

Office of Management and Budget shutdown reduction-in-force memorandum is new, but not news

Averting a shutdown does not mean averting RIFs, nor does a shutdown require layoffs. The memo itself spells out that the Trump Administration will continue to slash federal jobs—despite the questionable legality—no matter what.

This administration has already claimed the power to RIF federal employees across agencies

- In February, President Trump issued an [executive order](#) directing agencies to “promptly” prepare to do “large-scale reductions in force (RIFs).”
 - Although there was no shutdown on the horizon at the time, the executive order nonetheless directed agency RIFs to prioritize employees “who are not typically designated as essential during a lapse in appropriations.”
- Later in February, to implement the executive order, OMB and OPM issued a [memo](#) requiring all agencies to prepare “Agency RIF and Reorganization Plans” that would “[e]liminat[e] non-statutorily mandated functions through RIFs,” including by identifying “[a]ll agency components and employees” that “are not typically designated as essential during a lapse in appropriations.”
- Long before the Office of Management and Budget memo on September 24, the Administration’s Solicitor General [claimed](#) before the Supreme Court in June that “the President unquestionably had the authority to direct agencies to conduct RIFs, consistent with law, in furtherance of his policy objectives and with the guidance of OPM and OMB.”

Despite multiple challenges in court, the administration is already planning to continue RIFs at these federal agencies—but is hiding its plans to do so

- The Administration [told](#) the Supreme Court in June that “about 40 RIFs in 17 agencies” were already in progress – long before any lapse in appropriations.
- In response to a district and appeals court orders requiring disclosure of Agency RIF and Reorganization Plans, the Administration [informed the 9th](#)

[Circuit](#) it intends to petition for en banc review in a last ditch attempt to keep these RIF plans secret.

- It appears clear that RIF planning has continued in secret, and that substantial RIFs in critical agencies are already in the works, including in agencies that are already struggling to properly function after DOGE's initial cuts and "early out" incentive programs, like the [Department of the Interior](#).

OMB's Memo itself confirms that the RIFs OMB is directing will happen regardless of the shutdown

- The memo states: "RIF notices will be in addition to any furlough notices provided due to the lapse in appropriation. RIF notices should be issued to all employees working on the relevant PPA, ***regardless of whether the employee is excepted or furloughed during the lapse in appropriations.***" (emphasis added).
- The memo further suggests that agencies must revisit RIF plans again once the Fiscal Year 2026 appropriations are passed, complete with a new round of approvals by OMB: "Once fiscal year 2026 appropriations are enacted, agencies should revise their RIFs as needed to retain the minimal number of employees necessary to carry out statutory functions. Any proposed RIF plan must be submitted to OMB."

Congress—not the president—has the authority to reorganize agencies.

- For more than 100 years, Presidents across the political spectrum have sought and obtained authorization from Congress before undertaking reorganization of the federal government.
- During his first term, President Trump sought congressional authorization for his plans to reorganize the government and eliminate agencies, components of agencies, and agency programs, but Congress did not provide that authority, so the reorganizations didn't happen.
- As former Assistant Attorney General Antonin Scalia [testified](#) to Congress in 1977, reorganization of the federal government may be pursued in only two ways: "the Congress must either delegate to the President the authority to reorganize the executive branch, subject to their undoing his work through the normal process of legislation, or else they must themselves adopt such reorganization through the constitutionally prescribed legislative process."