

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JAPANESE AMERICAN CITIZENS  
LEAGUE,  
1765 Sutter St.  
San Francisco, CA 94115;

OCA – ASIAN PACIFIC AMERICAN  
ADVOCATES,  
900 19th St. NW, 6th Floor  
Washington, DC 20006;

SIERRA CLUB,  
2101 Webster St., Suite 1300  
Oakland, CA 94612; and

UNION OF CONCERNED SCIENTISTS,  
2 Brattle Square  
Cambridge, MA 02138,

*Plaintiffs,*

v.

ELON MUSK, *in his official capacity*,  
U.S. DOGE Service and Senior Advisor,  
c/o Executive Office of the President,  
1600 Pennsylvania Ave. NW  
Washington, DC 20500;

U.S. DOGE SERVICE,  
c/o Executive Office of the President,  
1600 Pennsylvania Ave. NW  
Washington, DC 20500;

AMY GLEASON, *in her official capacity*,  
Acting Administrator of U.S. DOGE  
Service, c/o Executive Office of the  
President,  
1600 Pennsylvania Ave. NW  
Washington, DC 20500;

OFFICE OF PERSONNEL  
MANAGEMENT, and CHARLES EZELL, *in*

Case No. \_\_\_\_\_

*his official capacity*, Acting Director of the  
Office of Personnel Management,  
1900 E St. NW  
Washington, DC 20415;

U.S. DEPARTMENT OF EDUCATION, and  
LINDA MCMAHON, *in her official capacity*,  
Secretary of Education,  
400 Maryland Ave. SW  
Washington, DC 20202;

NATIONAL PARK SERVICE, and JESSICA  
BOWRON, *in her official capacity*, Acting  
Director of the National Park Service,  
1849 C St. NW  
Washington, DC 20240;

U.S. FOREST SERVICE, and TOM  
SCHULTZ, *in his official capacity*, Chief of  
the U.S. Forest Service,  
1400 Independence Ave. SW  
Washington, DC 20250;

BUREAU OF LAND MANAGEMENT, and  
JON RABY, *in his official capacity*, Acting  
Director of the Bureau of Land Management,  
1849 C St. NW  
Washington, DC 20240;

NATIONAL OCEANIC AND  
ATMOSPHERIC ADMINISTRATION, and  
VICE ADMIRAL NANCY A. HANN, *in her  
official capacity*, Acting Administrator of the  
National Oceanic and Atmospheric  
Administration,  
1401 Constitution Ave. NW, Room 5128  
Washington, DC 20230;

U.S. DEPARTMENT OF COMMERCE, and  
HOWARD LUTNICK, *in his official  
capacity*, Secretary of Commerce,  
1401 Constitution Ave. NW  
Washington, DC 20230;

U.S. DEPARTMENT OF INTERIOR, and  
DOUG BURGUM, *in his official capacity*,  
Secretary of the Interior,  
1849 C St. NW  
Washington DC 20240;

U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, and ROBERT F.  
KENNEDY, JR., *in his official capacity*,  
Secretary of Health and Human Services,  
200 Independence Ave. SW  
Washington, DC 20201;

NATIONAL INSTITUTES OF HEALTH,  
and MATTHEW J. MEMOLI, *in his official  
capacity*, NIH Director,  
9000 Rockville Pike  
Bethesda, MD 20892;

SUBSTANCE ABUSE AND MENTAL  
HEALTH SERVICES ADMINISTRATION,  
and CHRISTOPHER D. CARROLL, *in his  
official capacity*, Principal Deputy Assistant  
Secretary of SAMHSA,  
5600 Fishers Lane  
Rockville, MD 20857;

ENVIRONMENTAL PROTECTION  
AGENCY, and LEE M. ZELDIN, *in his  
official capacity*, Administrator of the  
Environmental Protection Agency,  
1200 Pennsylvania Ave. NW  
Washington, DC 20460;

NATIONAL SCIENCE FOUNDATION, and  
SETHURAMAN PANCHANATHAN, *in his  
official capacity*, Director of the National  
Science Foundation,  
2415 Eisenhower Avenue  
Alexandria, VA 22314;

UNITED STATES DEPARTMENT OF  
AGRICULTURE, and BROOKE ROLLINS,  
*in her official capacity*, Secretary of  
Agriculture,  
1400 Independence Ave. SW

Washington, DC 20250;

FEDERAL EMERGENCY MANAGEMENT  
AGENCY, and CAMERON HAMILTON, *in  
his official capacity*, Acting FEMA  
Administrator,  
500 C St. SW  
Washington, DC 20024; and

UNITED STATES DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT,  
and SCOTT TURNER, *in his official  
capacity*, Secretary of Housing and Urban  
Development,  
451 7th St. SW  
Washington, DC 20410;

*Defendants.*

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

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## INTRODUCTION

1. Defendant Elon Musk is not, legally, the President of the United States, nor is he a federal elected official of any kind. And Mr. Musk is not a Senate-confirmed officer of the United States. But he and his so-called “Department of Government Efficiency” (DOGE)—not, in fact, a federal executive department—are lawlessly and unconstitutionally wielding sweeping power across the executive branch. As Mr. Musk and DOGE lawlessly seize power over large swaths of federal spending, decimate the federal workforce, and dismantle federal agencies, they are severely harming, and threatening further imminent harm, to everyday Americans.

2. Mr. Musk and DOGE are running roughshod over the constitutional separation of powers. Further, Mr. Musk is exercising the authority of a principal officer of the United States without Senate confirmation—and, indeed, exercising authority even *in excess* of a principal officer. These actions are ultra vires, violate the U.S. Constitution’s separation of powers, and, as to Mr. Musk, also violate the Constitution’s Appointments Clause. Mr. Musk and DOGE’s lawless actions threaten the bedrock of our democracy, and they are already causing severe harms in a wide array of areas of daily life.

3. Plaintiffs Japanese American Citizens League (JACL), OCA – Asian Pacific American Advocates (OCA), Sierra Club, and Union of Concerned Scientists (UCS) are nonprofit membership organizations composed of everyday Americans. They are dedicated, in various ways, to the well-being of Americans, including to education, enjoyment of the outdoors, historical memory, scientific research, and creation of community, and they uplift their members in these areas. Each of these organizations and their members are profoundly harmed by Mr. Musk and DOGE’s lawless, unconstitutional actions, and face further severe harm unless and until these actions are stopped.

4. JACL and OCA are focused on the flourishing of the Japanese American and the broader Asian American, Native Hawaiian, and Pacific Islander (AANHPI) communities, respectively. They promote educational advancement for these communities, and their members include college and graduate students achieving degrees through federal financial aid and families with children in public schools that benefit from federal funding. But Mr. Musk and DOGE threaten to dismantle the U.S. Department of Education. They have already cut significant federal education funding and are evaluating student financial aid as part of their lawless assault on federal spending. Mr. Musk even posted on social media an image of himself as the Grim Reaper, knocking on the door of the Department of Education. Mr. Musk and DOGE pose an imminent threat to JACL and OCA members' continued access to federal financial aid, federal work-study programs, and federal funding for low-income schools and students with disabilities, and threaten imminent harm to core OCA organizational activities.

5. Further, education about the history of unjust Japanese American incarceration in the United States during World War II, and honoring the legacies of survivors, is a core and significant part of JACL's work as an organization. Many JACL members, some of whom are survivors of World War II incarceration, participate in annual pilgrimages to national historic sites operated by the National Park Service (NPS) that were sites of incarceration. JACL organizes educational programming that includes visits to these sites. Mr. Musk and DOGE's firings of NPS staff and ongoing efforts to cut NPS funding have harmed and threaten further harm to these efforts to remember one of the darkest chapters of American history. Historic site staff, including interpreters and historical experts, are critical for visitors to understand the experiences of incarcerated people and the causes of Japanese American incarceration. Already, Mr. Musk and DOGE have caused the termination of one of the three NPS staffers at the Minidoka National



Historic Site in Idaho and two NPS archaeologists at the Manzanar National Historic Site in California.

6. NPS is also critical to plaintiff Sierra Club and its members. Exploring, enjoying, and protecting America's wild places is core to Sierra Club's mission, and Sierra Club organizes hundreds of outdoor trips each year for members to visit national parks, national forests, and other federal lands throughout the country. It also runs the Yosemite Conservation Heritage Center in Yosemite National Park. Mr. Musk and DOGE's wanton firings of park rangers and other NPS staff, as well as U.S. Forest Service (USFS) and Bureau of Land Management (BLM) staff, and efforts to slash NPS, USFS, and BLM funding, are likewise causing Sierra Club ongoing harm and threaten still further harm. NPS and USFS staff maintain trails and campsites, manage vehicle traffic, provide critical safety information, engage in search and rescue, remove hazards and trash, and fight fires, among other crucial duties. Sierra Club has planned outings to parks and forests that have already experienced DOGE-caused impacts, including to Grand Canyon National Park and Stanislaus National Forest. Mr. Musk and DOGE's firings and cuts are already harming the experiences of Sierra Club and its members. They are further creating serious uncertainty about visitor experiences, visitor safety, and trip viability for Sierra Club and member trips to national parks, forests, and lands, while heading into the busy summer months. These concerns are exacerbated by Mr. Musk and DOGE's cuts to the National Oceanic and Atmospheric Administration (NOAA)—cuts that threaten basic access to weather information and emergency alerts from the National Weather Service, which are critical to safety on wilderness trips undertaken by Sierra Club and its members.

7. UCS has thousands of member scientists and researchers across the country. Mr. Musk and DOGE's unlawful cuts to federal funding for critical scientific research and termination

of expert employees at federal agencies that provide essential scientific information are already harming UCS members. While UCS does not receive any federal funding, UCS members rely on congressionally approved continued funding for scientific research and use federally provided scientific information in their work—including protecting Americans against extreme weather events, improving air quality, developing life-saving treatments, and supporting improved agricultural practices for America’s farmers. The ongoing uncertainty about the availability of federal research grants and scientific data created by Mr. Musk and DOGE has hindered and stopped, and will continue to hinder or simply end, UCS’s members often years-long or decades-long scientific research—not only harming the researchers but also denying the tangible benefits of that work to families and communities across the United States. In addition, UCS has had to alter its work focusing on science-informed public policy to, instead, engage in rapid response to Mr. Musk and DOGE’s illegal and chaotic attacks on the entire federal scientific enterprise, and to attempt to support UCS member scientists and researchers whose essential work has been completely upended by Mr. Musk and DOGE.

8. The full scale and impact of Mr. Musk and DOGE’s ongoing cuts to federal funding, firings of federal employees, and infiltration and devastation of federal agencies is not known, because Mr. Musk and DOGE have obfuscated the scope of their work. The executive order creating DOGE states that DOGE’s purpose is updating technology. But when in fact Mr. Musk and DOGE are fundamentally altering federal spending, though the Constitution allocates that power to Congress. And while the federal government has in court documents disclaimed any role for Mr. Musk as the head of DOGE, out of court, both Mr. Musk and President Trump have claimed that he is. In any event, there can be no question that Mr. Musk and DOGE lack any legal authority to undertake this massive attack on the infrastructure of the federal government throughout the

United States—which Mr. Musk frequently symbolizes with a chainsaw—and that their ongoing effort is lawless and unconstitutional.

9. In their daily lives, from education to enjoying the outdoors to critical scientific research to creating community, JACL, OCA, Sierra Club, UCS, their members, and countless other Americans are harmed by Mr. Musk and DOGE. Historic sites like Manzanar and Minidoka serve to educate Americans on the forcible relocation of a discrete minority group at presidential directive, a “morally repugnant order” that was “objectively unlawful and outside the scope of Presidential authority.” *Trump v. Hawaii*, 585 U.S. 667, 710 (2018). The harms to Manzanar and Minidoka from Mr. Musk and DOGE’s chainsaw to the federal budget ring a particularly grave warning about not just the historical knowledge at these sites but also the constitutional system that would be lost were this lawless, unchecked evisceration of the federal government to continue.

#### **JURISDICTION AND VENUE**

10. This Court has jurisdiction to hear this case under 28 U.S.C. § 1331 (federal question) because the claims in this action arise under the laws of the United States, as well as under 28 U.S.C. §§ 1651, 2201, and 2202.

11. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in this district. Venue is also proper in this district under 28 U.S.C. § 1391(e), both for the same reason as venue is proper under § 1391(b)(2) and because at least one defendant resides in this district.

#### **PARTIES**

##### **Plaintiffs**

12. Plaintiff **Japanese American Citizens League** (JACL) is a nonprofit membership organization based in San Francisco, California. JACL is a national organization whose mission is

to secure and safeguard the civil and human rights of Asian and Pacific Islander Americans and all communities affected by injustice and bigotry. The leaders and members of JACL also work to promote and preserve the heritage and legacy of the Japanese American community. JACL has over 90 chapters across the continental United States, Hawai'i, Alaska, and Japan. JACL has nearly 7,000 members.

13. JACL has long advocated for the NPS to include more Japanese American historic sites and properties in the locations it manages, beginning with the Manzanar National Historic Site in California, and most recently the Amache National Historic Site in Colorado. As a core part of its mission to educate its members and the broader public about the history of Japanese Americans, JACL organizes teacher trainings, cross cultural exchanges, and other educational visits for community partners and members to historic sites, including those operated by NPS, where Japanese Americans were incarcerated during World War II. JACL members also participate in and are often part of the planning committees for pilgrimages organized by each site's respective pilgrimage committee.

14. JACL is also deeply invested in the education of its members and their children. JACL's education programming includes administering its national scholarship program, which provides \$50,00 to \$70,000 in scholarships annually. JACL also produces educational aids and is developing a series of educational short films and teacher training workshops on how to instruct K-12 students about the Japanese-American incarceration experience during World War II.

15. JACL and its members have suffered and will continue to suffer harm from Mr. Musk and DOGE's actions to cut funding for NPS. Existing and threatened NPS cuts threaten JACL and its members' access to former incarceration sites, disrupting a core way that JACL and its members interact with, teach, and learn about this tragic part of American history.

16. JACL members have also suffered and will continue to suffer harm from Mr. Musk and DOGE's actions to dismantle the Department of Education and undermine access to educational opportunities for JACL's members. JACL members are imminently threatened with harm from Mr. Musk and DOGE's efforts to cut and eliminate federal Department of Education programs and resources, including the threat they pose to Title I funding and federal financial aid, and are already experiencing harm from the uncertainty that Mr. Musk and DOGE have created.

17. Plaintiff **OCA – Asian Pacific American Advocates (OCA)** is a nonprofit membership organization headquartered in Washington, D.C. Founded in 1973, OCA is dedicated to advancing the sociopolitical and holistic well-being of Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPIs) in the United States in a variety of areas, including education.

18. OCA provides advocacy, leadership, and mentorship programming to its youth members. As part of these programs, OCA often teaches youth participants about federal financial aid options and guides them toward federal aid resources like Department of Education loans and Pell grants. OCA awards various student scholarships for students to use in pursuit of higher education programs. OCA also advocates for legislation, policies, and programs that promote, expand, and protect access to K-12 and higher education for all youth, especially AANHPI youth.

19. OCA has members in 35 chapters across 20 states, as well as members in approximately 100 affiliate organizations active in OCA programming. OCA has a total of approximately 200,000 members, which includes 3,000 paid members. OCA has members enrolled in all levels of education, including K-12 public schools, some of which are Title I schools; undergraduate colleges and universities; and graduate programs.

20. OCA has suffered and will continue to suffer harm from Mr. Musk and DOGE's actions to dismantle the Department of Education and undermine access to educational

opportunities for OCA's members, all of which impair OCA's mission to support a future generation of AANHPI leaders and ensure that AANHPI youth are equipped for and have the financial resources to pursue educational opportunities. At least one OCA member has already lost an opportunity to fulfill a graduate school educational requirement because of federal funding cuts. OCA's members are imminently threatened with additional harm from Mr. Musk and DOGE's efforts to cut and eliminate federal Department of Education programs and resources, including Title I funding and federal financial aid.

21. Plaintiff **Sierra Club** is a nonprofit membership organization incorporated in the State of California with headquarters in Oakland, California. Sierra Club has over 650,000 members nationwide who are dedicated to exploring, enjoying, and protecting the natural environment. Sierra Club's purposes are to explore, enjoy, and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's ecosystems and resources; to educate and enlist humanity in the protection and restoration of the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

22. To further its purposes of enabling its members to explore, enjoy, and protect wild places, Sierra Club has established numerous trip programs and procured several physical facilities. Facilitating these trips and managing these facilities requires ongoing expenditures of Sierra Club funds. In some cases, these trips and rental payments for these facilities produce revenue to support the Sierra Club's advocacy or other programs.

23. Sierra Club runs a National Outings program through which Sierra Club members can participate in recreational and service trips to locations throughout the United States, including national parks and other federal lands under the jurisdiction of NPS, USFS, and BLM. These trips are planned, supported, and led by a combination of Sierra Club staff and volunteers. Sierra Club

chapters in each state also organize trips on federal lands, including lands under the jurisdiction of NPS, USFS, and BLM and areas adjacent to such lands. Members regularly visit federal lands, including lands under the jurisdiction of these agencies, for recreation and outdoor enjoyment.

24. Sierra Club built the Yosemite Conservation Heritage Center in 1903 and 1904, and the Center is still serving Yosemite National Park visitors today. For over a century, Sierra Club curators and Sierra Club volunteers have, through that Center, provided information to park visitors about Yosemite, the Sierra Nevada, and the national parks, including through public programs, educational displays, and a library.

25. Sierra Club also maintains lodges and huts adjacent to and within national forests, including the Clair Tappaan Lodge on the border of the Tahoe National Forest, the Harwood Lodge in the Angeles National Forest, and the San Antonio Ski Hut along the Angeles National Forest.

26. Sierra Club's longstanding Outings program has been providing adventure travel for over 100 years at the local, national, and international levels for people of all ages, abilities, and interests. Sierra Club offers hundreds of trips each year with the goal of creating opportunities for everyone to experience the outdoors. Currently, approximately 180 Outings across 35 states are planned for the remainder of 2025, with additional Outings regularly being added. Sierra Club's numerous volunteer trip leaders organize and lead single-day and multi-day backpacking trips in national parks, national forests, and other federal lands throughout the country, including Alaska and Hawaii.

27. Sierra Club's Outdoors for All program works to expand access to the outdoors, focusing on underserved youth and families and military veterans.

28. Sierra Club trains over 1,000 volunteers every year to help others safely experience the outdoors.

29. Sierra Club members live, work, and recreate on and around lands managed by NPS, USFS, and BLM. In the western states, Sierra Club members not only recreate in national forests, they also reside directly adjacent to, or in close proximity to, USFS-managed lands, forests increasingly at risk of severe forest fires.

