

MAJORITY MEMBERS:

TIM WALBERG, MICHIGAN, *Chairman*

JOE WILSON, SOUTH CAROLINA
VIRGINIA FOXX, NORTH CAROLINA
GLENN THOMPSON, PENNSYLVANIA
GLENN GROTHMAN, WISCONSIN
ELISE M. STEFANIK, NEW YORK
RICK W. ALLEN, GEORGIA
JAMES COMER, KENTUCKY
BURGESS OWENS, UTAH
LISA C. MCCLAIN, MICHIGAN
MARY E. MILLER, ILLINOIS
JULIA LETLOW, LOUISIANA
KEVIN KILEY, CALIFORNIA
MICHAEL RULLI, OHIO
JAMES C. MOYLAN, GUAM
ROBERT F. ONDER, JR., MISSOURI
RYAN MACKENZIE, PENNSYLVANIA
MICHAEL BAUMGARTNER, WASHINGTON
MARK HARRIS, NORTH CAROLINA
MARK B. MESSMER, INDIANA
RANDY FINE, FLORIDA



COMMITTEE ON
EDUCATION AND WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,
Ranking Member

JOE COURTNEY, CONNECTICUT
FREDERICA S. WILSON, FLORIDA
SUZANNE BONAMICI, OREGON
MARK TAKANO, CALIFORNIA
ALMA S. ADAMS, NORTH CAROLINA
MARK DESAULNIER, CALIFORNIA
DONALD NORCROSS, NEW JERSEY
LUCY MCBATH, GEORGIA
JAHANA HAYES, CONNECTICUT
ILHAN OMAR, MINNESOTA
HALEY STEVENS, MICHIGAN
GREG CASAR, TEXAS
SUMMER L. LEE, PENNSYLVANIA
JOHN MANNION, NEW YORK
YASSAMIN ANSARI, ARIZONA

October 17, 2025

The Honorable Gene Dodaro
Comptroller of the United States
U.S. Government Accountability Office
441 G Street NW
Washington, DC 20548

Dear Comptroller Dodaro:

I write with grave concerns that recent actions by President Trump and his Administration are usurping the power of the purse from Congress in a flagrant manner that threatens the operation of multiple legally enacted programs and the separation of powers explicit in the Constitution.

On September 24, an unsigned memo from the Office of Management and Budget (OMB) incorrectly stated that due to the pending lapse in annual Congressional appropriations, Congressionally authorized programs, projects or activities that lack appropriated funds need not be carried out.¹ The memo directed affected agencies to consider Reduction in Force (RIF) notices for federal employees whose work was funded solely by discretionary funds, provided such work was inconsistent with the President's priorities.² At the time of its release, this memo was considered by many to be political posturing to hasten a deal with Congress on continuing appropriations.³ However, no such appropriations deal was reached before the end of the fiscal year, triggering a shutdown.

At a meeting on October 6, the President personally endorsed the consideration of partisan RIFs during the shutdown, stating, "We're only cutting Democrat programs, I hate to tell you, but we are cutting Democrat programs... That's the way it works... They [Democrats] wanted to do this so we will give them a little taste of their own medicine."⁴ Four days later, OMB Director

¹ Sophia Cai, *White House to agencies: Prepare mass firing plans for a potential shutdown*, Politico, Sept. 24, 2025, <https://www.politico.com/news/2025/09/24/white-house-firings-shutdown-00579909>.

² *Id.*

³ Claudia Grisales & Leila Fadel, *Government shutdown enters third day as White House threatens widespread layoffs*, NPR, Oct. 2, 2025, <https://www.npr.org/2025/10/03/nx-s1-5560961/government-shutdown-enters-third-day-as-white-house-threatens-widespread-layoffs>.

⁴ Ben Johansen, *Trump promises cuts to programs favored by Democrats*, Politico, Oct. 9, 2025, <https://www.politico.com/news/2025/10/09/trump-promises-cuts-democrats-programs-00599884>.

