

Congress of the United States
Washington, DC 20515

October 21, 2025

The Honorable Russell Vought
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Vought:

We write to demand that you immediately cease using the Republican shutdown as a pretext to fire thousands more federal employees through so-called “reductions in force” (RIFs), including employees working on critical public health and special education programs. Your actions are both dangerous and flagrantly illegal. You are deliberately misrepresenting the law and cynically abusing the ongoing shutdown to inflict arbitrary punishment on our federal workforce.

For over a decade, you have expressed your disdain for federal employees. That is plainly the motive for your plans to dismantle the federal workforce. Before joining the Trump Administration, you declared that you wanted federal employees “to be traumatically affected.”¹ You emphasized that your goal was to inflict maximum pain on federal workers and their families: “When they wake up in the morning, we want them to not want to go to work because they are increasingly viewed as the villains.... We want to put them in trauma.”² As the architect of Project 2025’s plan to destroy essential federal agencies, you have described your ultimate aim as “deconstructing the administrative state” to ensure that “the bureaucracy can’t reconstitute itself later in future administrations.”³ In the first eight months of this Administration, you have fired or pushed out more than 200,000 career civil servants in a haphazard and chaotic manner that has endangered the health, safety, and welfare of the American people.⁴ Even the President has referred to you as his “Grim Reaper.”⁵

¹ Molly Redden, Andy Kroll, & Nick Surgey, ‘Put Them In Trauma’: Inside A Key MAGA Leader’s Plans For A New Trump Agenda, GOV’T EXEC. (Oct. 28, 2024), <https://www.govexec.com/management/2024/10/inside-key-maga-leaders-plans-new-trump-agenda/400607/>.

² *Id.*

³ Coral Davenport, *The Man Behind Trump's Push for an All-Powerful Presidency*, N.Y. TIMES (Sept. 29, 2025), <https://www.nytimes.com/2025/09/29/us/politics/russell-vought-trump-budget.html>.

⁴ Partnership for Public Service, *The Cost to Your Government* (last visited Oct. 15, 2025), <https://ourpublicservice.org/federal-harms-tracker/cost-to-your-government/>.

⁵ Ivan Pereira, *Trump Uses Shutdown To Troll Democrats With Deepfake Memes About Layoffs*, ABC NEWS (Oct. 3, 2025), <https://abcnews.go.com/Politics/trump-shutdown-troll-democrats-deepfake-memes-threatening-targeted/story?id=126185886>.

As Republicans shut down the government rather than sit down with Democrats to address the healthcare affordability crisis, you are exploiting the shutdown to implement the lawless purges you have long dreamed of. You have issued directives to federal agencies instructing them to use the temporary shutdown to justify permanent firings.⁶ Your September 24, 2025, memorandum explicitly directed agencies to use the shutdown as an “opportunity” to eliminate programs “not consistent with the President’s priorities.”⁷ President Trump has supported your strategy, threatening that you will “do things during the shutdown that are irreversible.”⁸ And since the shutdown began, President Trump has underscored that you are “only cutting Democrat programs ... very popular Democrat programs that aren’t popular with Republicans, frankly.”⁹

That is flagrantly illegal. Congress has the sole authority to appropriate funds and direct their use. Your actions are an insult to the separation of powers, a casual overthrow of the system of government that Jefferson, Madison and Washington founded.

First, a government shutdown does not eliminate statutory requirements. Your memorandum dated September 24, 2025, claims you have the authority to carry out wholesale firings related to any programs whose funding has lapsed.¹⁰ That is false. The Antideficiency Act prevents agencies from spending money during a funding lapse, but it does not repeal agencies’ statutory missions and obligations.¹¹ A temporary lapse in appropriations does not give you or anyone else the power to dismantle entire federal programs or eliminate the legal requirements that Congress has imposed on agencies.¹²

Second, a government shutdown does not authorize reductions in force. Your own Office of Personnel Management (OPM) has repeatedly made clear that RIF regulations “are not applicable to emergency shutdown functions,” because “the ultimate duration of an emergency

⁶ Russell T. Vought, Memorandum for the Heads of Executive Departments and Agencies, *Contingency Planning for a Potential Lapse in Appropriations* (Sept. 24, 2025), <https://www.politico.com/f/?id=00000199-7e8f-ddde-a199-fedf6c5d0000>; see also U.S. Office of Personnel and Management, *Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025*, <https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/special-instructions-for-agencies-affected-by-a-possible-lapse-in-appropriations-starting-on-10-1-2025/>.