30. Finally, Sierra Club's volunteer trip leaders must rely on the National Weather Service, an agency within NOAA, to provide leaders with timely and accurate weather data to plan their trips, including to decide whether to cancel due to severe weather, and to react safely once trips are underway. Many trips use routes that cross rivers or other bodies of water. Rain or other precipitation can suddenly and significantly alter the rate and magnitude of water flow in ways that make these routes impassable or create life-threatening conditions. Wind or precipitation at high elevation can also create hazardous conditions that make it impossible for participants to descend, or make it difficult to navigate. Sierra Club volunteer trip leaders thus rely on accurate forecasts to determine whether it is safe to embark on a trip, what routes to avoid, and how to prepare for potential hazards.

31. The Sierra Club and its members incurred have and will continue to incur significant harms from Mr. Musk and DOGE's actions at NPS, USFS, BLM, and NOAA. Sierra Club Outings face increased risk of cancellation, and their participants face increased safety risks while trips are underway. The Yosemite Conservation Heritage Center, along with Sierra Club's other lodges, face cuts to the basic NPS and USFS-provided services and infrastructure that they rely on to operate. Sierra Club members are experiencing and will continue to experience longer lines at park entrances, reduced reservation slots, degraded facilities and trail maintenance, trash accumulation, less adequate safety warnings, and fewer rangers to provide guidance and education, among other impacts. These cuts and changes also impact NPS and USFS' wildland firefighting



efforts, posing a risk to the ability of Sierra Club members to live and recreate in or near federal lands and enjoy the natural environment.

32. Plaintiff **Union of Concerned Scientists** (UCS) is a nonprofit membership organization based in Cambridge, Massachusetts. UCS puts rigorous, independent science into action, developing solutions and advocating for a healthy, safe, and just future. UCS represents the interests of the scientific community in advancing science in public policy and advocates for the role of science and scientists in federal policy-making and in civil society. UCS does not receive federal funding to carry out its mission.

33. UCS has over 450,000 members and supporters who join UCS to support its mission of advancing science-based decision-making in public policy, including in the federal government.

34. A subset of UCS's 450,000 members is its Science Network, comprised of over 14,000 scientists who hold or are working toward advanced degrees in life, physical, mathematical, or social sciences; professionals with or working towards advanced degrees in medicine or public health; engineers; and people with expertise in science history or science policy.

35. UCS has suffered and will continue to suffer harm from Mr. Musk and DOGE's actions, all of which impair UCS's ability to accomplish its mission of ensuring the best available science informs federal public policy. In addition, UCS members have suffered harm and face an imminent threat of harm from Mr. Musk and DOGE's actions. This includes UCS members who are scientists and researchers throughout the United States who rely on federal grant funding and access to federally provided scientific information to conduct their work, and are experiencing ongoing uncertainty about the availability of funding for future research and for the provision of scientific data, and about the effects of federal terminations on access to scientific information.

## **Defendants**

36. Defendant **Elon Musk** is a federal officer and special government employee within the Executive Office of the President and the de facto head of DOGE. While the Director of the Office of Administration in the Executive Office of the President recently claimed that Mr. Musk “is not an employee of the U.S. DOGE Service or U.S. DOGE Service Temporary Organization,” and “is not the U.S. DOGE Service Administrator,”<sup>1</sup> Mr. Musk is in fact the de facto head of DOGE and operates accordingly within the United States government. According to the Director of the Office of Administration, Mr. Musk is a Senior Advisor to President Trump. Mr. Musk is sued in his official capacity.

37. The **United States DOGE Service** is an entity established by President Trump within the Executive Office of the President by renaming the United States Digital Service. As created by President Trump’s January 20, 2025, executive order, the United States DOGE Service is tasked with “modernizing Federal technology and software.” Exec. Order No. 14158.

38. Defendant **Amy Gleason** is a federal employee within the Executive Office of the President and the acting administrator of the U.S. DOGE Service. While Ms. Gleason is the current acting administrator of the U.S. DOGE Service according to the administration’s representations, Mr. Musk remains the de facto head of DOGE and operates accordingly within the United States government.

39. The **Office of Personnel Management (OPM)** is an independent agency of the United States government tasked with managing the U.S. federal civil service. OPM “serves as the

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<sup>1</sup> Decl. of Joshua Fisher, *New Mexico v. Elon Musk*, No. 1:25-cv-429 (D.D.C. Feb. 17, 2025), ECF No. 24-1.

chief human resources agency and personnel policy manager for the Federal Government.”<sup>2</sup>  
Defendant **Charles Ezell** is Acting Director of OPM and sued in his official capacity.

40. The **United States Department of Education** is a cabinet-level department in the United States government. The Department of Education coordinates education issues and policy at the federal level and administers federal education programs, including grant funding. Defendant **Linda McMahon** is the Secretary of Education and sued in her official capacity.

41. The **National Park Service** (NPS) is an agency of the United States government within the Department of the Interior tasked with conserving, maintaining, and overseeing national parks, national monuments, national historic sites, and other sites. Defendant **Jessica Bowron** is the Acting Director of NPS and sued in her official capacity.

42. The **United States Forest Service** (USFS) is an agency of the United States government within the Department of Agriculture tasked with maintenance of America’s national forests and grasslands. Defendant **Tom Schultz** is the Chief of USFS and sued in his official capacity.

43. The **Bureau of Land Management** (BLM) is an agency of the United States government within the Department of the Interior responsible for administering U.S. federal lands. Defendant **Jon Raby** is Acting Director of the Bureau and sued in his official capacity.

44. The **National Oceanic and Atmospheric Administration** (NOAA) is an agency of the United States government within the Department of Commerce responsible for understanding and predicting changes in climate, weather, oceans, and coasts, including through providing research and data on weather and climate change. Defendant **Vice Admiral Nancy A. Hahn** is the Acting Administrator of NOAA and sued in her official capacity.

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<sup>2</sup> *Introduction*, OPM, <https://perma.cc/ZPM9-QVTN> (last visited March 4, 2025).

45. The **United States Department of Commerce** is a cabinet-level department in the United States government responsible for promoting economic growth and development, including through operating NOAA, promoting exports, and performing the decennial census. Defendant **Howard Lutnick** is the Secretary of Commerce and sued in his official capacity.

46. The **United States Department of the Interior** is a cabinet-level department in the United States government responsible for protecting and managing the nation's natural resources and cultural heritage. **NPS** and **BLM** are both agencies within the Department of the Interior. Defendant **Doug Burgum** is Secretary of the Interior and sued in his official capacity.

47. The **United States Department of Health and Human Services (HHS)** is a cabinet-level department in the United States government responsible for enhancing the health and well-being of Americans, including through promoting advances in medicine, public health, and social services. The **National Institutes of Health (NIH)** and **Substance Abuse and Mental Health Services Administration (SAMHSA)** are both agencies within HHS. Defendant **Robert F. Kennedy, Jr.** is the Secretary of HHS and sued in his official capacity.

48. NIH is an agency of the United States government within HHS responsible for supporting medical research in the United States, including through the provision of grant funding to promote medical science and development. Defendant **Matthew J. Memoli** is the Acting Director of NIH and sued in his official capacity.

49. SAMHSA is an agency of the United States government within HHS charged with improving services and support for substance use disorder and behavioral health. SAMHSA funds the 988 Suicide & Crisis Lifeline, a national mental health hotline for all Americans. Defendant **Christopher D. Carroll** is the Principal Deputy Assistant Secretary at SAMHSA and sued in his official capacity.

50. The **United States Environmental Protection Agency** (EPA) is an agency of the United States Government tasked with protecting human health and the environment. Defendant **Lee M. Zeldin** is the Administrator of EPA and sued in his official capacity.

51. The **National Science Foundation** (NSF) is an independent federal agency that supports science and engineering in the United States, including through the provision of grant funding for scientific research. Defendant **Sethuraman Panchanathan** is the Director of NSF and sued in his official capacity.

52. The **United States Department of Agriculture** (USDA) is a cabinet-level department in the United States government tasked with overseeing federal policy on food, agriculture, natural resources, rural development, nutrition, and related issues. As part of that mission, USDA funds and conducts scientific research through programs like the National Institute of Food and Agriculture. Defendant **Brooke Rollins** is the Secretary of Agriculture and sued in her official capacity.

53. The **Federal Emergency Management Agency** (FEMA) is an agency of the United States government which oversees and coordinates federal emergency response. FEMA funds and supports scientific research into topics like firefighting, improved early warning systems, and earthquake risk reduction. Defendant **Cameron Hamilton** is the Acting FEMA Administrator and sued in his official capacity.

54. The **United States Department of Housing and Urban Development** (HUD) is a cabinet-level department in the United States government tasked with overseeing and administering federal housing law and improving access to affordable housing for Americans. As part of that mission, HUD funds and conducts research to improve housing policy. Defendant **Scott Turner** is the Secretary of HUD and sued in his official capacity.

## LEGAL BACKGROUND

### I. Ultra Vires Actions

55. “Our system of jurisprudence rests on the assumption that all individuals, whatever their position in government, are subject to federal law . . . . All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it.” *Butz v. Economou*, 438 U.S. 478, 506 (1978). Ultra vires claims provide relief for lawless government action. “Otherwise, the individual is left to the absolutely uncontrolled and arbitrary action of a public and administrative officer, whose action is unauthorized by any law.” *Am. Sch. of Magnetic Healing v. McAnnulty*, 187 U.S. 94, 110 (1902) (upholding jurisdiction over claim that a postmaster acted ultra vires). A governmental official or entity’s action is ultra vires where it is “plainly beyond the bounds” or “clearly in defiance” of their lawful authority. *Fed. Express Corp. v. U.S. Dep’t of Com.*, 39 F.4th 756, 764 (D.C. Cir. 2022).

### II. The Appointments Clause

56. The Appointments Clause provides for the appointment of Officers of the United States. The Clause “is more than a matter of ‘etiquette or protocol’; it is among the significant structural safeguards of the constitutional scheme.” *Edmond v. United States*, 520 U.S. 651, 659 (1997). By vesting the appointment of officers in the President, but requiring, as a default, Senate approval, the Appointments Clause “serves both to curb Executive abuses of the appointment power . . . and to promote a judicious choice of [persons] for filling the offices of the union[.]” *Id.* at 659-60 (internal quotations and citations omitted).

57. The Appointments Clause requires that “[p]rincipal officers must be appointed by the President with the advice and consent of the Senate.” *United States v. Arthrex, Inc.*, 594 U.S.

1, 10 (2021) (emphasis in original); U.S. Const. art. II, § 2, cl. 2. Congress may vest the appointment of inferior officers in the President, the head of an executive department, or a court.

58. The Appointments Clause’s appointment requirements apply to “Officers” of the United States. Officers of the United States are those who “exercis[e] significant authority” in a position that is “continuing.” *Lucia v. SEC*, 585 U.S. 237, 245 (2018); see also *Buckley v. Valeo*, 424 U.S. 1, 126 & n.162 (1976) (per curiam). A “continuing” position need not be permanent: a position that terminates after a period of time or upon completion of certain work may be a “continuing” position. *Morrison v. Olson*, 487 U.S. 654, 671 n.12 (1988) (independent counsel was “clear[ly]” officer); *United States v. Donziger*, 38 F.4th 290, 296-98 (2d Cir. 2022) (special prosecutor is officer).

59. An individual exercises “significant authority” for purposes of the Appointments Clause when, for example, they make “determinations of eligibility for funds,” make determinations regarding contracts or purchases, or engage in rulemaking. *Buckley*, 424 U.S. at 140; *United States v. Tingey*, 30 U.S. (5 Pet.) 115, 126 (1831). An individual also exercises “significant authority” when they carry out “important functions” with “significant discretion.” *Freytag v. Comm’r of Internal Revenue*, 501 U.S. 868, 882 (1991).

## FACTUAL ALLEGATIONS

### **I. In November 2024, President Trump Announced a So-Called “Department of Government Efficiency” to Be Co-Headed by Mr. Musk.**

60. On November 12, 2024, then-President-Elect Trump announced that Mr. Musk and Vivek Ramaswamy, two private individuals, would “lead the Department of Government Efficiency.” Mr. Trump stated that Mr. Musk and Mr. Ramaswamy would “pave the way for my Administration to dismantle Government Bureaucracy, slash excess regulations, cut wasteful

expenditures, and restructure Federal Agencies.”<sup>3</sup> A few days later, Mr. Musk and Mr. Ramaswamy published an op-ed in *The Wall Street Journal* that claimed, “DOGE has a historic opportunity for structural reductions in the federal government.”<sup>4</sup>

61. Upon assuming office, in January 2025, President Trump chose not to create an advisory committee with a mandate to “pave the way” for the administration “to dismantle Government Bureaucracy, slash excess regulations, cut wasteful expenditures, and restructure Federal Agencies,” as he had initially planned.

62. Instead, President Trump created a much more limited entity with a much narrower mandate, tasked with updating governmental software and technology, by repurposing and renaming an existing entity with a similar mission.

63. Ultimately, while President-Elect Trump had claimed a broad scope for DOGE as an organization operating “outside of government,” President Trump’s executive order creating DOGE does not provide authority, mandate, or mission for DOGE “to drive large scale structural reform” across the federal government. Nor could it, because neither federal statute nor the U.S. Constitution authorizes President Trump to unilaterally create a federal entity that “dismantle[s] Government Bureaucracy, slash[es] excess regulations, cut[s] wasteful expenditures, and restructure[s] Federal Agencies,” or to empower an existing federal entity to do so. Nothing in President Trump’s subsequent executive orders addressing DOGE specifically expands the mandate of DOGE outlined in the original executive order or covers the range of activities DOGE

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<sup>3</sup> Statement by President-elect Trump Announcing That Elon Musk and Vivek Ramaswamy Will Lead the Department of Government Efficiency (Nov. 12, 2024), <https://perma.cc/6YHF-37UN>.

<sup>4</sup> Elon Musk and Vivek Ramaswamy, *Elon Musk and Vivek Ramaswamy: The DOGE Plan to Reform Government*, Wall Street Journal (Nov. 20, 2024), <https://www.wsj.com/opinion/musk-and-ramaswamy-the-doge-plan-to-reform-government-supreme-court-guidance-end-executive-power-grab-fa51c020>.



has and continues to engage in. Furthermore, absent a statutory mandate, no executive order could create a new agency or other entity within the government with such powers.

64. However, Mr. Musk and DOGE have undertaken precisely this broad and destructive mission. DOGE and Mr. Musk, the public face and de facto leader of DOGE, have acted lawlessly to dismantle federal executive branch departments and agencies created by Congress; to cut federal funding appropriated by Congress, including through termination of federal grants, contracts, and leases, and efforts to halt federal payments; and to slash the ranks of federal workers. Mr. Musk and DOGE have no such authority under federal law or the U.S. Constitution.

## **II. On January 20, 2025, President Trump Created the So-Called “Department of Government Efficiency,” With a Purportedly Narrow Ambit.**

### **A. The January 20, 2025, DOGE Executive Order**

65. On January 20, 2025, President Trump signed the executive order “Establishing and Implementing the President’s ‘Department of Government Efficiency’” (DOGE Executive Order).<sup>5</sup>

66. While the DOGE Executive Order claims to “establish” a “Department” of Government Efficiency, DOGE is not an executive branch department. The Supreme Court “for more than a century has held that the term ‘Department’ refers only to a part or division of the executive government . . . expressly created and given the name of a department by Congress.” *Freytag*, 501 U.S. at 886 (cleaned up).

67. Section One of the DOGE Executive Order states: “Purpose. This Executive Order establishes the Department of Government Efficiency to implement the President’s DOGE

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<sup>5</sup> Executive Order Establishing and Implementing the President’s “Department of Government Efficiency,” The White House (Jan. 20, 2025), <https://perma.cc/4DPP-P8D8>.

Agenda, by modernizing federal technology and software to maximize governmental efficiency and productivity.” The DOGE Executive Order does not define “DOGE Agenda.”

68. Section Three of the DOGE Executive Order is titled “DOGE Structure.” First, the DOGE Executive Order “publicly rename[s]” the United States Digital Service “the United States DOGE Service (USDS)” and states that the USDS “shall be established in the Executive Office of the President.”

69. The DOGE Executive Order then states, “There shall be a USDS Administrator established in the Executive Office of the President who shall report to the White House Chief of Staff.”

70. As to DOGE structure, the DOGE Executive Order states, “There is further established within USDS . . . a temporary organization known as ‘the U.S. DOGE Service Temporary Organization’.” This organization within the USDS “shall be headed by the USDS Administrator and shall be dedicated to advancing the President’s 18-month DOGE agenda.” The DOGE Executive Order states that this “Temporary Organization” is “established . . . in accordance with” 5 U.S.C. § 3161.

71. Finally, with respect to structure, the DOGE Executive Order provides for the creation of “DOGE Teams.” The DOGE Executive Order requires that the highest-ranking official of each agency (Agency Head) “consult[] with” DOGE to “establish . . . a DOGE Team of at least four employees.” The Agency Head must “consult[] with the USDS Administrator” in selecting DOGE Team members. The Agency Head must “ensure that DOGE Team Leads coordinate their work with USDS” and must ensure that DOGE Team Leads “advise their respective Agency Heads on implementing the President’s DOGE Agenda”—in other words, must accept direction or input from DOGE Team Leads.

72. Section Four of the DOGE Executive Order is titled “Modernizing Federal Technology and Software to Maximize Efficiency and Productivity.” It is the only portion of the DOGE Executive Order that purports to authorize or direct DOGE to undertake any specific activity.

73. Specifically, Section Four of the DOGE Executive Order states: “The USDS Administrator shall commence a Software Modernization Initiative to improve the quality and efficiency of government-wide software, network infrastructure, and information technology (IT) systems. Among other things, the USDS Administrator shall work with Agency Heads to promote inter-operability between agency networks and systems, ensure data integrity, and facilitate responsible data collection and synchronization.”

74. The DOGE Executive Order thus authorizes DOGE *only* to undertake a single specific program, “a Software Modernization Initiative,” and limits the scope of DOGE’s actions to “modernizing Federal technology and software to maximize governmental efficiency and productivity.”

75. The DOGE Executive Order cites no statutory authority. Besides 5 U.S.C. § 3161, the temporary organization statute, the only other statute it cites is 5 U.S.C. § 551 for its definition of “agency.”

76. President Trump has no power via executive order to create an office of the United States. The DOGE Executive Order does not purport to create an office of the United States, nor could it lawfully do so.

**B. DOGE’s Expansion: Executive Orders Pertaining to Federal Employment**

77. Following the DOGE Executive Order, President Trump has issued additional executive orders that mention DOGE.

78. Many of the additional DOGE executive orders pertain to federal employment. The federal government conceded on February 17 that it is “not aware of any source of legal authority granting USDS [DOGE] or the U.S. DOGE Service Temporary Organization the power to order personnel actions at” individual agencies and that “the President’s Executive Orders regarding ‘DOGE’” do not “contemplate—much less furnish—such authority.”<sup>6</sup>

79. An executive order issued January 20, “Reforming the Federal Hiring Process and Restoring Merit to Government Service,” tasks the Assistant to the President for Domestic Policy with developing a “Federal Hiring Plan” in consultation with the DOGE Administrator, among other individuals.<sup>7</sup>

80. This executive order also states, “The Federal Hiring Plan shall provide specific best practices for the human resources function in each agency, which each agency head shall implement, with advice and recommendations as appropriate from DOGE.”