Russell Vought, who was present at the earlier meeting where the President threatened partisan firings, issued a public statement on social media that, “The RIFs have begun.”⁵

Multiple Executive Departments under the jurisdiction of the Committee on Education and Workforce subsequently announced RIFs that decimated offices within these Departments. The scope of these RIFs seriously calls into question whether the employees remaining at certain agencies can carry out the tasks mandated to them in law by Congress. Decisions of this magnitude demand oversight and investigation.

Further, the Trump Administration cut 465 employees at ED via RIFs after the shutdown began.⁶ These cuts included staff at the Office of Elementary and Secondary Education (OESE), Office of Special Education and Rehabilitative Services (OSERS), Office of Postsecondary Education (OPE), Office for Civil Rights (OCR), and Office of Communications and Outreach (OCO).⁷ These are offices that oversee the administration of programs authorized under the *Individuals with Disabilities Education Act* (IDEA), the *Elementary and Secondary Education Act*, the *Higher Education Act*, the *Civil Rights Act of 1965*, Title IX of the *Education Amendments of 1972*, and other legally enacted statutes written to ensure that students have access to an equal education.

At the Department of Health and Human Services (HHS), nearly 1,000 employees were terminated.⁸ Specifically within the Committee’s jurisdiction, the Office of Community Services, which oversees both the Community Services Block Grant (CSBG) Program⁹ and the Low Income Home Energy Assistance Program (LIHEAP),¹⁰ has been decimated;¹¹ it is unclear whether there are any remaining staff to administer either program.

The idea of conditioning RIFs to fire employees based on the availability of appropriations is unprecedented in and of itself.¹² To then further condition such RIFs on whether the programs

⁵ Irie Sentner & Jennifer Scholtes, *Vought sounds layoff siren: ‘The RIFs have begun’*, Politico, Oct. 10, 2025, <https://www.politico.com/news/2025/10/10/vought-sounds-layoff-siren-the-rifs-have-begun-00602262>.

⁶ E-mail from Dep’t of Educ. Staff to Committee Staff regarding “Department of Education Information – Reduction in Force”, Oct. 15, 2025 (on file with staff) [hereinafter ED Staff Email].

⁷ *Id.*

⁸ E-mail from HHS to Committee Staff regarding “HHS Personnel Action as of 101425,” Oct. 14, 2025, on file with Committee Staff [hereinafter HHS Staff email].

⁹ 42 U.S.C. §§ 9901-9926.

¹⁰ 42 U.S.C. §§ 8621-8630.

¹¹ In addition to the RIF conducted on October 10, 2025, reportedly, all personnel administering the LIHEAP program were terminated earlier this year. See Joseph Shapiro, *HHS layoffs hit Meals on Wheels and other services for seniors and disabled*, NPR (Apr. 1, 2025, 7:47 PM), <https://www.npr.org/sections/shots-health-news/2025/04/01/g-s1-57716/hhs-layoffs-seniors-disabled-liheap-acl>.

¹² Kayla Epstein & Nardine Saad, *Trump administration starts laying off thousands of workers*, BBC, Oct. 11, 2025, <https://www.bbc.com/news/articles/clmxd1g7lvxo>. OMB Circular A-11, the definitive federal document governing the execution of the federal budget, includes a section specifically on “Agency Operations in the Absence of Appropriations.” Off. of Mgmt. & Budget, Exec. Off. of the President, OMB Circ. A-11 Preparation, Submission, and Execution of the Budget, § 124, Aug. 29, 2025. The most recent release, issued just over a month before the shutdown, says in its cover letter that it “supersedes all previous versions”. *Id.* Nowhere in §124 are reductions in force discussed. *Id.* And contrary to the RIF’s reliance on the President’s priorities, the only factors listed governing

and activities conducted by such employees are consistent with the President's priorities, or favored by one political party or another offends the Constitutional structure of our government.¹³ By firing the federal employees necessary to implement the laws Congress has written, the President is not taking care that the laws be faithfully executed.¹⁴ Putting aside the questionable constitutionality of these actions, obligating funds to conduct these RIFs is also a blatant violation of the *Anti-deficiency Act*.¹⁵ The President and OMB director both indicated prior to the lapse in funding their intention to make RIFs, which are typical functions of government.¹⁶ As such the RIFs would not rise to the level of an emergency as defined in the Act, based on GAO's previous rulings.¹⁷

