

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

Majority (202) 225-3641
Minority (202) 225-2927

October 27, 2025

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

Dear Secretary Kennedy:

We write to request answers regarding your recent clumsy, cruel, and illegal efforts to terminate employees during a government shutdown. We also yet again seek a response to our letters of April 1 and May 28 regarding your previous reduction-in-force (RIF) efforts.

On October 10, Russ Vought, director of the Office of Management and Budget, posted on X that “The RIFs have begun.”¹ President Trump separately stated that cuts to the federal workforce would focus on programs that are “Democrat-oriented.”² Despite the cruelty and illegality of this partisan effort, you jumped at the opportunity to further decimate the country’s public health institutions tasked with keeping Americans healthy and safe, slashing positions across the Department of Health and Human Services (HHS) but especially at the Centers for Disease Control and Prevention (CDC).

This illegal termination effort during a government shutdown has been chaotic and incompetent. A court filing on the evening of Friday, October 10 stated that 1,100 to 1,200 HHS employees would be terminated.³ The following day, however, Committee staff were notified that HHS had committed errors in sending RIF notices to employees. A Tuesday, October 14 court filing further explained that due to “discrepancies and processing errors,” nearly 1,800 employees received a RIF notice when the final number of RIF notices that HHS intended to

¹ Russ Vought (@russvought), X (Oct. 10, 2025, 12:27 PM) (<https://x.com/russvought/status/1976686105199268177>).

² *Trump Says Federal Layoffs Have Begun During Government Shutdown*, The New York Times (Oct. 10, 2025).

³ Declaration of Stephen Billy in Support of Defendants’ Opposition to Plaintiffs’ Motion for a Temporary Restraining Order (Oct. 10, 2025), *American Federation of Government Employees, AFL-CIO v. United States Office of Management and Budget*, N.D. Cal. (Case No. 3:25-cv-08302-SI).

send was 982.⁴ An October 20 court filing reduced that number yet again to 954 with the opaque explanation that “HHS has rescinded additional RIF notices...”⁵

This process is consistent with the sloppiness of your first RIF efforts. At that time, you said “[p]ersonnel that should not have been cut were cut — we’re reinstating them, and that was always the plan,” and “we’re going to do 80 percent cuts but 20 percent of those are going to have to be reinstalled because we’ll make mistakes.”⁶ It is clear that no thoughtful planning goes into these deeply disruptive termination efforts that harm public servants and public health programs. HHS continues to make the same mistakes over and over again. We are concerned this ongoing incompetence is seriously undermining our nation’s efforts to protect the health and well-being of the American people.

On October 15, a federal court issued a temporary restraining order preventing the RIFs implemented during the shutdown from going into effect.⁷ As described in that court’s order, your cruelty extended so far as to bring in employees who had been furloughed during the shutdown in order to work over a weekend issuing RIF notices to their colleagues and then “issue RIF notices to themselves.”⁸ Then, despite the court making clear that these RIFs were not allowed to proceed, HHS took the baseless position that it could still fire the selected employees because HHS had unilaterally decided to no longer recognize their union.⁹ At a hearing on October 17, the federal judge made clear that HHS had taken an inappropriately narrow view of the court’s order and reiterated that the Administration’s RIFs were not permitted to continue at this point.¹⁰

These RIF efforts appear to be part of your ongoing attempts to destroy essential public health programs that keep Americans safe and healthy, particularly at CDC. You are cutting CDC even further in the middle of the largest measles outbreak since the disease was eliminated

⁴ Declaration of Thomas J. Nagy Jr. (Oct. 14, 2025), *American Federation of Government Employees, AFL-CIO v. United States Office of Management and Budget*, N.D. Cal. (Case No. 3:25-cv-08302-SI).

⁵ Declaration of Thomas J. Nagy Jr. (Oct. 20, 2025), *American Federation of Government Employees, AFL-CIO v. United States Office of Management and Budget*, N.D. Cal. (Case No. 3:25-cv-08302-SI).

