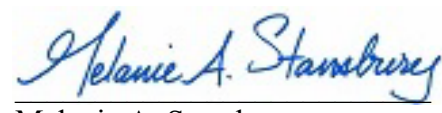
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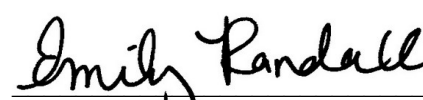
Summer L. Lee
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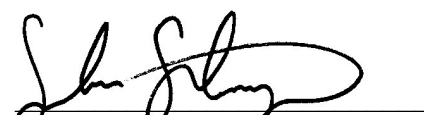
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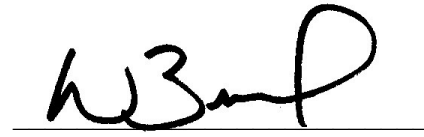



Emily Randall
Member of Congress





Suhas Subramanyam
Member of Congress

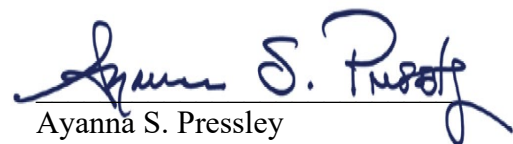

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cc: The Honorable James Comer, Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

October 3, 2025

The Honorable Doug A. Collins
Secretary
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary Collins:

We write concerning the Trump Administration's apparent plan to ignore both the law and Office of Personnel Management (OPM) regulations to implement massive reductions in force (RIF) during a lapse in congressional appropriations.¹ Recent statements by President Trump and his Office of Management and Budget (OMB) director indicate that this Administration intends to initiate RIFs during the ongoing government shutdown, in violation of existing law and regulations.² A government shutdown does not empower an administration to ignore the law. In accordance with our constitutional duty to oversee the Executive Branch, we demand that you provide proof of your agency's compliance with all laws and regulations regarding employee rights during any RIF process.

The Trump Administration and Republicans in Congress are vindictively threatening to destroy and disrupt vital services for the American people and blaming the current government shutdown on Democrats to pursue their long-term partisan agenda.³ President Trump has falsely suggested that a lapse in appropriations gives him unique or exceptional authorities to pursue this objective.⁴

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¹³ *Trump Hits Independent Agencies, Sparing the Big Stuff—for Now*, Politico (Oct. 2, 2025) (online at www.politico.com/news/2025/10/02/trump-independent-agencies-shutdown-00592237).

¹⁴ See 18 U.S.C. § 1913; 5 U.S.C. § 7321-7326; Office of Special Counsel, *Hatch Act Advisory Opinion Regarding Official Agency Communications* (Sept. 5, 2024) (online at <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advisory%20Opinion%20Regarding%20Official%20Agency%20Communications.pdf>); and Letter from Ranking Member Robert Garcia, Committee on Oversight and Government Reform, to Acting Special Counsel Jamieson Greer, Office of Special Counsel (Oct. 2, 2025) (online at <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/2025-10-02-garcia-to-osc-re-hatch-act-shutdown-agency-messages.pdf>).

the trust of their staff by changing employees' out of office messages without their knowledge from a non-partisan notice about shutdown closures to a partisan message blaming Democrats for the government shutdown, possibly opening up federal employees to charges of violating federal law themselves.¹⁵ Oversight Democrats are investigating these violations of federal law and will hold wrongdoing accountable.

Beyond these legal concerns, it remains the case that many federal agencies are currently working to hire back workers that, earlier in this Administration, were hastily fired or put in leave status that were critical to agency functions and the public services they support.¹⁶ To ensure that federal agency missions are not undermined in illegal and ill-conceived RIFs under the cover of a government shutdown, we request the following documents and information from your office no later than October 17, 2025:

1. All documents and communications related to any proposed RIF, whether related to the February 26 OPM/OMB memo or specifically related to the government shutdown beginning on October 1, 2025;
2. A complete timeline and all documents and communications related to RIF notices issued to agency employees after September 30, 2025;
3. All documents and communications related to development and approval of suggested out of office replies, web page notices, or other public-facing shutdown notifications; and
4. All documents and communications—including agency RIF and reorganization plans—related to proposed RIFs of agency employees.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

¹⁵ *Education Department Employees Surprised to Find Their Email Automatically Changed to Blame Democrats for Shutdown*, NBC News (Oct. 2, 2025) (online at www.nbcnews.com/politics/trump-administration/education-department-employees-email-automatically-changed-rcna235211).

¹⁶ *Trump Administration Rehires Hundreds of Federal Employees Laid Off by DOGE*, Associated Press (Sept. 23, 2025) (online at <https://apnews.com/article/doge-musk-trump-gsa-fired-employees-ce18553b281fbf5816ec2fd491d79b78>); *USDA Asks Employees to Transfer to ‘Critical’ Vacancies, Suggests More Cuts Coming*, Government Executive (July 16, 2025) (online at www.govexec.com/workforce/2025/07/usda-asks-employees-transfer-criticalvacancies-suggests-more-cuts-coming/406763/); *IRS Plans to Rescind Hundreds of Deferred Resignation Offers to “Fill Critical Vacancies”*, Federal News Network (Aug. 21, 2025) (online at <https://federalnewsnetwork.com/workforce/2025/08/irs-plans-to-rescind-some-deferred-resignation-offers-to-fill-critical-vacancies/>).


Sincerely,




Robert Garcia
Ranking Member



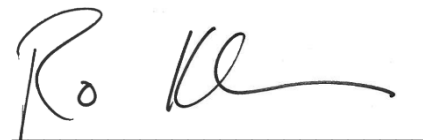
Eleanor Holmes Norton
Member of Congress



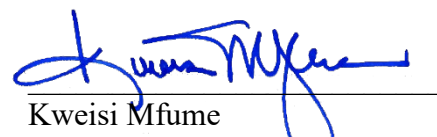
Stephen F. Lynch
Member of Congress




Raja Krishnamoorthi
Member of Congress



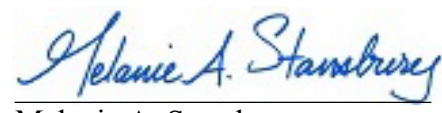
Ro Khanna
Member of Congress



Kweisi Mfume
Member of Congress




Shontel M. Brown
Member of Congress




Melanie A. Stansbury
Member of Congress



Maxwell Alejandro Frost
Member of Congress



Summer L. Lee
Member of Congress



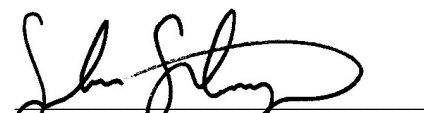
Greg Casar
Member of Congress



Jasmine Crockett
Member of Congress





Emily Randall
Member of Congress





Suhas Subramanyam
Member of Congress

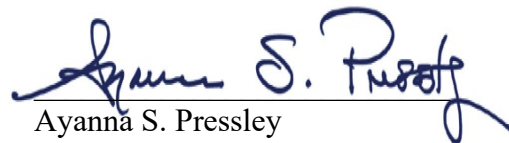

Yassamin Ansari
Member of Congress



Wesley Bell
Member of Congress


Lateefah Simon
Member of Congress


Dave Min
Member of Congress


James Walkinshaw
Member of Congress


Ayanna S. Pressley
Member of Congress


Rashida Tlaib
Member of Congress

cc: The Honorable James Comer, Chairman