81. An additional executive order issued January 20, “Hiring Freeze,” directs that the Office of Management and Budget (OMB) director, in consultation with the DOGE administrator and Director of OPM, “shall submit a plan to reduce the size of the Federal Government’s workforce through efficiency improvements and attrition.”<sup>8</sup> Both OMB director and OPM director are positions subject to Senate confirmation.

82. On February 11, 2025, President Trump issued the executive order “Implementing the President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative.”<sup>9</sup>

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<sup>6</sup> Notice, *New Mexico v. Musk*, No. 1:25-cv-00429 (D.D.C. Feb. 17, 2025), ECF No. 24.

<sup>7</sup> Executive Order Reforming the Federal Hiring Process and Restoring Merit to Government Service, The White House (Jan. 20, 2025), <https://perma.cc/ZZH5-5V86>.

<sup>8</sup> Executive Order Hiring Freeze, The White House (Jan. 20, 2025), <https://perma.cc/HN34-CMS2>.

<sup>9</sup> Executive Order Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative, The White House (Feb. 11, 2025), <https://perma.cc/3UWL-TKEJ>.

83. Despite the title, this February 11 executive order in fact again directs the Director of OMB, not DOGE, to “submit a plan to reduce the size of the Federal Government’s workforce through efficiency improvements and attrition.” The January 20 executive order entitled “Hiring Freeze” provides the same direction.

84. The February 11 executive order does not define the “‘Department of Government Efficiency’ Workplace Optimization Initiative.”

85. The February 11 executive order requires agency heads to “promptly undertake preparations to initiate large-scale reductions in force (RIFs)” as well as “to separate from Federal service temporary employees and reemployed annuitants working in areas that will likely be subject to the RIFs.” The executive order directs that each agency head “in consultation with its DOGE Team Lead” develop a plan for “ensur[ing] new career appointment hires are in highest-need areas.” It further requires that an agency not fill vacancies for career appointments “that the DOGE Team Lead assesses should not be filled, unless the Agency Head determines the positions should be filled.”

86. The February 11 executive order requires that all DOGE Team Leads provide the DOGE Administrator with monthly agency hiring reports.

87. On February 19, President Trump issued the executive order “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative.”<sup>10</sup>

88. This executive order directs that agency heads “coordinat[e] with their DOGE Team Leads” and the OMB Director to “initiate a process” for review of all agency regulations “subject

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<sup>10</sup> Executive Order Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative, The White House (Feb. 19, 2025), <https://perma.cc/MEW2-N66F>.

to their . . . jurisdiction” to identify purportedly unlawful regulations and regulations that are inconsistent with a variety of policy-based criteria laid out in the executive order.

89. The executive order further directs agency heads to “consult with their DOGE Team Leads” and the Administrator of the Office of Information and Regulatory Affairs (OIRA) as to potential new regulations and provides instructions for DOGE Team Leads, as well as agency heads and the OIRA Administrator, “[i]n evaluating potential new regulations.” The OIRA Administrator is a position subject to Senate confirmation.

90. None of these executive orders purport to create an office of the United States, nor could they lawfully do so.

**C. DOGE’s Massive Formal Expansion to Lawlessly and Unconstitutionally Seeking to “Transform” Federal Spending**

91. On February 26, over a month after the issuance of the DOGE Executive Order and after Mr. Musk and DOGE had embarked on their lawless program of terminating federal grants and contracts, stopping federal payments, terminating federal employees, reducing the federal workforce, and dismantling federal agencies, President Trump issued an executive order “Implementing the President’s ‘Department of Government Efficiency’ Cost Efficiency Initiative.”<sup>11</sup> The February 26 executive order is a transparent, belated attempt to paper over DOGE’s lawless, ultra vires actions and give them a veneer of legitimacy—albeit after DOGE had immediately blown past the narrow, technological ambit of President Trump’s January 20 executive order establishing the entity. But the February 26 executive order did not and could not establish a statutory or constitutional basis for DOGE’s past or ongoing actions, and DOGE’s actions were and are lawless.

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<sup>11</sup> Executive Order Implementing the President’s “Department of Government Efficiency” Cost Efficiency Initiative, The White House (Feb. 26, 2025), <https://perma.cc/9ZAR-NWSD>.

92. This executive order states that it “commences a transformation in Federal spending on contracts, grants, and loans.”

93. President Trump has no authority to unilaterally “commence[] a transformation in Federal spending on contracts, grants, and loans” in this manner.

94. The executive order defines “[c]overed contracts and grants” broadly to include “discretionary spending through Federal contracts, grants, loans, and related instruments, but excludes direct assistance to individuals,” and provides that an Agency Head may determine that an agency contract, grant, loan, or related instrument is exempt from the executive order, according to a specified and limited set of criteria. The executive order also requires that “[n]otification shall be made to the agency’s DOGE Team Lead,” but is vague as to exactly *what* requires this notification.

95. The February 26 executive order directs the creation of “a centralized technological system within [each] agency to seamlessly record every payment issued by the agency pursuant to each of the agency’s covered contracts and grants, along with a brief, written justification for each payment.” The agency may create the system “with assistance from the agency’s DOGE Team Lead.” The system must “include a mechanism” that enables “paus[ing] and rapidly review[ing] any payment” lacking a justification. The Agency Head must “consult[] with the agency’s DOGE Team Lead” in issuing guidance to require employees to submit written justifications for payments.

96. No federal statute or other legal authority authorizes involvement of a “DOGE Team Lead” in federal agency decisions to “pause” or stop federal payments, or in federal agencies’ issuance of agency guidance to require agency employees to submit written justifications for payments.

97. The executive order further requires that each Agency Head must “consult[] with the agency’s DOGE Team Lead” in “review[ing] all existing covered contracts and grants and, where appropriate and consistent with applicable law, terminate or modify . . . such covered contracts and grants to reduce overall Federal spending or reallocate spending.” The executive order states, “This process shall commence immediately and shall prioritize the review of funds disbursed under covered contracts and grants to educational institutions and foreign entities for waste, fraud, and abuse.” “Covered contracts and grants” in fact include “contracts, grants, loans, and related instruments.”

98. No federal statute or other legal authority authorizes involvement of a “DOGE Team Lead” in federal agency review of federal grants and contracts or of federal agency decisions to terminate or modify federal grants or contracts.

99. Further, each Agency Head must “consult[] with the agency’s DOGE Team Lead” in, mandatorily, “conduct[ing] a comprehensive review of each agency’s contracting policies, procedures, and personnel” and in, mandatorily, “issu[ing] guidance on signing new contracts or modifying existing contracts.” Each Agency Head must “consult[] with the agency’s DOGE Team Lead” in determining whether to exercise termination rights the Agency Head has under existing government property leases, which the Agency Head must do within 30 days of the date of the executive order. Each Agency Head must “consult[] with the agency’s DOGE Team Lead” regarding any “grant or contract, agency component, or real property” that the Agency Head seeks to exempt from the executive order.

100. No federal statute or other legal authority authorizes involvement of a “DOGE Team Lead” in agency reviews of contracting policies, procedures, and personnel; in issuing agency guidance on signing or modifying contracts; in determinations whether to terminate



government leases; or in shielding grants, contracts, agency components, or real property from termination or from new policies.

101. Each Agency Head must “consult[] with the agency’s DOGE Team Lead” regarding “individualized or categorical exceptions” to a freeze on all agency employee credit cards mandated by the executive order.

102. No federal statute or other legal authority authorizes involvement of a “DOGE Team Lead” in the question of whether a federal employee can use an agency credit card.

103. The DOGE Team Leads must provide the DOGE Administrator with “monthly informational report[s]” on “all payment justifications . . . to the extent consistent with law.” There is no lawful reason that the DOGE Team Lead or the DOGE Administrator requires this information.

104. No federal statute or other legal authority provides any basis for the DOGE Administrator to receive “monthly informational report[s]” on “all payment justifications” for all federal agencies—or any payment justification, for any federal agency. Because the executive order makes the participation of DOGE Team Leads in the creation of the underlying systems for the payment justifications theoretically optional, there is no reason that receipt of all payment justifications would be necessary for any technological reasons such as system maintenance.

105. The DOGE Team Leads must also provide the DOGE Administrator with “monthly informational report[s]” on “each agency’s justifications for non-essential travel.” No federal statute or other legal authority provides any basis or reasonable rationale for the DOGE Administrator to receive “monthly informational report[s]” on all federal agencies’ “justifications for non-essential travel.”

106. Nor does any federal statute or other legal authority authorize DOGE Team Leads to undertake any of the “consultation” activities mandated by the February 26 executive order, and there is no lawful basis or rationale for the DOGE Team Leads’ provision of information to the DOGE Administrator under the executive order.

107. And fundamentally, Congress, not the executive branch, appropriates funds and controls federal spending.

108. None of these executive orders purports to create an office of the United States, nor could they lawfully do so.

**D. The Limited Historical Scope of the U.S. Digital Service, the Governmental Entity Renamed the U.S. DOGE Service**

109. President Barack Obama established the U.S. Digital Service in 2014. As of January 19, 2025—and for years prior—the U.S. Digital Service’s mission was “to deliver better government services to the American people through technology and design.” Until January 20, 2025, the U.S. Digital Service focused on improving the federal government’s digital services—the delivery of digital information and interactions with the federal government via technology such as online forms and online benefits applications.<sup>12</sup>

110. President Obama established the U.S. Digital Service within OMB. The U.S. Digital Service’s administrator reported to the Deputy Director of Management and Budget. Now, however, DOGE is a direct component of the Executive Office of the President, not nested within OMB (itself a component of the Executive Office of the President) and its administrator purportedly, under the DOGE Executive Order, reports to the White House Chief of Staff. In actuality, Mr. Musk is the de facto leader of DOGE and answers only to the President of the United States, if anyone.

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<sup>12</sup> GAO-22-104492, Information Technology (2021), <https://perma.cc/Y6LA-FMHJ>.

111. In 2017, the then-U.S. Digital Service Administrator testified to Congress that the U.S. Digital Service had four goals: to “improv[e] our nation’s most important public-facing services” through the management of technology projects; “to modernize procurement processes and practices for the digital era”; “to initiate the development of common platforms and standards” where multiple agencies needed the same service; and “to bring top technical talent into public service.” In short, the then-Administrator explained, the U.S. Digital Service “appl[ie]d the best practices in technology and design to the Federal Government” to “help[] enable delivery of more reliable and effective digital services to the American public.”<sup>13</sup>

112. Congress appropriated money for the U.S. Digital Service in support of this established narrow, technological focus.

**E. The Lack of Any Congressional Authorization for a “Department of Government Efficiency” or for DOGE’s Actions**

113. Congress has never established a “Department of Government Efficiency” or authorized DOGE’s actions as described in this Complaint. Mr. Musk and DOGE lack any statutory authority to substantively analyze federal spending for cuts, to terminate federal grants and contracts, or to seek to halt federal payments. Mr. Musk and DOGE lack any statutory authority to terminate federal workers or take other federal personnel actions.

**1. 5 U.S.C. § 3161 Provides No Authorization for DOGE’s Actions**

114. The January 20 DOGE Executive Order states that the U.S. DOGE Service Temporary Organization is “established within” DOGE “in accordance with” 5 U.S.C. § 3161. This is a federal statutory provision titled “Employment and compensation of employees,” within a chapter of the U.S. Code pertaining to employment authority.

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<sup>13</sup> 18F and U.S. Digital Service Oversight: Hearings Before Subcomm. on Information Technology and Subcomm. on Government Operations, 114th Cong. (2016), <https://perma.cc/Y2RL-T6XU>.

115. Section 3161 authorizes the head of a “temporary organization” to employ individuals. It permits the detailing of personnel from departments or agencies to the temporary organization—but not vice versa. In other words, Section 3161 does not permit temporary DOGE employees to be detailed to other federal departments or agencies.

116. Section 3161 provides a framework for the management of federal employment at temporary organizations, but it does not provide an independent legal basis for the creation of any temporary organization.

## **2. No Other Federal Statute Provides Authority for DOGE’s Sweeping Actions**

117. No federal statute authorizes DOGE or Mr. Musk, a DOGE official, to undertake any action with respect to cutting the federal budget or federal spending. No federal statute authorizes Mr. Musk or DOGE to direct federal agencies to cut spending. No federal statute authorizes Mr. Musk or DOGE to direct federal agencies to terminate or revoke federal grants or contracts. No federal statute authorizes Mr. Musk or DOGE to stop (or “pause”) federal payments or disbursements.

118. No federal statute authorizes Mr. Musk or DOGE to set federal spending priorities. No federal statute authorizes Mr. Musk or DOGE to undertake any action with respect to cutting the federal budget or federal spending on the basis of substantive priorities. For example, no federal statute authorizes Mr. Musk or DOGE to undertake any action or provide any recommendation to cut federal funding, terminate federal grants and contracts, or stop federal disbursements because Mr. Musk or DOGE judge that funding to be “wasteful,” because they claim that funding to be “DEIA related,”<sup>14</sup> or for any other reason.

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<sup>14</sup> “DEIA” is an acronym that stands for diversity, equity, inclusion, and accessibility.

119. No federal statute authorizes Mr. Musk or DOGE to analyze federal agency information for the purpose of direction, recommendation, or other action as to the federal budget and federal spending. No federal statute authorizes Mr. Musk or DOGE to use artificial intelligence to accomplish such analysis for the purpose of Mr. Musk or DOGE's direction, recommendation, or other substantive action as to the federal budget and federal spending. No federal statute authorizes Mr. Musk or DOGE to "audit" federal executive departments and agencies.

120. No federal statute authorizes Mr. Musk or DOGE to make any decision with respect to federal personnel or federal employment.

121. No federal statute has created or authorized DOGE, or an entity with DOGE's far-reaching powers.

**F. The Constitution Allocates Federal Spending to Congress, Not to Mr. Musk or DOGE.**

122. Under the United States Constitution's separation of powers, Congress has the sole authority to determine whether and how federal money is spent. "Our Constitution gives Congress control over the public fisc." *Consumer Fin. Prot. Bureau v. Cmty. Fin. Servs. Ass'n of Am., Ltd.*, 601 U.S. 416, 420 (2024). Congress, not the executive branch, has the power of the purse.

123. Mr. Musk and DOGE, as part of the executive branch, do not have authority under the Constitution to unilaterally change, interfere with, or cancel congressionally enacted appropriations.

124. Mr. Musk and DOGE, as part of the executive branch, do not have authority under the Constitution to direct cuts to spending of federal appropriations or to impound funds, absent congressional authorization.

125. Congress has not authorized Mr. Musk or DOGE to cut spending of appropriated funds, to direct such cuts, or to otherwise unilaterally impound funds.

**G. Congress Has Entrusted Agency Financial and Auditing Responsibilities to GAO and Agency Inspectors General, Not Mr. Musk or DOGE.**

126. Congress created a comprehensive system for reviews of federal spending. That system is primarily legislative, consistent with Congress’s constitutional control over federal spending, and does not include Mr. Musk or DOGE. No federal statute permits Mr. Musk or DOGE to perform or review audits of federal agency spending.

127. The Government Accountability Office (GAO), a legislative-branch agency, is the federal government’s chief auditor. 31 U.S.C. §§ 702(a), 712(1). It is led by the Comptroller General, who—unlike Mr. Musk—is appointed by the President and confirmed by the Senate. 31 U.S.C. §§ 702(b), 703(a)(1), 711. Congress has charged the Comptroller General with, *inter alia*, “investigat[ing] all matters related to the receipt, disbursement, and use of public money” and “analyz[ing] expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently.” 31 U.S.C. § 712(1), (3). These are, of course, the functions that Mr. Musk claims for DOGE. And Congress’s comprehensive system of federal audits led by the Comptroller General does not include Mr. Musk and DOGE. *See* 31 U.S.C. §§ 3521(e), (g), 3523(a).

**H. Congress Has Tasked the Office of Personnel Management, Not Mr. Musk or DOGE, With Management of Executive-Branch Personnel.**

128. Congress created OPM as “an independent establishment in the executive branch,” 5 U.S.C. § 1101, and tasked it—not Mr. Musk or DOGE—with federal personnel management. Both the Director and the Deputy Director of OPM must be confirmed by the Senate. *Id.* § 1102(a)-(b).

129. Congress “vested” a wide range of functions pertaining to federal personnel management “in the Director of [OPM]” and required that those functions “shall be performed by the Director, or subject to [5 U.S.C. § 1104], by such employees of the Office as the Director

designates.” *Id.* § 1103(a). Those functions include “executing, administering, and enforcing the civil service rules and regulations of the President and the Office and the laws governing the civil service,” *id.* § 1103(a)(5)(A), and “aiding the President . . . in preparing such civil service rules as the President prescribes, and otherwise advising the President on actions which may be taken to promote an efficient civil service and a systematic application of the merit system principles, including recommending policies relating to the selection, promotion, transfer, performance, pay, conditions of service, tenure, and separation of employees,” *id.* § 1103(a)(7).

130. OPM’s functions date back to the civil service reforms of 1883 and the establishment of a U.S. Civil Service Commission. The Pendleton Civil Service Reform Act of 1883 replaced the spoils system of the 1800s with a merit-based system. *See* ch. 27, 22 Stat. 403 (1883). Under the spoils system, presidents installed civil servants on the basis of loyalty and as a reward for their political actions, with the expectation of further political support and corresponding actions to support the president’s political party once the civil servants were in place. The merit-based system that Congress first established in 1883, in which the Office of Personnel Management is now an integral part, aims and is intended to root out the corruption of the spoils system and ensure a merit-based federal civil service.

131. But Mr. Musk and DOGE, on information and belief, are now supplanting that merit-based system by creating what amounts to an unauthorized, shadow personnel management agency directing and operating within OPM. In directing DOGE’s personnel management actions, Mr. Musk is lawlessly and unconstitutionally fulfilling a role equivalent to OPM head—which is a role that requires Senate confirmation.

**III. Mr. Musk is the De Facto Head of DOGE, Acting as a Principal Officer of the United States Without Appointment.**

132. Mr. Musk is acting as a principal officer of the United States. However, Mr. Musk has not been appointed to a position as an officer of the United States, in accordance with the Appointments Clause.

133. As an indicator of Mr. Musk’s expansive role in federal government, he attended President Trump’s first Cabinet meeting, held on February 26, 2025. He ultimately spoke three times as long as any of the Senate-confirmed members of the Cabinet.