⁶ *RFK Jr. said HHS Would Rehire Thousands of Fired Workers. That Wasn't True.*, Politico (Apr. 4, 2025).

⁷ *Judge Orders Trump Administration to Pause Shutdown Layoffs*, The Washington Post (Oct. 15, 2025).

⁸ Order Granting Motion for Temporary Restraining Order; Enjoining Shutdown-Related RIFs; and Setting Schedule for Hearing on Motion for Preliminary Injunction (Oct. 15, 2025), *American Federation of Government Employees, AFL-CIO v. United States Office of Management and Budget*, N.D. Cal. (Case No. 3:25-cv-08302-SI); Declaration of Yolanda Jacobs in Support of Plaintiffs’ Motion for Temporary Restraining Order (Oct. 14, 2025), *American Federation of Government Employees, AFL-CIO v. United States Office of Management and Budget*, N.D. Cal. (Case No. 3:25-cv-08302-SI).

⁹ Declaration of Thomas J. Nagy Jr. (Oct. 17, 2025), *American Federation of Government Employees, AFL-CIO v. United States Office of Management and Budget*, N.D. Cal. (Case No. 3:25-cv-08302-SI).

¹⁰ [Proposed] Order Clarifying Temporary Restraining Order and Granting Plaintiffs’ Motion to Modify (Oct. 17, 2025), *American Federation of Government Employees, AFL-CIO v. United States Office of Management and Budget*, N.D. Cal. (Case No. 3:25-cv-08302-SI).

in 2000 with quarantines in multiple states.¹¹ While HHS has not provided an update on which programs have been hit by the “corrected” RIFs, experts and former CDC officials have raised the alarm that the cuts at CDC in particular leave America incapable of responding to current and future public health threats.¹² The terminations at CDC allegedly include 70 second-year members of the disease detectives in the Epidemic Intelligence Service, the entire staff of the CDC's Washington, D.C. office—which leaves members of Congress without a D.C. liaison directly at the CDC for such programs as the World Trade Center Health Program—and the Office of the Director at the Immunization center in charge of monitoring our nationwide measles response during the largest measles outbreak in our country’s history.¹³

You have also cut more than half of the staff at the Substance Abuse and Mental Health Services Administration (SAMHSA), the federal agency dedicated to mental health and substance use prevention, treatment and recovery.¹⁴

We have serious concerns that you are willfully breaking the law and decimating public health, which leaves Americans totally exposed to future outbreaks and pandemics. In addition to responding to our letters of April 1 and May 28, provide responses to the below requests by November 10, 2025.

1. Please confirm that HHS now intends to abide by all applicable court orders, despite its prior failure to do so, and detail how it will ensure that court orders are followed.
2. Provide a list of all competitive areas at HHS that were included in the flawed RIF that began October 10. For each competitive area, include in your response:
 - a. The number of employees in each competitive area;
 - b. A list of the competitive levels identified in each competitive area with a description of the jobs that would be included at each level;
 - c. The number of employees terminated in each competitive area;
 - d. The job titles of employees terminated in each competitive area; and
 - e. The total number of employees terminated from each operating division and office.

¹¹ *See Frustration Grows Amid Measles Outbreak Quarantines Across Several States*, NBC News (Oct. 17, 2025); Centers for Disease Control and Prevention, *Measles Cases and Outbreaks* (Oct. 15, 2025) (<https://www.cdc.gov/measles/data-research/index.html>).

¹² *After CDC Cuts, Former Officials say "We're Not Prepared" for Daily Public Health or Emergencies*, CBS News (Oct. 15, 2025).

¹³ *Trump Administration Lays Off Dozens of C.D.C. Officials*, The New York Times (Oct. 11, 2025); *'CDC is Over': RFK Jr. Lays Off over 1,000 Employees in Friday Night Massacre*, MSNBC (Oct. 11, 2025).

¹⁴ *Trump Slashes Mental Health Agency as Shutdown Drags On*, NPR (Oct. 11, 2025).