It is not reasonable to expect these offices to be able to carry out the requirements of the laws placed on them by Congress with the number of employees left after the RIFs.¹⁸ The RIFs in question will reduce, if not flat out eliminate the ability of ED and HHS to carry out certain laws. In the normal course of events, GAO could look into these matters, and provide Congress reports telling us as much. That work would unfortunately be after the fact, like a forensic investigation after a fire. Here, the fire has just been set, and GAO has the opportunity to extinguish it before it burns down the offices charged with administering multiple lawfully enacted and authorized programs.

It is reasonable to conclude that the President's actions indicate his intention to circumvent any oversight or investigative check on his will to power as it relates to the operation of the federal government.¹⁹ However, as Comptroller General you have been empowered by Congress to "investigate all matters related to the receipt, disbursement, and use of public money, and to evaluate the results of programs and activities carried out by the government under existing

employees are related to their consideration as essential, which depends on their: Necessity to the performance of activities expressly authorized by law; necessity implied by law; necessity to the discharge of the President's constitutional duties and powers; and necessity to protect life or property. *Id.*

¹³ Cf. Harold H. Koh et al., *No, the President Cannot Issue Bills of Attainder*, Just Security, (Apr. 9, 2025), <https://www.justsecurity.org/110109/president-cannot-issue-attainder-bills/> (arguing Executive Orders issued by President Trump against law firms "were illegal not just because they violate constitutional rights, but because they offend the *Constitution's structure*: the orders are '*ultra vires*, because they were based on no valid national security concern, issued without any colorable legal authority, and unconstitutionally interfere with the separation of powers.'"). The presidential actions at hand also likely implicate the Equal Protection and Due Process clauses.

¹⁴ U.S. Const. Art. II, § 3, cl. 3.

¹⁵ See 31 U.S.C. §§ 1341, 1342.

¹⁶ See e.g., Press Release, U.S. Dep't of Educ., U.S. Department of Education Initiates Reduction in Force, Mar. 11, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force>.

¹⁷ See Garland Pinksohn, Jr., Esq., B-262069. n. 1, <https://www.gao.gov/products/b-262069> (citing 5 Op. O.L.C. 1, 7-11 (1981)).

¹⁸ See Victim Rights Law Center v. McMahon, No. 25-1787 (1st Cir., Oct. 1, 2025) ("We note the district court's careful analysis concluding that the Department's decision to reduce by half the staff of OCR, a statutorily-created office, imperils Congress's mandate that OCR "enforce federal civil rights laws that ban discrimination based on race, sex, and disability in the public education system." Indeed, by Congress's design, OCR is to serve a key role in furthering equal access to public education in the United States by ensuring the implementation of federal legislation like the Civil Rights Act, as well as the promise of *Brown v. Board of Education*." (internal citations omitted)).

¹⁹ E.g. *Storch v. Hegseth*, Case 1:25-cv-00415-ACR (D.D.C. Sept. 24, 2025) (holding President Trump acted in violation of the Inspector General Act when removing the Inspectors General at multiple Executive Departments but denying a motion for a permanent injunction against their removal).

The Honorable Gene Dodaro

October 17, 2025

Page 4

law.”²⁰ To that end, I ask that you and your office investigate and issue a legal opinion as to whether actions taken to effectuate RIFs at various federal agencies on or after October 1, 2025 are legal under federal law and the Constitution.

Sincerely,



ROBERT C. “BOBBY” SCOTT

Ranking Member

cc: The Honorable Tim Walberg, Chairman
House Committee on Education and Workforce

²⁰ U.S. Gov't Accountability Off., GAO-24-107329, GAO's Protocols for Legal Decisions and Opinions 3 (2024).