134. While a recent declaration in federal district court from the Director of the Office of Administration in the Executive Office of the President claims that Mr. Musk is a “Senior Advisor to the President,” “is an employee in the White House Office,” “is not an employee of the U.S. DOGE Service or U.S. DOGE Service Temporary Organization,” and “is not the U.S. DOGE Service Administrator,” on information and belief, Mr. Musk is in fact the de facto head of DOGE and operates accordingly within the United States government.<sup>15</sup>

135. President Trump has repeatedly and recently held Mr. Musk out as the head of DOGE. In a speech on February 19, *after* the Director of the Office of Administration claimed that Mr. Musk was not associated with DOGE, the President stated, “I signed an order creating the Department of Government Efficiency and put a man named Elon Musk in charge. Thank you, Elon, for doing it.” “And he’s doing a great job,” the President added.<sup>16</sup> When asked during an interview on February 18 whether Mr. Musk’s role was limited to “tech support,” the President

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<sup>15</sup> Decl. of Joshua Fisher, *New Mexico v. Elon Musk*, No. 1:25-cv-00429 (D.D.C. Feb. 17, 2025), ECF No. 24-1.

<sup>16</sup> President Donald J. Trump, Remarks at Future Investment Initiative Priority Summit (Feb. 19, 2025), <https://perma.cc/SV25-MB3L>.



replied, “No, no. He is . . . He is much more than that . . . But he gets it done. He’s a leader.”<sup>17</sup> On March 4, 2025, during his address to a joint session of Congress, President Trump described DOGE as “headed by Elon Musk, who is in the gallery tonight.”<sup>18</sup>

136. These statements by President Trump confirm that Mr. Musk is in charge of and directing DOGE and are consistent with President-elect Trump’s statements before his inauguration, when he repeatedly promised that Mr. Musk would “head” DOGE. At a rally on December 22, 2024, the President promised, “We will create the new Department of Government Efficiency, headed by Elon Musk.”<sup>19</sup> He made nearly identical comments the day before creating DOGE (and becoming President): “We will create the new Department of Government Efficiency, headed by a gentleman named Elon Musk.”<sup>20</sup>

137. Mr. Musk himself has publicly and regularly recognized his affiliation with DOGE, and he has consistently referred to himself as part of DOGE. For example, on February 3, 2025, Mr. Musk participated in a “Spaces” audio conversation on X titled “DOGE & Mars.” Mr. Musk began by commenting that “it’s obviously a tremendous honor to be working on DOGE.”<sup>21</sup> And on February 12, in response to a question about Mr. Musk’s personal conflicts of interest at a press conference that Mr. Musk gave in the Oval Office with President Trump, Mr. Musk stated, “We actually are trying to be as transparent as possible. In fact, our—we post our actions to the DOGE handle on X and to the DOGE website. So all of our actions are maximally transparent. In fact, I

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<sup>17</sup> Interview of President Trump and Elon Musk by Sean Hannity (Feb. 18, 2025), <https://perma.cc/7T2Y-385B>.

<sup>18</sup> Zac Anderson & Anthony Robledo, *President Trump Heaps Praise Elon Musk and DOGE for Cutting Government Spending*, USA Today (Mar. 4, 2025), <https://perma.cc/BE5U-KGQ9>.

<sup>19</sup> President-elect Donald J. Trump, Remarks at Turning Point USA’s AmericaFest (Dec. 22, 2024), <https://perma.cc/JHX2-YVCK>.

<sup>20</sup> President-elect Donald J. Trump, Remarks at Make America Great Again Victory Rally (Jan. 19, 2025), <https://perma.cc/LNY5-GERS>.

<sup>21</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Feb. 3, 2025), <https://perma.cc/6E8Z-YTVT>.

don't think there's been—I don't know of a case where an organization has more transparent than the DOGE organization.”<sup>22</sup>

138. Since President Trump's inauguration, Mr. Musk has also consistently referred to himself as part of DOGE on X and referred to DOGE as “we” and “us.” For example, on February 3, Mr. Musk posted, “Only with public support can @DOGE succeed. The bad guys will do anything they can, legal or otherwise, to stop us.”<sup>23</sup> Later that day, Mr. Musk posted, “All @DOGE did was check to see which federal organizations were violating the @POTUS executive orders the most. Turned out to be USAID, so that became our focus.”<sup>24</sup> In reply to a video posted by a member of Congress on February 4 about wanting to speak to “Elon Musk's team in DOGE” at the Department of Treasury, Mr. Musk posted an image depicting himself seated behind a sign that reads “D.O.G.E.” with the caption, “Can I help you?”<sup>25</sup> On February 8, in response to a post by a different member of Congress about a court order that Mr. Musk and DOGE destroy personal data of Americans in their possession, Mr. Musk replied, “[w]e don't have any personal data of Americans, you corrupt moron.”<sup>26</sup>

139. Katie Miller, who President Trump named to DOGE in December 2024, has also called Mr. Musk “[t]he head of DOGE.”<sup>27</sup>

140. Other government officials also recognize Mr. Musk as working within DOGE. For example, the interim U.S. Attorney for Washington, D.C. sent Mr. Musk two public letters via X, on February 3 and February 7, 2025. The letters were addressed to “Mr. Elon Musk[,] DOGE[,]

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<sup>22</sup> The White House, *President Trump Signs Executive Orders in the Oval Office*, YouTube (Feb. 12, 2025), <https://www.youtube.com/watch?v=L0f-ZAVOoPk&t=722s>.

<sup>23</sup> Elon Musk (@elonmusk), X (Feb. 3, 2025, 2:59 AM), <https://perma.cc/YUP4-MZ6B>.

<sup>24</sup> Elon Musk (@elonmusk), X (Feb. 3, 2025, 11:08 PM), <https://perma.cc/UM27-GEMY>.

<sup>25</sup> Elon Musk (@elonmusk), X (Feb. 5, 2025, 11:22 AM), <https://perma.cc/CHC6-9NDV>.

<sup>26</sup> Elon Musk (@elonmusk), X (Feb. 8, 2025, 7:12 PM), <https://perma.cc/2DBU-P9W7>.

<sup>27</sup> Katie Miller (@katierosemiller), X (Feb. 11, 2025, 3:40 PM), <https://perma.cc/82D5-GPSB>.

United States Government” and “Mr. Elon Musk[,] DOGE,” respectively.<sup>28</sup> Mr. Musk publicly acknowledged receipt of both letters. On February 11, in a press conference in the Oval Office, President Trump asked Mr. Musk, with respect to the work of DOGE, “Could you mention some of the things that your team has found?”<sup>29</sup> On February 17, the same day that the Director of the Office of Administration claimed that Mr. Musk had no affiliation with DOGE, the “official Rapid Response account of the Trump 47 White House” on X posted an interview response of the White House Press Secretary stating, “President Trump has directed Elon Musk and the DOGE team to identify fraud at the Social Security Administration.”<sup>30</sup> The White House Press Secretary described “their” goals “going in” to the Social Security Administration, including stopping certain payments. *Id.*

141. Administration officials have recently claimed that Amy Gleason, a member of DOGE, is the DOGE Administrator. As recently as February 24, 2025, however, Department of Justice attorneys could not identify whether there was an administrator of the U.S. DOGE Service. On February 26, the White House Press Secretary claimed Ms. Gleason had been the DOGE administrator for “several weeks, maybe a month.”<sup>31</sup> Two days later, during a hearing in *John Doe I v. Musk*, No. 8:25-cv-00462 (D. Md. filed Feb. 13, 2025), a Department of Justice attorney representing the U.S. DOGE Service and Mr. Musk was unable to state whether there was an administrator of DOGE prior to Ms. Gleason. Counsel stated he had asked but had not received an answer.

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<sup>28</sup> Ed Martin (@EagleEdMartin), X (Feb. 3, 2025), <https://perma.cc/BF84-CMM7>; Ed Martin (@EagleEdMartin), X (Feb. 7, 2025), <https://perma.cc/N2RZ-UMZV>.

<sup>29</sup> Transcript of February 11, 2025, Oval Office Press Conference, NBC News, <https://perma.cc/622V-XDAT>.

<sup>30</sup> Rapid Response 47 (@RapidResponse47), X (Feb. 17, 2025), <https://perma.cc/PR9F-DVWX>.

<sup>31</sup> See Joe Hernandez, *Amy Gleason is the acting administrator of DOGE, the White House says. Who is she?*, NPR, (Feb. 26, 2025), <https://perma.cc/DBF9-F5QK>.

142. On information and belief, Mr. Musk is the de facto head of DOGE. On information and belief, Mr. Musk exercises authority as the DOGE Administrator and/or directs the actions of the DOGE Administrator. But Mr. Musk exercises authority in excess of any role contemplated by executive order or any lawful role for the DOGE Administrator. Mr. Musk also exercises authority in excess of any lawful role as Senior Advisor to the President of the United States.

#### **IV. Mr. Musk and DOGE Have Seized a Lawless, Expansive Role in Federal Government**

143. Notwithstanding basic separation of powers principles with respect to appropriation, the lack of any federal statutory authority for most of their actions, and the Appointments Clause requirement that principal officers be confirmed by the Senate, Mr. Musk and DOGE have undertaken a sweeping role in federal government. Mr. Musk and DOGE have seized authority that the U.S. Constitution and Congress, pursuant to federal statute, have entrusted to other parts of the federal government. Mr. Musk and DOGE have engaged in a pattern and practice of unauthorized, lawless behavior.

144. Mr. Musk and DOGE have undertaken and are undertaking a lawless alteration of federal spending. On information and belief, Mr. Musk and DOGE are working to: (1) engage in a zero-based budgeting process for federal spending and determine whether all federal expenditures are, in Mr. Musk and DOGE's judgment, "in the best interest of the people"<sup>32</sup>— including through the use of artificial intelligence and through an agency-by-agency purported "auditing" process; (2) terminate and cancel federal grants and contracts, including by directing and causing federal executive departments and agencies to do so; (3) stop federal payments and disbursements; (4) terminate federal employees, including by directing and causing OPM and federal executive departments and agencies to do so; (5) reduce the federal workforce, including

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<sup>32</sup> Transcript of February 11, 2025, Oval Office Press Conference, NBC News, <https://perma.cc/622V-XDAT>.

by directing and causing OPM and federal executive departments and agencies to do so; and (6) dismantle federal agencies and departments.

145. These actions are not authorized by law or the U.S. Constitution. They are even beyond the scope of the executive order creating DOGE. They are lawless, and they violate the U.S. Constitution's separation of powers. Congress, not Mr. Musk or DOGE, establishes federal departments and agencies and controls federal spending, including by appropriating federal funds. As to Mr. Musk, they also violate the Appointments Clause: They are the sort of significant authority that exceeds the powers of anyone except a principal officer and indeed, in some cases, exceed those of a principal officer.

146. On information and belief, Mr. Musk and DOGE frequently couch their directives to executive departments and agencies as "assistance" or "requests." Indeed, Mr. Musk claims that he prefers the title "Tech Support." But on information and belief, in actuality, Mr. Musk and DOGE are in fact *directing* executive departments and agencies to cancel federal grants and loans, stop payments, terminate employees, reduce the workforce, and dismantle the department or agency itself. An email exchange within the Consumer Financial Protection Bureau (CFPB), an agency targeted by DOGE, provides an example of this dynamic. A CFPB employee emailed the CFPB Chief Operating Officer following a directive from the CFPB's acting director not to perform any work tasks, stating that he "wanted to clarify the level of support we should be providing." He provided a list of "minimum" tasks, such as network security monitoring, and included on this list "[s]upporting US DOGE members with requests." The Chief Operating Officer responded, "That is all correct. *The USDS Team will let you or me know if any other work*

is needed.”<sup>33</sup> This email shows that, as of February 10, DOGE had begun directing the actions of the CFPB—including of their Chief Operating Officer.

**A. Mr. Musk and DOGE’s Unauthorized “Zero-Based Budgeting” and “Audit” of Federal Spending for Cuts Based on Substantive Priorities.**

147. On information and belief, DOGE is engaged in a “zero-based budgeting process” for the federal government, without any lawful authority and at odds with congressional appropriation of federal funds.

148. Zero-based budgeting is a budgeting process that builds a budget from scratch. Mr. Musk reposted a post on X that stated that he was engaged in zero-based budgeting (which it called “ZBB”) and said, “Elon is doing what any executive would do walking into a giant mess. You ZBB and then build back.”<sup>34</sup> The post, and Mr. Musk’s amplification, indicate that he does see himself in the high-level role of a principal officer—or even higher—and operates accordingly.

149. Mr. Musk spoke at length at a press conference in the Oval Office focused on DOGE, where he made clear that DOGE’s work is a substantive evaluation of all federal spending—a role entrusted to Congress. Mr. Musk described DOGE’s work as: “I think it’s really just saying let’s look at each of these expenditures and say, is this actually in the best interest of the people? And if it is, it’s approved. If it’s not, we should think about it.”<sup>35</sup>

150. But Congress establishes the budget for the federal government. DOGE has no legal authority to engage in zero-based budgeting for the federal government writ large or for any federal executive department or agency, under federal law or otherwise. Mr. Musk and DOGE have no legal authority to determine whether federal expenditures are, in DOGE’s or Mr. Musk’s view,

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<sup>33</sup> *Nat’l Treasury Emps. Union v. Vought*, No. 25-cv-0381-ABJ (D.D.C. Mar. 4, 2025), ECF No. 56-1 at 1-2 (emphasis added).

<sup>34</sup> @AndreaSJames, X (Feb. 2, 2025, 9:43 PM), <https://perma.cc/UE82-UUXQ>.

<sup>35</sup> Transcript of February 11, 2025, Oval Office Press Conference, NBC News, <https://perma.cc/622V-XDAT>.

“actually in the best interest of people,” and to make any funding decisions on that basis. Mr. Musk and DOGE have no legal authority to approve federal expenditures or refuse to spend appropriated federal funds.

151. On information and belief, Mr. Musk and DOGE have terminated and caused the termination of federal spending based on Mr. Musk and DOGE’s policy priorities and assessment of policy priorities, including at a line-item level. For example, on February 12, the White House Press Secretary described “the line items across the federal government that DOGE is identifying daily,” based on substantive priorities.<sup>36</sup> The Press Secretary’s examples included “a DEI contract: \$36,000 for U.S. Citizenship and Immigration Services[—]that is against the president’s policies in his America First agenda” and “57,000 bucks for climate change in Sri Lanka[—]what is this doing to continue the interests of the American people? Absolutely nothing.” *Id.* The Press Secretary claimed that “all of these things are fraudulent, they are wasteful, and they are an abuse of the American taxpayer’s dollar.” *Id.* Mr. Musk and DOGE have no legal authority to evaluate federal spending line items for fraud, waste, or abuse, or for any other reason, and to take steps according to that evaluation—including the termination of such funding.

152. On information and belief, Mr. Musk and DOGE seek to analyze all spending in the federal government with artificial intelligence technology to identify programs, grants, contracts, and employees to terminate—including on a line-item level. On information and belief, this also includes using artificial intelligence technology to analyze federal workers’ response to emails directed by Mr. Musk that ask federal workers to describe their weekly activities. *See infra* ¶¶ 186-189. On information and belief, Mr. Musk and DOGE will use that analysis to determine

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<sup>36</sup> Transcript of Press Briefing by Press Secretary Karoline Leavitt, The American Presidency Project (Feb. 12, 2025), <https://perma.cc/P6XT-NZP6>.

whether to terminate federal workers. Mr. Musk and DOGE have no legal authority to use artificial intelligence technology to effectuate what amounts to line-item vetoes of federal spending or to engage in decision-making about termination of federal personnel. Such action is ultra vires, in violation of the separation of powers clause, and (as to Mr. Musk) in violation of the Appointments Clause.

153. Mr. Musk and DOGE further seek and intend to “audit” federal departments and agencies. For example, Mr. Musk claims that DOGE is “auditing the Social Security Administration.”<sup>37</sup> Mr. Musk and DOGE have no legal authority to do so.

**B. Mr. Musk and DOGE’s Lawless Termination and Cancellation of Federal Grants and Contracts.**

154. Mr. Musk and DOGE lack any legal authority to alter federal spending or to terminate or cancel, or direct or cause the termination or cancellation of, federal grants, contracts, or leases. Such actions by Mr. Musk and DOGE are ultra vires, in violation of the separation of powers, and (as to Mr. Musk) in violation of the Appointments Clause.

155. Mr. Musk and DOGE, however, have openly stated that they are engaged in such actions. For example, DOGE posted on X: “DOGE is saving the Federal Government approx. \$1 billion/day, mostly from stopping the hiring of people into unnecessary positions, deletion of DEI and stopping improper payments to foreign organizations, all consistent with the President’s Executive Orders. A good start, though this number needs to increase to > \$3 billion/day.”<sup>38</sup>

156. The White House Press Secretary has confirmed that DOGE’s X account describes DOGE’s activities, stating, “There is an X account with a DOGE handle. They are tweeting out

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<sup>37</sup> Elon Musk (@elonmusk), X (Feb. 10, 2025, 12:25 PM), <https://perma.cc/PVG6-JUHJ>.

<sup>38</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Jan. 28, 2025), <https://perma.cc/83YR-AKER>.



what they are doing on a daily basis.”<sup>39</sup> The White House Press Secretary has likewise confirmed that DOGE is “reviewing” contracts. *Id.*

157. On January 29, 2025, DOGE posted on X: “Through 1/29/2025, 85 DEIA related contracts totaling ~\$1B have been terminated within the Dept. of Ed, GSA, OPM, EPA, DoL, Treasury, DoD, USDA, Commerce, DHS, VA, HHS, State, NSF, NRC, NLRB, PBGC, USAID, RRB, SSA, SBA, BLM, CFPB, NPS, and NOAA.”<sup>40</sup> On January 31, DOGE posted on X: “Updated data on DEI related contract cancellations with full detail:” and provided a screenshot with a list of 30 agencies.<sup>41</sup> DOGE claimed to have canceled 104 total contracts with a “ceiling value” of \$1,259,365,178.

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<sup>39</sup> Transcript of Press Briefing by Press Secretary Karoline Leavitt, The American Presidency Project (Feb. 12, 2025), <https://perma.cc/P6XT-NZP6>.

<sup>40</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Jan. 29, 2025), <https://perma.cc/4J2E-M7RM>.

<sup>41</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Jan. 31, 2025), <https://perma.cc/BWQ8-9KKM>.