3. Please describe the “data discrepancies and processing errors” that resulted in 1,760 HHS employees receiving a RIF notice on October 10 instead of the intended 982 employees.¹⁵
4. Provide a list of all competitive areas at HHS that were included in the “corrected” RIF after withdrawing the erroneously issued RIF notices. For each competitive area, include in your response:
 - a. The number of employees in each competitive area;
 - b. A list of the competitive levels identified in each competitive area with a description of the jobs that would be included at each level;
 - c. The number of employees terminated in each competitive area;
 - d. The job titles of employees terminated in each competitive area; and
 - e. The total number of employees terminated from each operating division and office.
5. Federal regulations require that “Descriptions of all competitive areas must be made readily available for review.”¹⁶ Likewise, Office of Personnel Management (OPM) guidance states that “Agencies must keep records when establishing or changing competitive areas and publish descriptions or make them readily available for review by employees and OPM.”¹⁷
 - a. To the extent not provided in response to 4.a., please provide the list of all competitive areas relevant to the HHS RIF and descriptions of those areas.
 - b. Please indicate whether these descriptions were published, and, if so, on what date and where.
 - c. If these descriptions were not published, explain why not and whether and how they were made available upon request.
 - i. Please indicate what individual(s) were responsible for making the descriptions available.
 - ii. Please confirm whether these descriptions have been provided upon request for review by employees.

¹⁵ See note 4.

¹⁶ *Id.*

¹⁷ U.S. Office of Personnel Management, *Competitive Areas in Reduction in Force (RIF)* (Mar. 2025).

6. Federal regulations require that competitive levels be established for purposes of a RIF.¹⁸ Please confirm whether the HHS codes specified in the Appendix of HHS Instruction 351-1 were utilized for the RIF.¹⁹ If a different list of codes was used, please provide that list.
7. Please provide any guidance, memoranda, or communications providing any legal analysis or justification regarding your ability to conduct a RIF during a government shutdown, including whether such action would constitute a violation of the Antideficiency Act.
8. Please describe in detail the process by which you determined what roles would be eliminated and produce all supporting documentation. Include in your answer:
 - a. The individuals involved in deciding which roles would be eliminated, including their title and the agency for which they work;
 - b. The criteria used to determine what roles could be eliminated;
 - c. The process for deciding whether the work conducted by a role would be reassigned or eliminated entirely;
 - d. Any risk assessments involved in determining whether a role was necessary for public health and safety and the individuals involved in conducting and reviewing those assessments;
 - e. What feedback, if any, was sought by leaders within operating divisions and offices as part of the process;
 - f. What feedback, if any, was provided by individuals outside of HHS;
 - g. What feedback, review, or consultation was provided by non-governmental organizations, contractors, consultants, or other non-federal entities or employees; and
 - h. Any analyses conducted by HHS of the impact these terminations will have on the ability of each operating division to meet its statutory responsibilities to the American people.

¹⁸ 5 C.F.R. § 351.403 (Jan. 3, 1986).

¹⁹ U.S. Department of Health and Human Services, *HHS Instruction 351-1: Reduction in Force (RIF)* (Dec. 22, 2020) (<https://www.hhs.gov/about/agencies/asa/ohr/hr-library/351-1/index.html>).

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October 27, 2025

Page 6

If you have any questions about this request, please contact the Committee Democratic staff at (202) 225-2927.

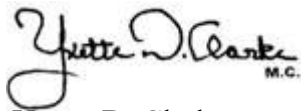
Sincerely,



Frank Pallone, Jr.
Ranking Member



Diana DeGette
Ranking Member
Subcommittee on Health



Yvette D. Clarke
Ranking Member
Subcommittee on Oversight
and Investigations

cc: The Honorable Brett Guthrie
Chairman

The Honorable H. Morgan Griffith
Chairman
Subcommittee on Health

The Honorable John Joyce
Chairman
Subcommittee on Oversight and Investigations