⁷ *Id.*

⁸ Alex Gangitano, *Trump Floats Cutting Benefits During Shutdown, Warns Democrats Are Taking A Risk*, THE HILL (Sept. 30, 2025), <https://thehill.com/homenews/administration/5529071-trump-floats-cutting-benefits-during-shutdown-warns-democrats-are-taking-a-risk/>.

⁹ Kevin Breuninger, *Trump Threatens to Use Government Shutdown to Cut ‘Popular Democrat Programs’*, CNBC (Oct. 9, 2025), <https://www.cnbc.com/2025/10/09/trump-government-shutdown-programs.html>.

¹⁰ Russell T. Vought, Memorandum for the Heads of Executive Departments and Agencies, *Contingency Planning for a Potential Lapse in Appropriations* (Sept. 24, 2025), <https://www.politico.com/f/?id=00000199-7e8f-ddde-a199-fedf6c5d0000>.

¹¹ James V. Saturno, Cong. Rsch. Serv., R46497, *Authorizations and the Appropriations Process* (2023), <https://www.congress.gov/crs-product/R46497>.

¹² See, e.g., Greta Bedekovics, *The Trump Administration Plans To Retaliate for a Government Shutdown by Firing Federal Employees—But Can It?*, CENTER FOR AM. PROG. (Sept. 30, 2025), <https://www.americanprogress.org/article/the-trump-administration-plans-to-retaliate-for-a-government-shutdown-by-firing-federal-employees-but-can-it/>.

shutdown furlough is unknown at the outset and is dependent entirely on Congressional action.”¹³ For that reason, never before has any administration tried to use a temporary funding lapse to permanently fire federal employees. During past government shutdowns—including the 35-day shutdown during the first Trump Administration—federal employees were either furloughed or designated as excepted, and all received back pay when appropriations resumed.¹⁴ In fact, in 2019, President Trump signed legislation guaranteeing backpay to furloughed employees.¹⁵ Your manufactured legal theory would allow future presidents to routinely bypass Congress and gut the federal workforce just by engineering shutdowns.

Third, administering RIFs during a shutdown itself violates the Antideficiency Act. Your memorandum and OPM’s subsequent guidance purport to authorize agencies to conduct RIF activities as “excepted” work during the shutdown.¹⁶ That directly contradicts the Antideficiency Act, which allows only specific, narrow categories of work to continue during a funding lapse—such as minimal functions necessary to temporarily cease operations, genuine emergencies involving the imminent safety of human life, and activities funded by mandatory appropriations or specifically authorized by law to continue.¹⁷ Planning and implementing RIFs, which requires extensive administrative work, fits none of these categories. Indeed, your own guidance acknowledges that “a RIF process is conducted separately from the process for administering a shutdown.”¹⁸

Your unprofessional, arbitrary, and unlawful RIFs have already resulted in chaos and embarrassing mistakes at affected agencies. You are inflicting harm not only on the federal workforce but also on the American public. More than a thousand staff members were fired last weekend from the U.S. Centers for Disease Control and Prevention (CDC)—among them “disease detectives” responsible for investigating infectious disease outbreaks, teams that conduct respiratory disease surveillance, and staff members that manage billions of dollars of grants to state and local governments to build local public health workforces.¹⁹ After a public

¹³ U.S. Office of Personnel Management, *Guidance for Shutdown Furloughs* at 44-45 (Sept. 2025), <https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/guidance-for-shutdown-furloughs-sep-28-2025/>.

¹⁴ See Government Employee Fair Treatment Act of 2019, 31 U.S.C. § 1341(c)(2).

¹⁵ See Nick Bednar, *Reductions in Force During Shutdowns: Easier Said Than Done*, LAWFARE (Oct. 1, 2025), <https://www.lawfaremedia.org/article/reductions-in-force-during-shutdowns--easier-said-than-done>.

¹⁶ Russell T. Vought, Memorandum for the Heads of Executive Departments and Agencies, *Contingency Planning for a Potential Lapse in Appropriations* (Sept. 24, 2025), <https://www.politico.com/f/?id=00000199-7e8f-ddde-a199-fedf6c5d0000>; see also U.S. Office of Personnel Management, *Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025*, <https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/special-instructions-for-agencies-affected-by-a-possible-lapse-in-appropriations-starting-on-10-1-2025/>.

¹⁷ See generally Tony Romm, *Mass Layoffs Trump Is Threatening in Shutdown Fight May Be Illegal*, N.Y. TIMES (Oct. 7, 2025), <https://www.nytimes.com/2025/10/07/us/politics/trump-government-shutdown-layoffs.html>.

¹⁸ U.S. Office of Personnel Management, *Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025*, <https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/special-instructions-for-agencies-affected-by-a-possible-lapse-in-appropriations-starting-on-10-1-2025/>.