Department of Government Efficiency  
@DOGE

Updated data on DEI related contract cancellations with full detail:

<u>Agency</u>	<u>Total Contracts</u>	<u>Ceiling Value</u>	<u>Savings</u>
Bureau of Land Management	1	\$389,494	\$169,712
CFPB	2	\$19,999,998	\$19,999,998
Department of Agriculture	11	\$112,899,940	\$110,618,680
Department of Commerce	6	\$4,461,887	\$2,059,920
Department of Defense	1	\$3,615,922	\$2,233,350
Department of Education	4	\$4,571,972	\$3,867,113
Department of Energy	2	\$748,094	\$378,020
Department of Health and Human Services	15	\$59,345,341	\$28,187,448
Department of Homeland Security	7	\$43,274,837	\$14,925,126
Department of Labor	1	\$9,679,269	\$7,856,119
Department of State	2	\$2,491,785	\$1,912,002
Department of Treasury	21	\$35,892,018	\$25,247,783
Department of Veterans Affairs	2	\$371,222	\$131,080
FAA	4	\$45,180,000	\$45,000,000
Environmental Protection Agency	1	\$3,251,353	\$3,000,000
General Services Administration - OAS	2	\$7,957,905	\$4,682,129
General Services Administration- FAS	1	\$15,168	Admin. Costs
National Labor Relations Board	1	\$192,000	\$96,000
National Science Foundation	1	\$1,250,000	\$750,000
NOAA	1	\$421,549	\$366,000
Nuclear Regulatory Commission	1	\$804,717	\$446,631
Office of Personnel Management	3	\$516,805,392	\$494,956,233
OPM/IHS	1	\$3,323,310	\$2,000,000
OPM/National Park Service	1	\$3,708,799	Admin. Costs
OPM/Treasury	1	\$2,337,505	\$2,300,000
Pension Benefit Guaranty Corporation	1	\$107,190	\$37,530
Railroad Retirement Board	1	\$157,500	Admin. Costs
Small Business Administration	1	\$553,792	Admin. Costs
Social Security Administration	1	\$419,022	\$109,224
USAID	7	\$375,138,197	\$228,730,692
<b>Grand Total</b>	<b>104</b>	<b>\$1,259,365,178</b>	<b>\$1,000,060,792</b>

158. On X on February 10, Mr. Musk amplified a post stating that “DOGE just TERMINATED a \$2.3 MILLION contract” for a military training course described as about “‘difficult conversations’ about DEI.”<sup>42</sup> Mr. Musk implicitly confirmed that information, stating, “Can you believe they were spending your tax dollars on this [poop emoji]??” *Id.*

159. DOGE’s own website, doge.gov, states that DOGE cancels federal grants, contracts, and leases. On a page titled “Savings,” DOGE stated as of March 2, “Let’s balance the budget!”<sup>43</sup>

<sup>42</sup> Elon Musk (@elonmusk), X (Feb. 10, 2025, 3:59 PM), <https://perma.cc/9AX8-B4A4>.

<sup>43</sup> Dep’t of Gov’t Efficiency, Savings (as of March 2, 2025), <https://perma.cc/YSC9-3JUA>.

The page provides what it calls “DOGE’s total estimated savings” through “a combination of . . . contract/lease cancellations and renegotiations . . . grant cancellations, interest savings, programmatic changes, regulatory savings, and workforce reductions” among other categories.<sup>44</sup> DOGE has no lawful authority to cancel contracts or leases, renegotiate contracts or leases, cancel grants, reduce the workforce, or change federal programs. DOGE claims cuts at the Bureau of Land Management, Department of Commerce, Department of Health and Human Services, Department of the Interior, Environmental Protection Agency, National Science Foundation, Office of Personnel Management, and U.S. Agency for International Development, among other departments and agencies. It claims that the largest cuts are at the Department of Education.

160. On information and belief, DOGE regularly terminates and cancels federal grants, contracts and leases; directs the termination and cancellation of federal grants, contracts, and leases; and/or causes the termination and cancellation of federal grants, contracts, and leases. On information and belief, DOGE is the but-for and proximate cause of termination and/or cancellation of federal grants, contracts, and leases.

161. DOGE has no legal authority to terminate or cancel federal grants, contracts, or leases, or to direct or cause the termination or cancellation of federal grants or contracts (including by federal executive departments or agencies).

162. DOGE has worked with federal executive departments and agencies to direct the termination and cancellation of federal grants, contracts, and leases without lawful authority to do so. For example, the White House Press Secretary stated that DOGE and OMB identified \$37 million in funding to the World Health Organization that was not “in line with the president’s

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<sup>44</sup> Dep’t of Gov’t Efficiency, Savings (as of Mar. 4, 2025), <https://perma.cc/N4S9-J6N7>.

agenda” and, purportedly, “\$50 million taxpayer dollars . . . to fund condoms in Gaza.”<sup>45</sup> The latter was in fact funding for both tuberculosis and HIV healthcare in the Gaza Province of Mozambique. In a press conference in the Oval Office, Mr. Musk confirmed that he and DOGE were the source of this claim, stating, “Some of the things that I say will be incorrect. . . . Nobody’s going to bat a thousand.”<sup>46</sup> Mr. Musk likewise indicated that he made the decision based on a substantive evaluation of the value of the funding, stating, “I’m not sure we should be sending \$15 million [sic] worth of condoms to anywhere.” *Id.* (Again, the funding was in fact for tuberculosis and HIV healthcare.) “[I]f it went to Mozambique instead of Gaza, I’m like, okay, that’s not as bad, but still, why are we doing that.” *Id.*

### C. Mr. Musk and DOGE’s Lawless Efforts to Stop Federal Disbursements

163. On information and belief, DOGE is likewise working to stop the disbursement of federal payments and even, in at least one instance, to claw back previously disbursed federal funds.

164. The White House Press Secretary has described DOGE as “stopp[ing]” “payments” “from going out the door” with “the secretaries of our departments.”<sup>47</sup>

165. Mr. Musk stated on X that “[t]he @DOGE team is rapidly shutting down” “payments” to Lutheran Family Services—further evidence that DOGE has worked to stop disbursement of federal funds.<sup>48</sup>

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<sup>45</sup> Transcript of Press Briefing by Press Secretary Karoline Leavitt, The White House (Jan. 29, 2025), <https://perma.cc/P65H-K2R4>.

<sup>46</sup> Transcript of February 11, 2025, Oval Office Press Conference, NBC News, <https://perma.cc/622V-XDAT>.

<sup>47</sup> Transcript of Press Briefing by Press Secretary Karoline Leavitt, The American Presidency Project (Feb. 12, 2025), <https://perma.cc/P6XT-NZP6>.

<sup>48</sup> Elon Musk (@elonmusk), X (Feb. 2, 2025), <https://perma.cc/GR54-97BW>.

166. On February 3, 2025, DOGE gained access to the U.S. Treasury’s payments systems.<sup>49</sup> The Treasury Department has confirmed that at least one DOGE staffer was given both read and write permissions to at least one payment system.<sup>50</sup>

167. Under the Treasury Department’s primary payments system, agencies throughout the federal government submit their payments to the Treasury Department, and the Treasury Department disburses those payments.

168. After obtaining access to U.S. Treasury payments systems, Mr. Musk publicly described an “outgoing payment review process” in which DOGE “looks at potential fraud and wasteful spending to organizations.”<sup>51</sup> Mr. Musk stated, in commenting on why DOGE obtained access to the payments systems, “[t]he only way to stop fraud and waste of taxpayer money is to follow the payment flows and pause suspicious transactions for review.”<sup>52</sup>

169. On information and belief, DOGE sought access to the U.S. Treasury’s payments systems to stop all authorized payments certified by USAID. On information and belief, DOGE intended to then scrutinize certified payments for the Health Systems Strengthening Program, a program focused on improving long-term global health outcomes, on an individual basis.

170. Neither Mr. Musk nor DOGE have any legal authority to “review” outgoing federal payments for “potential fraud and wasteful spending to organizations.” Neither Mr. Musk nor DOGE have legal authority to stop payments for any reason, or otherwise to modify the disbursement of federal funds. These actions are outside the scope of the DOGE Executive Order, and Mr. Musk and DOGE lack any other legal authority to undertake them.

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<sup>49</sup> *New York v. Trump*, No. 1:25-cv-01144-JAV (S.D.N.Y. Feb. 11, 2025), ECF No. 34 ¶ 17.

<sup>50</sup> *New York v. Trump*, No. 1:25-cv-01144-JAV (S.D.N.Y. Feb. 11, 2025), ECF No. 34 ¶ 20.

<sup>51</sup> Elon Musk (@elonmusk), X (Feb. 4, 2025, 2:15 AM), <https://perma.cc/2TT6-AZW5>.

<sup>52</sup> Elon Musk (@elonmusk), X (Feb. 3, 2025, 11:43 AM), <https://perma.cc/H5CV-JBZF>.

171. A reporter asked President Trump on February 3, “Why is it important for Elon Musk to have access to the payment systems at Treasury?”<sup>53</sup> President Trump responded, “Well, he’s got access only to letting people go that he thinks are no good if we agree with him.”<sup>54</sup> President Trump’s statement confirmed that Mr. Musk had the ability to stop the payment of federal funds.

172. On information and belief, after obtaining access to the Treasury payments systems, Mr. Musk continued his efforts to stop disbursement of federal payments. On February 8, Mr. Musk responded to a post on X that stated “Elon Musk and DOGE have now gained access to FEMA’s systems.” Mr. Musk stated, “Potentially illegal payments will now be paused for review.”<sup>55</sup> Again, Mr. Musk and DOGE have no legal authority to stop federal payments on any basis, including that they believe the payments to be potentially unlawful, and have no authority to “review” such payments and determine whether they go forward.

173. On information and belief, Mr. Musk has also sought to claw back disbursed federal payments. On February 10, Mr. Musk asserted that DOGE had identified money disbursed unlawfully by the Federal Emergency Management Agency and stated that “[a] clawback demand will be made today.”<sup>56</sup> Mr. Musk and DOGE have no legal authority to claw back federal disbursements, either on their own or in partnership with other parts of the executive branch.

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<sup>53</sup> Roll Call, *Remarks: Donald Trump Signs Executive Orders and Appointments in the Oval Office*, (Feb. 3, 2025), <https://perma.cc/6Y8M-7D3A>.

<sup>54</sup> On February 8, 2025, the U.S. District Court for the Southern District of New York issued a temporary restraining order preventing President Trump, the U.S. Department of the Treasury, and the Secretary of the Treasury from granting certain access to Treasury information. Order, *State of New York v. Trump*, No. 1:25-cv-1144 (S.D.N.Y. Feb. 8, 2025), ECF No. 6. The court issued a preliminary injunction on February 21. *Id.*, ECF No. 76.

<sup>55</sup> Elon Musk (@elonmusk), X (Feb. 8, 2025, 3:26 PM), <https://perma.cc/KU53-CZ7E>.

<sup>56</sup> Elon Musk (@elonmusk), X (Feb. 10, 2025, 5:03 AM), <https://perma.cc/W723-926Z>.

174. Following Mr. Musk’s assertion, the federal government did in fact claw back federal FEMA disbursements associated with Mr. Musk’s allegations, by executing a cancellation of FEMA funding from New York City bank accounts.

**D. Mr. Musk and DOGE’s Lawless Termination of Federal Workers and Reduction of the Federal Workforce**

175. In their November 2024 *Wall Street Journal* op-ed, Mr. Musk and Mr. Ramaswamy described the “industrial logic” of “mass head-count reductions across the federal bureaucracy.”<sup>57</sup>

176. On February 13, 2025, two days after the issuance of the executive order “Implementing the President’s ‘Department of Government Efficiency’ Workplace Optimization Initiative,” Mr. Musk amplified a video of himself saying, “We are just moving people from lower—to sometimes negative—productivity roles in the government sector to higher productivity roles in the private sector.”<sup>58</sup>

177. Neither Mr. Musk nor DOGE has authority to “move” any federal employee from the government sector to the private sector, including by terminating the employee or causing or directing their termination.

178. On information and belief, approximately 30,000 federal employees have been terminated or put on leave since January 20. These include terminations across a wide array of federal departments and agencies. On information and belief, most, if not all, of these mass federal employee terminations are at the direction of and caused by Mr. Musk and DOGE.

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<sup>57</sup> Elon Musk and Vivek Ramaswamy, *Elon Musk and Vivek Ramaswamy: The DOGE Plan to Reform Government*, *Wall Street Journal* (Nov. 20, 2024), <https://www.wsj.com/opinion/musk-and-ramaswamy-the-doge-plan-to-reform-government-supreme-court-guidance-end-executive-power-grab-fa51c020>.

<sup>58</sup> Elon Musk (@elonmusk), X (Feb. 13, 2025, 1:04 AM), <https://perma.cc/2BPJ-WDWM>.

179. Mr. Musk and DOGE have publicly claimed responsibility for the mass termination of federal workers, and Mr. Musk has repeatedly publicly indicated that he has unilateral power to terminate federal employees or reinstate them following termination. The DOGE website’s “Wall of Receipts” lists “workforce reductions” among its claimed cuts.<sup>59</sup> Mr. Musk stated that he would “bring back” any identified “safety personnel” terminated by the Federal Aviation Administration (FAA),<sup>60</sup> implying that he and DOGE were responsible for FAA terminations in the first place. Mr. Musk responded to an X post describing the termination of all employees at the General Service Administration 18f technology digital services agency with the statement, “Deleted,” implying that he and DOGE were responsible for the terminations.<sup>61</sup>

180. Further, speaking to the press alongside President Trump from the Oval Office on February 11, 2025, Mr. Musk declared that “[w]e have this unelected, fourth unconstitutional branch of government, which is the bureaucracy, which has, in a lot of ways, currently more power than any elected representative. This is . . . not something that people want, and it does not match the will of the people.” Mr. Musk further stated that “we are trying to rightsize the federal bureaucracy” so that there are “not as many [people] as currently” working for the federal government.<sup>62</sup>

181. Mr. Musk and DOGE, again, have no lawful power to engage in reduction in force or reorganization of federal agency work forces, or any other federal personnel decisions but are continuing to do so. A February 26, 2025, guidance memorandum from the heads of OPM and

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<sup>59</sup> Dep’t of Gov’t Efficiency, *Wall of Receipts*, <https://perma.cc/W6R2-PPRL>.

<sup>60</sup> Dep’t of Gov’t Efficiency, *Wall of Receipts*, <https://perma.cc/W6R2-PPRL>.

<sup>61</sup> Elon Musk (@elonmusk), X (Mar. 2, 2025, 12:22 PM), <https://perma.cc/G6MH-4KTN>.

<sup>62</sup> Transcript of February 11, 2025, Oval Office Press Conference, NBC News, <https://perma.cc/622V-XDAT>.



OMB instructed agency heads to “collaborate with their [DOGE] team leads” in developing reduction in force and reorganization plans.<sup>63</sup>

**1. “Fork in the Road”**

182. On January 28, 2025, over two million federal employees received an email with the subject line “Fork in the Road.” The email claimed to offer “a deferred resignation program” through which the federal workers could purportedly resign, but retain all pay and benefits until September 30, 2025. While the “Fork In The Road” email was sent by OPM, on information and belief it was sent at the direction of Mr. Musk and DOGE.<sup>64</sup>

183. The “Fork in the Road” email bears the same subject line as an email to then-Twitter employees following Mr. Musk’s acquisition of the company. Mr. Musk also publicly tied himself to the purported deferred resignation offer to federal employees, including by resharing on X a picture of a giant fork-in-the-road sculpture. The DOGE X account also encouraged federal employees to take the purported offer.

184. On information and belief, roughly 75,000 federal employees have sought to “resign” pursuant to the “Fork in the Road” email.

185. While the “Fork in the Road” program purported to promise to pay employees through September 30, 2025, Mr. Musk and DOGE have no legal authority to authorize expenditures on behalf of federal agencies or otherwise to set employee payment or severance. And Congress has only funded discretionary budget programs through a continuing resolution

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<sup>63</sup> U.S. Office of Management and Budget and U.S. Office of Personnel Management, Memorandum Re: *Guidance on Agency RIF and Reorganization Plans Requested by Implementing The President’s “Department of Government Efficiency” Workforce Optimization Initiative*, (Feb. 26, 2025), <https://perma.cc/Y8WZ-QJZV>.

<sup>64</sup> Andrew Ross Sorkin, et al., *Shadows of Musk in the Government’s Buyouts Plan*, The New York Times (Jan. 29, 2025), <https://www.nytimes.com/2025/01/29/business/dealbook/musk-trump-federal-buyouts.html>.

expiring March 14, 2025. Mr. Musk and DOGE have acted ultra vires and in violation of the separation of powers in directing and causing federal personnel changes via the “Fork in the Road” program. Mr. Musk’s actions are also in violation of the Appointments Clause.

**2. Email at Mr. Musk’s Direction to All Federal Employees Requiring Reporting of Weekly Actions for Continued Employment**

186. On February 22, Mr. Musk posted on X that “all federal employees will shortly receive an email requesting to understand what they got done last week. Failure to respond will be taken as a resignation.”<sup>65</sup> Employees throughout the federal government did shortly thereafter receive an email from OPM directing employees to reply “with approx. 5 bullet points of what you accomplished in the last week and cc your manager.”<sup>66</sup> The email provided a deadline of 11:59 PM Eastern on Monday, February 24.

187. This strategy and associated email, like the “Fork in the Road email,” closely resemble a strategy that Mr. Musk employed at X when he took control. Mr. Musk also foreshadowed this strategy and this email in a post on X on November 26, shortly after President-Elect Trump named him to head DOGE. Mr. Musk posted on X, “To: all@.gov. From: @DOGE. What did you get done this week?”<sup>67</sup>

188. On information and belief, OPM sent this email at the direction of Mr. Musk and DOGE. Mr. Musk and DOGE have no legal authority to direct OPM to send such an email. Mr. Musk and DOGE have no legal authority to create a rule that a federal employee’s failure to respond to a specific email constitutes a resignation.

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<sup>65</sup> Elon Musk (@elonmusk), X (Feb. 22, 2025, 2:46 PM), <https://perma.cc/VD3R-2HAU>.

<sup>66</sup> Maggie More, *Federal workers receive second email requiring list of week's accomplishments*, NBC4 (Mar. 1, 2025), <https://perma.cc/4X6C-SEQE?type=image>.

<sup>67</sup> Elon Musk (@elonmusk), X (Nov. 26, 2024, 2:31 PM), <https://perma.cc/S55U-9BBV>.

189. On February 28 and March 1, 2025, federal employees received another email with the subject line “What did you do last week? Part II.” *See supra* fn. 66. This second round of emails also purported to require federal employees to respond with a list of their accomplishments in the prior week, and stated that they would be required to do so on a continuing basis. On March 1, regarding this second round of emails, Mr. Musk posted on X: “All federal government departments are cooperating with @DOGE. For State, DoD, and a few others, the supervisors are gathering the weekly accomplishments on behalf of individual contributors.”<sup>68</sup> On information and belief, Mr. Musk and DOGE have directed and caused the sending of this second round of emails.

**E. Mr. Musk and DOGE’s Lawless Efforts to Dismantle Federal Agencies**

190. Mr. Musk and DOGE have worked to dismantle and shutter federal agencies, without any lawful authority to do so, in violation of separation of powers principles, and (as to Mr. Musk) in violation of the Appointments Clause.

191. For example, on information and belief, Mr. Musk and DOGE dismantled the USAID. On information and belief, Mr. Musk originated and was the primary driver behind this effort—only going to President Trump for an apparent rubber stamp.

192. In the early morning hours of February 3, Mr. Musk stated, USAID, “We’re shutting it down.” Mr. Musk described President Trump as “agreeing” with him after he “went over it with him in detail.”<sup>69</sup> Staff learned that day that USAID headquarters was closed.

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<sup>68</sup> Elon Musk (@elonmusk), X (Mar. 1, 2025, 3:23 PM), <https://perma.cc/E4ZT-Z27X>.

<sup>69</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Feb. 3, 2025, 12:25 AM, 24:45), <https://x.com/DOGE/status/1886284966855647234>.

193. Mr. Musk has taken credit on behalf of himself and DOGE for dismantling USAID. Mr. Musk has stated that “DOGE is the wood chipper for bureaucracy.”<sup>70</sup> On February 3, Mr. Musk stated that “we spent the weekend feeding USAID into the wood chipper.”<sup>71</sup>

194. On information and belief, as part of the dismantling of USAID, DOGE directed or caused the termination of hundreds if not thousands of USAID contracts and awards.

195. Mr. Musk confirmed that he and DOGE had directed the termination of USAID contracts and/or grants and cuts to USAID spending. During a recent Cabinet meeting, Mr. Musk spoke at length about DOGE, admitting, “We [DOGE] will make mistakes. We won’t be perfect. . . . So, for example, with USAID, one of the things we accidentally canceled, very briefly, was Ebola—Ebola prevention.”<sup>72</sup> Mr. Musk also implicitly confirmed his and DOGE’s responsibility for termination of USAID contracts in an exchange on X on March 2. Mr. Musk responded to a post about the cancellation of USAID contracts for peanut butter for severely malnourished children, saying “we will investigate whether this is real or not and fix it if it is” and then following up with the claim that “[t]he contract . . . had already been restored last week and they should receive payment this coming week.”<sup>73</sup>

196. DOGE’s actions have impaired USAID’s ability to implement even those programs that have not been terminated. USAID’s Office of Inspector General reported that USAID staff reductions and funding chaos have “significantly impacted USAID’s capacity to disburse and

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<sup>70</sup> Elon Musk (@elonmusk), X (Feb. 3, 2025, 10:59 PM), <https://perma.cc/7XYZ-U2YM>.

<sup>71</sup> Elon Musk (@elonmusk), X (Feb. 3, 2025, 1:54 AM), <https://perma.cc/6XD3-DNDU>.

<sup>72</sup> Mr. Musk provided no proof this aid was, in fact, restored, and on information and belief Ebola prevention efforts remain severely impaired. See Dan Diamond and John Hudson, *Musk Says DOGE ‘Restored’ Ebola Prevention Effort. Officials Say That’s Not True.*, Washington Post (Feb. 27, 2025), <https://www.washingtonpost.com/politics/2025/02/26/elon-musk-ebola-prevention-usaid-doge/>; Elon Musk, White House Cabinet Meeting (Feb. 26, 2025), <https://perma.cc/N4LD-V2U2>.

<sup>73</sup> Elon Musk (@elonmusk), X (Mar. 2, 2025, 10:03 AM), <https://perma.cc/L7YR-HNA3>.

safeguard” \$8.2 billion in obligated but undisbursed funding for lifesaving humanitarian assistance programming and that “this uncertainty put more than \$489 million of food assistance at ports, in transit, and in warehouses at risk of spoilage, unanticipated storage needs, and diversion.”<sup>74</sup> On information and belief, DOGE’s actions at USAID have sometimes been in open defiance of the orders of heads of departments. When Secretary of State Marco Rubio ordered certain critical USAID funding to continue, USAID’s acting leaders approved payment packages for those programs. But, on information and belief, DOGE used access to the payment system to manually check boxes to stop the payments—amounting to a line-item veto of payments for these critical needs.

197. Further, Mr. Musk and DOGE have sought, on information and belief, to dismantle the CFPB. The CFPB’s Chief Operating Officer and Acting Chief Human Capital Officer explained in a declaration in federal litigation that “agency staff . . . received guidance from DOGE-associated personnel consistent with” “the closure of the agency” and a “wind down mode” for CFPB.<sup>75</sup>

198. On information and belief, Mr. Musk and DOGE are also downsizing the federal government’s physical office footprint as part of its efforts to dismantle federal agencies. DOGE, according to its own information, has terminated at least 748 leases from across agencies and across the country.<sup>76</sup> Those leases amount to over 9.5 million square feet and together purportedly

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<sup>74</sup> U.S. Agency for International Development Office of Inspector General, *Oversight of USAID-Funded Humanitarian Assistance Programming Impacted by Staffing Reductions and Pause on Foreign Assistance* 2, 3 (Feb. 10, 2025), <https://perma.cc/QZ5K-NV9J>.

<sup>75</sup> Supp. Decl. of Adam Martinez, *Nat’l Treasury Emps. Union v. Vought*, No. 1:25-cv-00381 (D.D.C. Mar. 2, 2025), ECF No. 47-1. Since that guidance, this official testified, Russell Vought was named Acting Director of the CFPB and has sought to keep the CFPB open in a greatly reduced form “[r]ather than a closure of the agency.”

<sup>76</sup> Dep’t of Gov’t Efficiency, *Wall of Receipts*, <https://perma.cc/W6R2-PPRL>.

have an annual lease value of \$269 million. *Id.* On information and belief, these lease termination notifications have bypassed the usual GSA-administered practice for lease amendments. On March 4, the General Services Administration’s “Non-core property list,” a list of federal buildings that have been designated for disposal, was updated to include the buildings housing the headquarters of countless federal agencies, including HHS, USDA, the Department of Justice, the FBI, the Department of Labor, and the Department of Energy.<sup>77</sup> That page was later taken down. On information and belief, DOGE directed these cuts and designations.

199. Mr. Musk and DOGE have no legal authority under the U.S. Constitution, federal law, or otherwise to eliminate or dismantle federal agencies or departments. Congress creates and funds federal agencies and departments. Mr. Musk and DOGE’s actions are ultra vires and a violation of the separation of powers.

**V. Mr. Musk and DOGE Are Engaged In an Ongoing Pattern and Practice of Lawless Ultra Vires Action.**

**A. Mr. Musk and DOGE Are Attempting to Slash U.S. Department of Education Spending and Eliminate the Department, Without Lawful Authority**

200. On February 7, a member of Congress posted on X that members of Congress were being “block[ed]” from entering the U.S. Department of Education, with an accompanying video. Mr. Musk responded, “No such department exists in the federal government.”<sup>78</sup> In response to another tweet by the same member, Mr. Musk responded, “What is this ‘Department of Education’ you keep talking about? I just checked and it doesn’t exist.”<sup>79</sup>

201. A short time later, Mr. Musk reposted a picture of himself as the Grim Reaper, with the label “DOGE,” holding a scythe. In the picture, Mr. Musk is in a hallway. An open door behind

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<sup>77</sup> Statement regarding GSA’s disposal of non-core assets (March. 4, 2025), <https://perma.cc/5SAL-XMM9>.

<sup>78</sup> Elon Musk (@elonmusk), X (Feb. 7, 2025, 4:07 PM), <https://perma.cc/ST2N-36GN>.

<sup>79</sup> Elon Musk (@elonmusk), X (Feb. 7, 2025, 8:34 PM), <https://perma.cc/G9AY-9TRR>.

him, with blood flowing out, is labeled “USAID.” Mr. Musk, grinning, is knocking on the door “Department of Education.”<sup>80</sup>

202. Federal statute established and authorizes the U.S. Department of Education. Neither DOGE nor Mr. Musk nor anyone else in the executive branch has the authority to eliminate it.

203. DOGE has created an X account called “DOGE Education.” The sole post on that account requests “help from the public” for DOGE and asks that X users send messages to the account “with insights on waste, fraud and abuse relating to the U.S. Dept of Education.”<sup>81</sup>

204. On information and belief, DOGE has used artificial intelligence software to analyze spending disbursed by the Department of Education, with the purpose of identifying spending and programs to cut. On information and belief, DOGE’s analysis using artificial intelligence includes examining all grants and contracts disbursed by the Department of Education, with the purpose of identifying large amounts of funding to cut.

205. DOGE has detailed at least two DOGE employees to the Department of Education, and there are at least six federal employees working as part of a “DOGE Team” at the Department of Education. The six employees, including the two individuals directly employed by DOGE, are engaged in what one employee describes as a project of “auditing contract, grant, and related programs for waste, fraud, and abuse, including an audit of the Department of Education’s federal student loan portfolio to ensure it is free from, among other things, fraud, duplication, and

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<sup>80</sup> DogeDesigner (@cb\_doge), X (Feb. 7, 2025, 3:23 PM), <https://perma.cc/VA4P-JFFT>.

<sup>81</sup> DOGE Education (@DOGE\_ED), X (Feb. 17, 2025), <https://perma.cc/3KGW-6X28>.

ineligible loan recipients.”<sup>82</sup> DOGE has no legal authority to audit any program at the Department of Education or to audit the Department of Education’s federal student loan portfolio.

206. DOGE has, or intends to, “conduct[] analyses to estimate costs related to student loan repayment plans, awards, or debt discharges.” *Id.*

207. On information and belief, Mr. Musk and DOGE are directing and partnering with the Department of Education to take actions as a result of their unlawful “auditing” within the Department, including termination of federal grants, contracts, and related programs without legal authority and refusal to spend appropriated funds in violation of the separation of powers.

208. The DOGE employee’s statement that DOGE intends to “ensure” that the federal student loan portfolio “is free from, *among other things*, fraud, duplication, and ineligible loan recipients” (emphasis added) and his further contemplation of “analyses to estimate costs related to student loan repayment plans, awards, or debt discharges” indicates that DOGE intends to direct and partner with the Department of Education to take actions specifically related to the Department of Education’s federal student grants and loans portfolio that will harm current and future federal financial aid recipients.

209. Mr. Musk has stated his belief that “EVERY education and research grant made over the past four years required DEI in one form or another.”<sup>83</sup> Mr. Musk’s statement includes Pell grants, which are a type of federal student aid that typically does not have to be repaid and that is awarded to undergraduate students based on exceptional financial need. On information and belief, Mr. Musk is opposed to policies that he terms “DEI,” and one of DOGE’s key goals is to target grants and contracts Mr. Musk and DOGE term “DEI” for termination or cancellation.

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<sup>82</sup> Decl. of Adam Ramada, *Univ. of Calif. Student Ass’n v. Carter*, No. 1:25-cv-00354 (D.D.C. Feb. 13, 2025), ECF No. 16-1 ¶ 4.

<sup>83</sup> Elon Musk (@elonmusk), X (Feb. 10, 2025, 1:39 AM), <https://perma.cc/4JZE-975S>.



Federal Pell grants, including federal Pell grants issued at any point between 2021 and the present, are therefore at imminent risk of termination and cancellation, based on Mr. Musk and DOGE's statements and actions to date.

210. The Department of Education also administers grants for children and youth with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA). Mr. Musk's statement that "EVERY education and research grant made over the past four years required DEI in one form or another" includes IDEA grants. Since beginning his work in the federal government, Mr. Musk has joked about school transportation for children with disabilities and has repeatedly used a slur for people with intellectual disabilities. Mr. Musk's statements, taken together, show that federal funding for children and youth with disabilities—including IDEA grants—is at imminent risk of termination and cancellation. IDEA grants are also at imminent risk of termination or cancellation because the February 26, 2025 Executive Order "Implementing the President's 'Department of Government Efficiency' Cost Efficiency Initiative" explicitly prioritizes "the review of funds disbursed under covered contracts and grants to educational institutions. . . ." <sup>84</sup>

211. Mr. Musk's statement that "EVERY education and research grant made over the past four years required DEI in one form or another" further includes Title I grants. These grants provide federal funding to schools that primarily serve low-income families. Title I school funding is therefore at imminent risk of termination and cancellation, based on Mr. Musk and DOGE's statements and actions to date. Title I grants are also at imminent risk of termination or cancellation because the February 26, 2025 Executive Order "Implementing the President's 'Department of

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<sup>84</sup> Executive Order Establishing and Implementing the President's "Department of Government Efficiency", The White House (Jan. 20, 2025), <https://perma.cc/4DPP-P8D8>.

Government Efficiency’ Cost Efficiency Initiative” explicitly prioritizes “the review of funds disbursed under covered contracts and grants to educational institutions . . . .” *Id.*

212. On information and belief, DOGE has already caused the termination of dozens of Department of Education contracts and grants. On January 31, 2025, DOGE claimed it had cancelled \$3.9 million in Department of Education contracts with a “ceiling value” of \$4.6 million.<sup>85</sup> On February 4, DOGE claimed it cancelled an additional \$30 million in contracts made by the Department of Education and General Services Administration.<sup>86</sup> On February 7, DOGE claimed it terminated \$15 million in grants made by the Department of Education.<sup>87</sup> On February 10, DOGE claimed the termination of an additional \$101 million in training grants<sup>88</sup> and \$881 million in school research grants, funding responsible for the compilation and maintenance of a public database of school performance and quality statistics.<sup>89</sup>

213. On information and belief, DOGE intends to eliminate all Department of Education contracts and grants that it determines are neither essential (in DOGE’s judgment) nor legally required (again in DOGE’s judgment).

214. On February 28, 2025, the Department of Education announced an imminent “very significant Reduction in Force.”<sup>90</sup> In advance of that personnel reduction, the Department offered most of its employees a buyout of \$25,000 if they agreed to quit by March 3, 2025.

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<sup>85</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Jan. 31, 2025), <https://perma.cc/GM4U-J7JV>.

<sup>86</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Feb. 4, 2025), <https://perma.cc/KH58-2KPA>.

<sup>87</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Feb. 10, 2025), <https://perma.cc/ZK5E-WJ3A>.

<sup>88</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Feb. 10, 2025), <https://perma.cc/9VRJ-9TEW>.

<sup>89</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Feb. 10, 2025), <https://perma.cc/35YY-3GN2>; Dep’t of Gov’t Efficiency (@DOGE), X (Feb. 10, 2025), <https://perma.cc/PG75-3HZH>; Jodi S. Cohen and Jennifer Smith Richards, *Elon Musk’s Team Decimates Education Department Arm That Tracks National School Performance*, ProPublica (Feb. 11, 2025), <https://perma.cc/RM3K-QJ52>.

<sup>90</sup> Rebecca Carballo, *Education Department to staffers: Quit by Monday and get \$25K in cash*, Politico (Feb. 28, 2025), <https://www.politico.com/news/2025/02/28/education-department-quit-00206765>.

215. On information and belief, DOGE has accessed internal systems at the Department of Education related to student aid. DOGE has confirmed that at least two of its staffers were given “access to Department of Education information technology and data systems related to student loan programs in order to audit those programs for waste, fraud, and abuse.”<sup>91</sup> On information and belief, those systems include personal information for over 40 million student loan recipients. On information and belief, DOGE staffers have gained administrator-level access to other systems, as well, including the Department’s email system.

216. Mr. Musk’s public statements and DOGE’s actions make clear that Mr. Musk and DOGE intend to functionally eliminate the Department of Education and that the Department is at imminent risk. Mr. Musk’s statements and DOGE’s actions likewise make clear that Mr. Musk and DOGE pose an imminent threat to federal funding for Pell grants, IDEA programs, Title I programs, and other forms of federal financial aid. Mr. Musk and DOGE have no lawful authority to do any of this, and such actions would be in violation of the constitutional separation of powers and, as to Mr. Musk, the Appointments Clause.

**B. Mr. Musk and DOGE Are Terminating Federal Workers and Working to Slash Federal Spending for the National Park Service, U.S. Forest Service, and Bureau of Land Management, Without Lawful Authority**

217. Mr. Musk and DOGE are also targeting the NPS for funding cuts and employee terminations. DOGE has created an X account called “DOGE National Park Service.” The sole post on that account requests “help from the public” for DOGE and asks that X users send messages to the account “with insights on finding and fixing waste, fraud and abuse relating to the National Park Service.”<sup>92</sup>

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<sup>91</sup> Decl. of Adam Ramada, *Univ. of Ca. Student Ass’n v. Carter*, No. 1:25-cv-00354-RDM (D.D.C. Feb. 13, 2025), ECF No. 16-1 ¶ 9.

<sup>92</sup> DOGE Nat’l Park Serv. (@DOGE\_NPS), X (Feb. 17, 2025), <https://perma.cc/45YZ-RU8E>.

218. Neither DOGE nor Mr. Musk have any lawful authority to engage in these activities relating to the NPS.

219. On information and belief, DOGE-directed cuts have already begun impacting conservation of and operations at America's national parks, national monuments, national historic sites, and other sites maintained by the NPS. On information and belief, those cuts have terminated approximately 1,000 NPS employees across the country. On information and belief, these cuts have affected and will continue to affect the NPS's ability to restock facilities, remove trash, clean bathrooms, maintain trails and campgrounds, fix potholes, maintain and repair buildings and other infrastructure, provide guidance and educational programming to visitors, provide opportunities for recreation, patrol trails and campgrounds, provide rapid emergency response services, support firefighting efforts, and conduct scientific research, among a host of other impacts.

220. Those impacts will harm the ability of Sierra Club and JACL members, as well as the public at large, to safely visit and enjoy NPS-managed lands, and they will harm Sierra Club's and JACL's activities involving those lands. These impacts will also harm the preservation of those lands, a matter of immense importance to the Sierra Club and its members and to JACL and its members. For Sierra Club, exploring, enjoying, and protecting America's wild places is core to its mission and a core organizational activity.

221. For JACL, NPS-managed national historic sites are important to Japanese-American history, especially sites of former incarceration during World War II, and important memorials and sites of pilgrimage—a core organizational activity. Mr. Musk and DOGE's actions, unless enjoined, will severely disrupt and impair both organizations' and their members' experiences at NPS-managed places.

222. For example, at Yosemite National Park, where a wide range of workers have been fired and hundreds of job offers have been rescinded, DOGE's cuts have already impacted the Park's operations. On information and belief, the Park's day-use reservation system, created to manage crowds and protect the Park's natural resources, is down and now unlikely to become operational this year. On information and belief, the Park's only HVAC technician, responsible for heating and cooling issues in every Park building, and its only locksmith, responsible for installing and maintaining locks across the Park's many buildings and assisting trapped visitors, were both fired. A custodial worker hired in February 2024 to collect trash and clean Park bathrooms was fired in February 2025; his position entailed cleaning toilets and rest areas, picking up trash from the sides of Park roads and parking lots, and filling a truckload of garbage several times per day. Now, trash is accumulating in popular areas of the park.

223. At Grand Canyon National Park, on information and belief, the line to enter the park during the weekend of February 15-17 was twice as long as normal after four employees who worked at the Park's primary entrance were fired, leaving cars to wait for an hour and a half to enter. On information and belief, other fired employees had been replacing a water pipeline that supplies all facilities on the South Rim of the Park. At Carlsbad Caverns National Park, on informational and belief, the staffing impacts of DOGE cuts have already resulted in the cancellation of guided tours and reduced visitor center hours. On information and belief, cuts have also reached maintenance workers, facilities staff, and other park rangers at Mount Rainier National Park, Olympic National Park, and North Cascades National Park in Washington; Great Smoky Mountains National Park in North Carolina and Tennessee; Rocky Mountain National Park in Colorado; Biscayne National Park and Everglades National Park in Florida; and Cuyahoga Valley National Park in Ohio, among other national parks. Sierra Club members regularly visit

national parks throughout the United States, including these parks. While Defendants have not been transparent about the extent of the impact of Mr. Musk and DOGE's funding cuts and personnel actions to individual national parks, the impacts of DOGE cuts are certainly much more far-reaching.