¹⁹ Brenda Goodman & Meg Tirrell, *More Than Half of CDC Staffers Recently Fired By Trump Administration Have Been Reinstated*, CNN (Oct. 12, 2025), <https://www.cnn.com/2025/10/12/health/fired-cdc-staffers-reinstated>.

outcry, the CDC has now had to hire back more than half of those fired staff members.²⁰ Just this week, the Trump Administration's own Health and Human Services (HHS) admitted in court that it had laid off twice as many HHS workers as it had intended to, "[a]s a result of data discrepancies and processing errors."²¹ And in another instance, the Trump Administration fired most employees of the Department of Education's Office of Special Education and Rehabilitative Services, the office tasked with administering the Individuals with Disabilities Education Act and protecting the 7.5 million children with disabilities across the country.²² This chaotic clown show has undermined agencies' core missions and endangered the American public.

Federal employees serve the American people with dedication and professionalism. They deserve better than to be your political punching bag. Congress will not stand idly by while you abuse your authority.

We demand that you rescind your September 24, 2025, memorandum directing agencies to issue RIF notices during the shutdown, no later than 5:00 p.m., October 28, 2025. The courts are examining your illegal shutdown firings, and one already has issued a temporary restraining order blocking you from moving forward with your RIFs.²³ You should rescind your memorandum now rather than wait for a further judicial rebuke.

In addition, we demand that you produce the following documents and information to the House Committee on the Judiciary, the House Committee on Appropriations, and the Committee on Oversight and Government Reform, and no later than 5:00 p.m., October 28, 2025:

1. All legal memoranda, opinions, or analyses prepared by or for the Office of Management and Budget (OMB), OPM, the Department of Justice, or any other executive branch entity regarding the legal authority to conduct reductions in force during a government shutdown, including any memoranda analyzing whether RIF activities constitute "excepted" work under the Antideficiency Act;
2. All versions of your September 24, 2025, memorandum regarding contingency planning for a lapse in appropriations, including all drafts, and all documents reflecting edits, comments, or input on the memorandum;
3. All communications between or among OMB, OPM, the White House (including the United States Department of Government Efficiency (DOGE) Service or any DOGE-related personnel), the Department of Justice, and any federal agency

²⁰ See *id.*

²¹ Oriana González & Margaret Manto, *Trump Administration Admits It Laid Off Twice as Many HHS Employees as Intended*, NOTUS (Oct. 14, 2025), <https://www.notus.org/health-science/trump-administration-hhs-health-cdc-rfk-jr-layoffs-cuts-rif>.

²² Geoff Bennett & Karina Cuevas, *Trump's Shutdown Firings Hollow Out Special Education Office*, PBS (Oct. 13, 2025), <https://www.pbs.org/newshour/show/trumps-shutdown-firings-hollow-out-special-education-office>.

²³ Tony Romm, *Judge Temporarily Blocks Trump from Firing Government Workers During Shutdown*, N.Y. TIMES (Oct. 15, 2025), <https://www.nytimes.com/2025/10/15/us/politics/government-shutdown-trump-layoffs-unions.html>.

regarding the issuance of RIF notices or the conduct of RIF activities during the government shutdown;

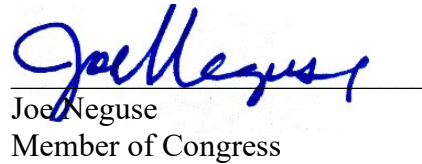
4. A complete accounting of all RIF notices issued by any federal agency since September 24, 2025, including the number of employees affected at each agency, the positions targeted, and the stated justification for each RIF;
5. All guidance, instructions, or directives issued by OMB or OPM to federal agencies regarding the administration of RIFs during the shutdown, including OPM's memoranda titled "Guidance for Shutdown Furloughs" and "Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025"; and
6. All communications between or among OMB, OPM, and President Trump or any White House official regarding the use of government shutdowns to reduce the federal workforce or implement reductions in force.

We look forward to your prompt compliance with these critical oversight requests.

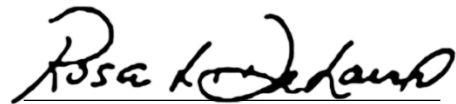
Very truly yours,



Jamie Raskin
Ranking Member
House Committee on the Judiciary



Joe Neguse
Member of Congress



Rosa L. DeLauro
Ranking Member
House Committee on Appropriations



Robert Garcia
Ranking Member
Committee on Oversight and
Government Reform

cc: The Honorable Jim Jordan, Chairman
House Committee on the Judiciary

The Honorable Tom Cole, Chairman
House Committee on Appropriations

The Honorable James Comer, Chairman
Committee on Oversight and Government Reform