224. In addition to national parks, DOGE-directed cuts are impacting other NPS-managed sites across the country, including, on information and belief, Effigy Mounds National Monument in Iowa; Gettysburg National Military Park, Valley Forge National Historical Park, and Independence Historical National Park in Pennsylvania; Palo Alto Battlefield National Historical Park, Fort Davis National Historic Site, and Blackwell School National Historic Site in Texas; Chesapeake and Ohio Canal National Historical Park in Maryland and the District of Columbia; Harpers Ferry National Historical Park in West Virginia; Wright Brothers National Memorial, Cape Hatteras National Seashore, and Fort Raleigh National Historic Site in North Carolina; Florissant Fossil Beds National Monument in Colorado; Big Cypress National Preserve in Florida; and Devils Postpile National Monument in California. On information and belief, these cuts have impacted roles and spending related to public education and guided tours; visitor center operations; facilities maintenance and repair; conservation planning and habitat restoration; Geographic Information Systems (GIS), cartography, and mapping work; and scientific research, among many other impacts. These sites, which generally have significantly lower staffing levels than national parks, are especially impacted by staffing cuts. Again, the full scope of these and other cuts remains unclear because DOGE has not made that information public.

225. JACL members, as participants in JACL-organized pilgrimages and as planners and participants in other pilgrimages and events, visit a number of NPS national historic sites and will be harmed by Mr. Musk and DOGE's ongoing cuts and staffing reductions. For example, at

Minidoka National Historic Site, which serves as a memorial to the thousands of Japanese Americans incarcerated at the site during World War II, at least one park employee was fired due to DOGE's NPS cuts of probationary employees. Staffing at Minidoka is shared with three other sites. During the summer, seasonal staff hires typically increase the number of interpretive and education staff from a baseline of three to as many as five. Loss of one of the permanent interpretive staff threatens to seriously diminish the site's ability to meet the needs of the public, including JACL members, especially during the winter months.<sup>93</sup>

226. At Manzanar National Historic Site, at least two employees, both archaeologists, were fired due to DOGE's NPS cuts of probationary employees. Archaeology is a key feature of the Manzanar National Historic Site. The Community Archaeology Program provides opportunities for volunteers to learn about the history of Manzanar and incarceration camps, including personal stories, and to learn about archaeology. Projects have included uncovering incarcerated individuals' graffiti, children's marbles, and stone lanterns that provide rare examples of Japanese cultural items at Manzanar. The Society of American Archaeology awarded Manzanar's Community Archaeology Program its Award for Excellence in Public Archaeology Programming in 2021.

227. These DOGE-directed impacts will only deepen over time. DOGE has purported to cancel a \$3.7 million contract for "National Park Service NPS Recruitment and Branding Support,"<sup>94</sup> which would directly inhibit NPS's ability to address staffing shortfalls and hire

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<sup>93</sup> The one eliminated staff member thus far has been hired by a private organization to ensure continuity of staffing for this summer.

<sup>94</sup> General Services Administration, Aptive Resources LLC Contract Award ID: 47QFMA24F0008 (last modified Feb. 3, 2025), <https://perma.cc/HF4R-QZMA>.

seasonal workers, including during the upcoming peak seasons of spring and summer. And, as described, DOGE is actively soliciting tips from X users on further cuts to NPS.

228. DOGE-directed cuts are also impairing the USFS' maintenance of America's national forests and grasslands. On information and belief, those cuts have already resulted in the firing of approximately 3,400 USFS employees, representing 10% of the total workforce. On information and belief, these firings have included trained secondary firefighters and other employees who support firefighting, including range ecologists and mechanics. These cuts will have the same or similar impacts as the cuts to the NPS.

229. As one example, in Washington, most of the Wenatchee River Ranger District's trail crew, including the team's co-leaders and mule packer, who were responsible for transporting supplies necessary for trail work, were, on information and belief, fired by USFS at the behest of DOGE. The trail crew worked to fight and prevent wildfires and cleared fallen trees from trails.

230. On information and belief, at least ten employees in the Summit and Groveland ranger districts of the Stanislaus National Forest were terminated at the direction of DOGE. The Groveland ranger district is located along Highway 120, on a popular route into Yosemite. Forest Service employees are responsible for removing fallen trees, clearing brush, assisting in emergencies, and other tasks aimed at securing the safety of visitors to Yosemite as well as the health of the surrounding forest. On information and belief, DOGE was also responsible for the termination of an unknown number of employees working within the Tahoe National Forest. On information and belief, these individuals were responsible for, inter alia, road and trail maintenance, timber production, and watershed restoration.



231. These DOGE-directed cuts to USFS will only deepen over time. DOGE has, according to its own information, already begun cutting other USFS contracts.<sup>95</sup> And as with NPS, DOGE has begun soliciting from X users suggestions for further cuts and other changes to the U.S. Department of Agriculture, USFS's parent agency.<sup>96</sup> In fact, the DOGE Team at the Department of Agriculture continues to meet to direct additional cuts.<sup>97</sup> Neither Mr. Musk nor DOGE has any lawful authority to engage in federal personnel decisions, to cause the termination of federal grants or contracts, or otherwise to cut spending with respect to USFS.

232. DOGE has also targeted the BLM, which plays a critical role in maintaining nearly 250 million acres of federal land for recreation and other uses. DOGE has created an X account, "DOGE Interior," "seeking help from the public" for cuts regarding BLM's parent agency, the Department of the Interior.<sup>98</sup> DOGE claims it has cut at least two of the BLM's contracts, amounting to \$660,231.<sup>99</sup> BLM works closely with NPS and USFS to respond to and contain fires. Cuts to any of these three agencies directly impact the others' ability to prevent and respond to wildfires on lands within their jurisdiction. Neither Mr. Musk nor DOGE has any lawful authority to terminate federal contracts and grants, terminate personnel, or otherwise slash federal funding with respect to BLM.

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<sup>95</sup> General Services Administration, Management & Engineering Tech. Int. Inc. Contract Award ID: 12318724F0289 (last modified Jan. 30, 2025), <https://perma.cc/4TR6-TWPB>.

<sup>96</sup> DOGE USDA (@DOGE\_USDA), X (Feb. 16, 2025, 11:01 PM), <https://perma.cc/9K66-SAJ7>.

<sup>97</sup> Secretary Brooke Rollins (@SecRollins), X (Feb. 20, 2025), <https://perma.cc/LT9W-CS4H>.

<sup>98</sup> DOGE Interior (@DOGE\_DOI), X, (Feb. 17, 2025, 1:38 PM) <https://perma.cc/VRQ7-KDM3>.

<sup>99</sup> General Services Administration, Corichia Brisco Enterprises LLC Contract Award ID: 93310023P0021 (last modified Feb. 13, 2025), <https://perma.cc/R3D2-XN4C>; General Services Administration, Circuit Media LLC Contract Award ID: 140L0123F0058 (last modified Feb. 7, 2025), <https://perma.cc/Y6LS-JASW>.

**C. Mr. Musk and DOGE Are Attempting to Make Massive Cuts to the National Oceanic and Atmospheric Administration, Without Lawful Authority**

233. Mr. Musk and DOGE have also targeted the National Oceanic and Atmospheric Administration (NOAA) for cuts and terminations. On information and belief, at least 650 NOAA probationary employees were terminated on February 27. On information and belief, those terminations included meteorologists (including local weather forecasters at National Weather Service offices), climate modelers, “hurricane hunters,”<sup>100</sup> flight directors, physical scientists, emergency response experts, information security officers, and communications specialists, among many others. On information and belief, Mr. Musk and/or DOGE caused these firings. This termination of mission-critical employees comes as the agency is already experiencing pervasive understaffing. On information and belief, Mr. Musk and DOGE plan to cause more firings at NOAA in the near future.

234. Predictably, the employee terminations that have already occurred have immediately begun impacting NOAA’s operations. For example, radiosonde observations, which provide critical data inputs to weather models and emergency alerts, were suspended at one or more locations “due to a lack of [Weather Forecast Office] staffing” after the firings.<sup>101</sup> At NOAA’s Commercial Remote Sensing Regulatory Affairs office, which is responsible for issuing operator licenses for remote sensing space systems, “no senior personnel remain in the office due to ongoing reductions in force,” which will result in “significant delays in processing all actions.”<sup>102</sup> Those

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<sup>100</sup> Ari Odzer, *‘It’s not just a job to me’: Hurricane hunter among NOAA employees laid off in DOGE cuts*, NBC Miami (Feb. 28, 2025), <https://www.nbcmiami.com/news/local/noaa-employees-laid-off-in-doge-cuts/3555471/>.

<sup>101</sup> National Weather Service, *Public Information Statement 25-08* (Feb. 27, 2025) <https://perma.cc/4Q4T-4ARV>.

<sup>102</sup> Marcia Smith (@SpCPlcyOnline), X (Feb. 28, 2025, 3:27 PM), <https://perma.cc/L4BQ-8UAF>.

licenses are generally required for companies seeking to collect data from satellites, including imagery used for national security purposes and weather data used for private weather forecasting.

235. DOGE, on information and belief, is also planning to cancel the lease for NOAA's national weather forecasting "nerve center."<sup>103</sup> That 268,000 square facility houses the infrastructure necessary to provide most of the primary weather models in use today. DOGE is also cancelling the lease for NOAA's Radar Operations Center in Norman, Oklahoma. The Center is responsible for "provid[ing] centralized radar operations support, field assistance, software maintenance, engineering and special-level hardware support" for advanced Doppler weather radar.<sup>104</sup> According to its own information, DOGE has also cancelled leases for at least 18 other NOAA facilities from every corner of the country—from Hawaii to Alaska to California to Florida to Vermont.<sup>105</sup>

236. DOGE has, according to its own information, begun cutting NOAA contracts and research grants. For example, DOGE claims it terminated a \$9.9 million contract supporting NOAA's research arm, which is dedicated to improving weather forecasting and early warnings of natural disasters or inclement weather, as well as better general understanding of weather and climate. On information and belief, DOGE has instructed NOAA to halt at least two additional research studies.

237. On information and belief, NOAA employees, like all federal employees, are barred from making charges on their government credit cards, with limited exceptions, without approval from NOAA's DOGE team lead. On information and belief, that change, along with DOGE's

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<sup>103</sup> Andrew Freedman, "DOGE moves to cancel NOAA leases on key weather buildings," Axios (Mar. 3, 2025), <https://www.axios.com/2025/03/03/doge-noaa-weather-building-leases-trump>.

<sup>104</sup> NOAA, *Radar Operations Center*, <https://perma.cc/7E4L-78FY>.

<sup>105</sup> Dep't of Gov't Efficiency, *Wall of Receipts*, <https://perma.cc/W6R2-PPRL>.

staffing cuts, is leaving critical repairs unmade, including maintaining weather radar, among other effects.

238. These cuts and changes risk incalculable harm to the public. DOGE’s actions risk slowing repairs to radar systems, worsening the performance of weather prediction models and early warning times for severe weather events, and preventing the collection of damage survey data after tornados. They will also risk reducing the availability of upper-atmosphere and other observation data, meteorologist coverage of severe weather events, and the number of “hurricane hunter” and other reconnaissance flights that can be supported, among many other impacts. All this is occurring as tornado season has just begun—with hurricane season to follow—and as wildfires have ravaged and continue to ravage many parts of the country.

**D. Mr. Musk and DOGE Have Lawlessly Slashed Billions of Dollars for Critical Biomedical Research at the National Institutes of Health**

239. NIH is the largest federal funder of biomedical research and the largest public funder of biomedical research in the world. NIH has funded pivotal scientific breakthroughs including the Human Genome Project, the mRNA vaccine against COVID-19, and the prevention and treatment of numerous forms of cancer. In Fiscal Year 2023, NIH funded nearly 50,000 federal grants to researchers totaling over \$35 billion. Much of this funded research takes place at universities and colleges.

240. In November 2024, DOGE indicated that it was setting its sights on NIH with a post on X regarding NIH studies related to racism.<sup>106</sup> A few days later, DOGE signaled that it was reviewing NIH’s grant funding even before the administration took office, ridiculing specific NIH grants.

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<sup>106</sup> Dep’t of Gov’t Efficiency (@DOGE), X (Nov. 30, 2024), <https://perma.cc/AM4H-7ANN>.

241. On information and belief, DOGE has stationed at least four representatives within NIH, three of whom are housed in the department that controls NIH's finance, budget, procurement, and grant-tracking systems.

242. On February 7, 2025, NIH announced limits on the amount of NIH grant funding that could be spent on "indirect costs," which support overhead for multiple projects. These costs include administrative support such as facility upkeep, clerical staff, IT support, cybersecurity and data repositories. Institutions with the highest indirect costs are typically those that support facility-intensive types of research such as biocontainment laboratories handling dangerous pathogens.

243. The DOGE X account appeared to publicly claim credit for these cuts the same day, posting on X an NIH infographic about the new cost caps with the comment, "Amazing job by @NIH team. Saved >4B annually in excessive grant administrative costs."<sup>107</sup> DOGE posts on its X account funding cuts for which it claims credit.

244. But Elon Musk and DOGE have no authority to direct the NIH to cut billions of dollars to critical biomedical research.

245. On February 14, NIH terminated roughly 1,500 probationary employees. On information and belief, as with other federal probationary employees, Mr. Musk and DOGE caused these terminations.

246. DOGE claims to have cut at least 75 NIH contracts, with a total contract value of over \$250 million and total claimed "savings value" of \$58 million.<sup>108</sup>

247. On information and belief, DOGE employees have met with NIH employees to identify areas for further cuts at the agency.

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<sup>107</sup> Dep't of Gov't Efficiency (@DOGE), X (Feb. 7, 2025), <https://perma.cc/FR6E-ZZE3>.

<sup>108</sup> Dep't of Gov't Efficiency, *Wall of Receipts*, <https://perma.cc/W6R2-PPRL>.

**E. Lawless Cuts Caused by Mr. Musk and DOGE Have Decimated or Threaten to Decimate Other Agencies Across the Federal Government**

248. DOGE is targeting many other agencies across the federal government for cuts, including—as just three more examples—the EPA, NSF, and SAMHSA.

249. **EPA and DOGE.** On information and belief, DOGE has caused the termination of federal grants and funding at EPA. DOGE has access to the EPA Acquisition System, which includes records of all the agency’s ongoing spending. On information and belief, DOGE is searching the system for contracts to terminate and, upon finding contracts that DOGE wants to terminate, DOGE employees reach out to contracting officers to directly request termination. On information and belief, at least three DOGE employees have been lawlessly detailed to the EPA.

250. On February 14, 2025, EPA Administrator Lee Zeldin announced on X that he had, “[i]n partnership with @DOGE . . . just CANCELLED 9 more wasteful @EPA DEI and Environmental Justice contracts,” for a total of “~\$60 MILLION” in cuts.”<sup>109</sup>

251. On February 25, 2025, Administrator Zeldin announced that he had, “in partnership with DOGE,” “identified and cancelled an additional 20 grants totaling \$60,958,537.30 in taxpayer savings.”<sup>110</sup>

252. DOGE’s “Wall of Receipts” lists 27 cancelled EPA contracts, for total cuts of \$7.6 million.<sup>111</sup>

253. On information and belief, on or about February 14, 2025, the EPA terminated roughly 400 probationary employees. On information and belief, as for other federal probationary employees, Mr. Musk and DOGE caused the terminations.

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<sup>109</sup> Lee Zeldin (@epaleezeldin), X (Feb. 14, 2025), <https://perma.cc/PBJ5-F863>.

<sup>110</sup> Press Release, Environmental Protection Agency, *EPA Administrator Lee Zeldin Cancels 20 Grants in 2nd Round of Cuts with DOGE, Saving Americans More than \$60M* (Feb. 25, 2025), <https://perma.cc/US2V-DVGH>.

<sup>111</sup> Dep’t of Gov’t Efficiency, *Wall of Receipts*, <https://perma.cc/W6R2-PPRL>.

254. **NSF and DOGE.** NSF was established by Congress in 1950 to promote scientific progress, national health and welfare, and to help secure the national defense. NSF accomplishes its mission primarily through grantmaking, and its investments account for 25% of federal support to American colleges and universities for basic scientific research. DOGE has created an X account specifically for “DOGE NSF,” like it has created other accounts for agencies that it targets for cuts.<sup>112</sup>

255. At least 170 NSF workers out of a staff of roughly 1,450 have been terminated by OPM, at the direction, on information and belief, and in light of the February 11 White House fact sheet stating that DOGE would be involved in agency decisions shrinking the federal workforce, of DOGE.

256. NSF has also shrunk its Research Experiences for Undergraduates (REU) program. The \$80-million a year program, which has been operating since 1987, provides summer research opportunities to thousands of undergraduates, many of whom are from communities historically underrepresented in science.

257. DOGE, evidenced by its “Wall of Receipts,” claims credit for two cancelled NSF contracts.<sup>113</sup>

258. **SAMHSA and DOGE.** SAMHSA is an agency within HHS charged with improving services and support for substance use disorders and behavioral health. SAMHSA funds the 988 Suicide & Crisis Lifeline, a national mental health hotline for all Americans. DOGE, via its “Wall of Receipts,” trumpets the termination of at least one SAMHSA contract, worth \$1,783,747.48.<sup>114</sup> On information and belief, since January 20, more than 10% of SAMHSA staff

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<sup>112</sup> DOGE NSF (@DOGE NSF), X, <https://perma.cc/E2K3-TYQF>.

<sup>113</sup> Dep’t of Gov’t Efficiency, *Wall of Receipts*, <https://perma.cc/W6R2-PPRL>.

<sup>114</sup> Dep’t of Gov’t Efficiency, *Wall of Receipts*, <https://perma.cc/W6R2-PPRL>.

have been terminated, including regional office directors and staff working on projects related to the 988 hotline. On information and belief, and again, in light of the February 11 White House fact sheet stating that DOGE would be involved in agency decisions shrinking the federal workforce, DOGE directed and was involved in the decision to terminate SAMHSA employees, made via OPM.

259. **USDA and DOGE.** DOGE has caused the termination of federal grants and funding at USDA. As part of its overall work to support American agriculture and address food security, USDA performs and funds scientific research. Among its positive impacts, USDA-supported research supports ranchers, foresters, farmers, and other agricultural professionals.

260. In February 2025, Defendant Rollins announced that DOGE was reviewing spending at the department “to optimize the USDA workforce and stop wasteful spending.”<sup>115</sup> DOGE has created an X account specifically for “DOGE USDA,” like it has created other accounts for agencies that it targets for cuts, and this account has requested public assistance “finding and fixing waste, fraud and abuse” at USDA.<sup>116</sup> DOGE, via its “Wall of Receipts,” brags of \$230,238,718 in canceled USDA contracts.<sup>117</sup> On information and belief, federal workers at USDA have been terminated en masse, as at other agencies throughout the federal government. On information and belief, Mr. Musk and DOGE caused the termination of these employees.

261. **FEMA and DOGE.** DOGE has caused, on information and belief, termination of federal spending through FEMA. On information and belief, DOGE has access to FEMA’s network, including private and sensitive information regarding disaster victims. On information

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<sup>115</sup> Jason Alatidd, *DOGE touts saving \$0 by canceling USDA contract tied to NBAF in Kansas*, Topeka Capital-Journal (March 3, 2025), <https://perma.cc/GHA9-27F7>.

<sup>116</sup> DOGE USDA (@DOGE\_USDA), X (Feb. 16, 2025), <https://perma.cc/Q3AB-E8CQ>.

<sup>117</sup> Dep’t of Gov’t Efficiency, *Wall of Receipts*, <https://perma.cc/W6R2-PPRL>.



and belief, DOGE has been reviewing FEMA's grant programs and directing cuts, including by directing FEMA employees to look through grants for keywords from a list provided by DOGE that include words such as "disadvantaged," "marginalized," "underserved," "environmental justice," "climate," "equity," "equitable," "inclusion," "diversity," and "culture." Mr. Musk, in a post on X, accused FEMA of misspending federal money, purportedly based on DOGE's review of grant funding.<sup>118</sup> On information and belief, DOGE has obtained access to FEMA's financial management system, which controls grants throughout the country.

262. On information and belief, federal workers at FEMA have been terminated en masse, as at other agencies throughout the federal government. On information and belief, Mr. Musk and DOGE caused the termination of these employees.

263. **HUD and DOGE.** On information and belief, DOGE has sought information from HUD appointees about all contracts at HUD and has unlawfully detailed DOGE officials to HUD. On information and belief, DOGE has accessed HUD databases. On information and belief, HUD has canceled grants at the direction of Mr. Musk and DOGE. Federal workers at HUD have been terminated en masse, as at other agencies throughout the federal government. On information and belief, Mr. Musk and DOGE caused the termination of these employees.

**F. Mr. Musk and DOGE Have Engaged in a Pattern and Practice of Lawless Ultra Vires Action**

264. Taken together, Mr. Musk and DOGE's actions amount to a pattern and practice of lawless, ultra vires action. Mr. Musk and DOGE have been acting without even the pretense of legal authorization, directly interfering, on information and belief, with the work of federal agencies, dismantling agencies, and assuming authority to unilaterally direct the spending and

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<sup>118</sup> Elon Musk (@elonmusk), X (Feb. 20, 2025, 5:03 AM), <https://perma.cc/DK3P-JLGF>.

personnel management of the United States based solely on an executive order authorizing DOGE to conduct software upgrades.

265. Mr. Musk and DOGE's actions extend far beyond the limited scope of the U.S. Digital Service's actions from its creation in 2014 until January 20, 2025. Congress did not appropriate funding to the U.S. Digital Service for the actions that Mr. Musk and DOGE are undertaking.

266. President Trump has stated that Mr. Musk and DOGE are "trying to shrink government." But no federal law authorizes Mr. Musk or DOGE to undertake any actions to shrink the government. Despite its name, DOGE is not a federal department. Mr. Musk was not confirmed by the Senate, does not occupy an office created by Congress, and is, accordingly, prohibited from acting as a principal officer by the U.S. Constitution. Mr. Musk and DOGE's actions with respect to funding, payments, and federal personnel are lawless, and Mr. Musk's actions, specifically, violate the Appointments Clause. Further, the federal executive branch—DOGE, Mr. Musk, and federal executive departments and agencies—lack authority to refuse to spend federally appropriated funds. The Constitution allocates control over the federal budget to Congress, not the executive branch.

**G. Mr. Musk and DOGE Intend to Continue Their Pattern and Practice of Lawless Action.**

267. Mr. Musk and DOGE intend to continue engaging in lawless actions unauthorized by federal law or the Constitution (and beyond the scope of the DOGE Executive Order).

268. On information and belief, Mr. Musk and DOGE intend to continue their analysis of federal funding, including through the use of artificial intelligence, causing the cancellation of federal contracts and grants, and their efforts to stop federal payments and disbursements.<sup>119</sup>

269. Mr. Musk has described DOGE’s works as a “cleansing process” that is the only alternative to “war.” Mr. Musk has claimed, “The cleansing process, normally, for getting rid of nonsensical laws and regulations is war. Now, obviously, we’d prefer to not have war drive the reformation of the government. So, in the absence of war, you have to have something like what we have formed here in the U.S., a Department of Government Efficiency, in order to get rid of laws and regulations.”<sup>120</sup>

270. Neither Mr. Musk nor DOGE have any legal authority “to get rid of laws and regulations” or to “drive the reformation of the [United States] government.” Nevertheless, Mr. Musk and DOGE intend to do so.

271. On information and belief, Mr. Musk and DOGE intend to end vast swaths of federal spending, despite the lack of any legal authorization to do so and despite the constitutional allocation of control over federal spending to Congress, not the executive branch.

## **VI. Mr. Musk and DOGE’s Actions Harm Plaintiffs.**

### **A. Japanese American Citizens League (JACL)**

272. Mr. Musk and DOGE’s actions—including their actions, on information and belief, to cause the termination of NPS workers and reduce the NPS workforce and their imminent

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<sup>119</sup> Elon Musk (@elonmusk), X (Feb. 11, 2025, 2:51 PM), <https://perma.cc/E8PD-S6Z4>; Elon Musk (@elonmusk), X (Feb. 10, 2025, 12:10 PM), <https://perma.cc/H6MQ-7AQL>.

<sup>120</sup> Mario Nawfal (@MarioNawfal), X (Feb. 9, 2025, 8:50 AM), <https://perma.cc/4SPE-2CKT>; Elon Musk (@elonmusk), X (Feb. 9, 2025, 9:04 AM), <https://perma.cc/U2LW-R5PC> (Musk endorsing).

threatened actions to cut funding for NPS and the Department of Education and fully dismantle the Department of Education—harm JACL and its members.

**1. Harms to JACL From Mr. Musk and DOGE’s NPS Cuts at Historic Sites of Japanese American Incarceration During World War II**

273. Maintaining civil rights for Japanese Americans and all people subject to bigotry and oppression, and preserving the history of the Japanese American community, are essential aspects of JACL’s mission. In furtherance of that mission, JACL works to promote education about the history of Japanese American incarceration in the United States during World War II and has worked to preserve sites of Japanese American incarceration in historical context, so that survivors, their descendants, and all Americans can remember and understand that dark chapter in American history.

274. As part of its work to educate and to remember Japanese American incarceration, honor the legacies of survivors, and uplift the Japanese American community, JACL members participate in the planning of many of the annual pilgrimages—trips to sites of World War II confinement, including historic sites operated by NPS such as Manzanar National Historic Site and Minidoka National Historic site (among others, which include Amache, Tule Lake, Bainbridge Island, the Panama Hotel, Honouliuli, and the Japanese American Memorial to Patriotism During WWII). This is a significant part of JACL’s work as an organization, and a core organizational activity. JACL members from across the country participate in these pilgrimages. Between 150 and 500 people typically participate in each annual pilgrimage to an incarceration site. The largest pilgrimage is to the Manzanar National Historic Site and includes over 1,000 participants annually—1,600 in 2024. JACL members are part of the planning committees and among the many attendees of all such pilgrimages.

275. JACL also organizes educational programming that involves visits to incarceration sites that are national historic sites. For example, the JACL Chicago chapter has hosted and led the Kansha Project since 2012. The Kansha Project is a four-day educational program for Japanese Americans between ages 18 and 25 to better connect with their cultural heritage and engage in conversations about intergenerational trauma tied to the forced removal and incarceration of Japanese and Japanese Americans during World War II. An essential part of this programming is a visit to Manzanar.

276. JACL members also undertake their own trips of remembrance, not organized through JACL, to national historic sites related to World War II Japanese American incarceration, or trips organized separately.

277. Because many of the national historic sites that JACL and its members visit are in remote locations, because JACL organizes regular large-group trips that are intended to build community by bringing its members together (including the annual pilgrimages), and because those trips draw members from across the country and can be lengthy, requiring taking days off of work or otherwise out of daily life, JACL must plan its trips to national historic sites well in advance.

278. As described above in ¶¶ 225, 274, Minidoka National Historic Site—a frequent destination for JACL members—has had one of its two regular park employees fired due to Mr. Musk and DOGE’s actions. On information and belief, because one employee manages the visitor center while the other provides walking tours, at least one of those two activities will no longer be provided by NPS. As described above in ¶¶ 5-9, 226, 274-275, Manzanar National Historic Site has also had two archaeologists fired due to Mr. Musk and DOGE’s actions. JACL fears additional staffing cuts at Minidoka and at Manzanar, which will severely impact JACL’s trips and JACL

members' experiences at those sites. Both sites already have limited numbers of staff, and further reductions will have a significant impact on the availability of rangers to support the number of visitors.

279. Limited staffing at the historic sites that JACL's members visit will also reduce the availability of interpretive services, which provide visitors with a more fulfilling understanding of the experience of those Japanese Americans who were incarcerated. Interpretive staff are essential for visitors with language barriers to fully understand the sites and their significance in American history.

280. In addition to the loss of interpretive services, JACL is deeply concerned that cuts to NPS funding and staff will impact basic services its members rely on when visiting historic sites operated by NPS, including the availability of clean and usable bathrooms, the safety of the physical facilities, and the accessibility of the sites. This will result in a poorer experience for JACL and its members in visiting these sites and is likely to lead to fewer members attending JACL trips and other visits to the historic sites. Interest in one program for this year is significantly lower than previous years. Members are expressing their concerns to JACL about what impacts there might be to sites such as Minidoka, Manzanar, and Amache.

281. Reducing the availability and accessibility of these historic sites is of particular concern for older members, some of whom are survivors of the camps. These are the members who often benefit the most from attending pilgrimages for the opportunity to heal from the trauma that incarceration brought to them and their families. For older members, a less accessible, safe, and clean site severely diminishes the experience and poses greater hazards to their well-being. With fewer remaining opportunities in their lives to visit these sites, any limit on their ability to visit and benefit from the opportunity will be especially detrimental.

282. These cuts will be particularly impactful because the pilgrimages for these sites are coming up during the busy summertime season. Sites such as Minidoka are not open in winter, so these staff reductions come when there is already limited educational opportunity. The remoteness of the historic sites already created a staffing challenge, and JACL is concerned that these latest cuts, and the uncertainty created by the wanton firing of NPS employees, will exacerbate the problem of maintaining appropriate staffing levels at NPS sites to serve JACL members.

283. Mr. Musk and DOGE's actions have therefore already created substantial uncertainty regarding the availability of the national historic sites for future visits by JACL and its members. Many of the historic sites to which JACL organizes events and pilgrimages are in remote locations, and members must plan well in advance for their visits. Pilgrimages draw people from across the country, especially those who are survivors of the experience and their descendants. The increased uncertainty resulting, on information and belief, from Mr. Musk and DOGE's actions has and will impede this planning process and cause substantial uncertainty as to whether the pilgrimages can proceed. This uncertainty also reduces the chances of a more spontaneous visit. Often, a Japanese American who is visiting Boise may decide to drive to Minidoka. JACL's and its members' experience at its future visits to Minidoka will be severely diminished, and JACL fears further diminishment at this site and others. JACL's members, and the larger public, will learn less about the history of Japanese American incarceration in World War II and have diminished opportunities to remember and honor the legacy of Japanese American endurance and survival, and to build community in light of that past experience. In addition to pilgrimages and other educational programming, JACL holds Day of Remembrance events to commemorate the anniversary of President Roosevelt's signing of Executive Order 9066, which paved the way for Japanese and Japanese American incarceration during WWII. Many of the programs conducted for

the Day of Remembrance benefited from existing work, including around films and other educational materials developed and funded by the Japanese American Confinement Sites (JACS) program, administered by NPS. The JACS grant program partners with historic and community organizations to ensure the preservation of World War II camp sites, including those operated by NPS, and the history contained within. JACL has received several JACS grants in the past and is currently awaiting NPS's award announcement on its pending application.

## **2. Harms to JACL From Mr. Musk and DOGE's Education Cuts**

284. Education is central to JACL's mission, and the organization devotes considerable resources towards supporting the education of members and their children. JACL members have been and will be harmed by, on information and belief, Mr. Musk and DOGE's ongoing cuts to, and attempts to dismantle, the Department of Education and associated federal education funding. As a result of Mr. Musk and DOGE's ongoing cuts to education funding, efforts to analyze student financial aid, and attacks on the Department of Education, JACL members now face uncertainty about future education funding. JACL members include students who rely on federal financial aid for higher education and who apply for that funding through the Free Application for Federal Student Aid (FAFSA). Uncertainty about continued federal education funding and the continued availability of federal financial aid and the FAFSA are causing ongoing stress and anxiety for JACL student members who rely on federal financial aid and the FAFSA process. On information and belief, Mr. Musk and DOGE's actions threaten the continued availability of federal financial aid, on which these students rely for higher education, and therefore threaten these students' ability to complete their higher education programs. On information and belief, Mr. Musk and DOGE's actions also threaten to eliminate or disrupt the availability of the FAFSA, which would impair these students' ability to apply for and receive future financial aid. JACL is aware of specific



student members, including two law students in California who are JACL members, whose federal financial aid and ability to access the FAFSA are threatened by Mr. Musk and DOGE's actions and who are experiencing stress and uncertainty as a result.

285. JACL also has several hundred members with children in prekindergarten to grade 12 schools, including public schools. This includes members whose children benefit from funding from the Department of Education, including but not limited to IDEA grants and Title I grants. Those members are at risk of losing access to those forms of support, harming their children's education, because Mr. Musk and DOGE, on information and belief, imminently threaten continued federal funding from the Department of Education, including educational grants such as IDEA and Title I grants, and imminently threaten stability to the continued provision of those funds because of the imminent threat they pose to the continued functionality of the Department of Education. The loss of these funds will harm the educational opportunities of JACL members' children, who share membership status through their parents. JACL members will need to spend time and resources attempting to supplement their children's education, if feasible, and will experience fear and anxiety for their children. Worse educational opportunities will place their children at greater risk of worse health outcomes later in life and negatively impact employment opportunities and income, among other negative risk factors.<sup>121</sup>

**B. OCA – Asian Pacific American Advocates (OCA)**

286. Education is central to OCA's mission of advancing the sociopolitical and holistic wellbeing of the AANHPI community. OCA's programming reflects this mission to ensure that AANHPI youth are equipped for and have the financial resources to pursue a wide array of

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<sup>121</sup> *Education: a neglected social detriment of health*, 5 *The Lancet Public Health* E361 (July 2020).

educational opportunities. As described above ¶ 18, OCA works to educate youth about federal financial aid and directly awards student scholarships for higher education, along with additional programming and advocacy to promote and protect access to education for AANHPI and all youth. Mr. Musk and DOGE's efforts to dismantle the Department of Education and ongoing effort to slash Department of Education funding threaten imminent harm to OCA and many of its members and have already harmed at least one OCA member. As a result of Mr. Musk and DOGE's ongoing cuts to education funding, efforts to analyze student financial aid, statements about cutting federal grants, and attacks on the Department of Education, many OCA members now face uncertainty about future education funding.

287. OCA members include students who rely on federal financial aid for higher education and who apply for that funding through FAFSA. These members include undergraduate students, graduate students, and students seeking higher education opportunities—including students to whom OCA has awarded educational scholarships. Uncertainty about continued federal education funding and the continued availability of federal financial aid and the FAFSA are causing ongoing stress and anxiety for OCA student members who rely on federal financial aid and the FAFSA process.

288. OCA has student members who receive Pell grants, for students with exceptional financial need, and/or federal student loans. At least some of these OCA members will likely need to suspend or end their studies because they will not be able to afford tuition and additional expenses, like textbooks, if these programs are cut or eliminated—an imminent risk in light of, on information and belief, Mr. Musk and DOGE's actions. The uncertainty as to whether Pell grants and federal student loans will remain available in the near future is already a significant source of stress for low-income students who are members of OCA. Because these students have limited

funding, any major disruption to their financial aid will create significant financial strain and risks disrupting the continuity of their studies. OCA is aware of specific members who receive federal financial aid.

289. OCA members will also be harmed by elimination or disruption of the FAFSA. Lack of FAFSA access would impair these students' ability to apply for and receive future financial aid, and it would also impair their ability to demonstrate financial need—since many students, including OCA members, rely on the FAFSA to do so. OCA is aware of specific members who use the FAFSA.

290. Mr. Musk and DOGE's actions threaten to harm OCA members who use the FAFSA, engage in federal work-study programs, currently receive federal financial aid, and/or plan to apply for federal financial aid in future to continue their studies. OCA is aware of specific members in each of these categories. Further, changes to federal internship programs and federal entry-level positions stemming from federal funding cuts have already upended OCA members' educational opportunities and their plans for entering public service.

291. OCA members, including families with children enrolled in K-12 education, benefit from Title I and IDEA funding and are imminently threatened by Mr. Musk and DOGE's actions.

292. In furtherance of its mission and its specific focus on education, OCA awards higher education scholarships to students, who become OCA members along with their scholarship. Many of the students that OCA sponsors also rely on federal financial aid and/or other forms of aid to finance their education. If Mr. Musk and DOGE's imminently threatened cuts to the Department of Education come to pass, and OCA's scholarship recipients lose access to reliable federal financial aid, OCA will make every effort to raise money from private individual donors, philanthropic foundations, and corporations to be able to increase the amount of scholarship money

it provides. OCA has begun the process of trying to raise more funds because it fears threatened cuts to federal financial aid. But OCA is deeply concerned that the support it is able to provide will be insufficient to bridge the gap for students who require additional financial aid. The students OCA supports are also concerned about losing the ability to attend college because of federal funding cuts and OCA's current inability to provide larger scholarships. Loss of access to reliable financial aid would therefore likely prevent OCA from serving students most in need of an OCA scholarship, directly contrary to OCA's mission and in interference with a core organizational activity.

### **C. Sierra Club**

293. Protection and enjoyment of national parks and other wilderness areas within the U.S. is at the core of Sierra Club's purpose. One of the ways in which Sierra Club carries out this purpose is through Outings program. Sierra Club's volunteer trip leaders organize and lead multi-day backpacking excursions in national parks and national forests throughout the United States. On the trips, Sierra Club's volunteer leaders' most significant obligation is to ensure group safety. Trip organizers and leaders rely on accurate information from NPS rangers in advance of the trip, and on NPS employees to conduct routine trail and campsite maintenance. Trip leaders rely on the ability to contact the NPS via satellite phone in the event of an emergency, and on sufficient NPS staffing to facilitate rescue operations and evacuations if a participant is injured.

294. The cuts to NPS staffing and funding may cause Sierra Club Outings trip leaders to delay or cancel planned trips. As the departure date for a trip approaches, if the assigned trip leader(s) cannot be assured of adequate staffing at the park or in the designated wilderness, cannot obtain accurate weather forecasts in advance of departure, or cannot be sure of reaching a park ranger in an emergency, volunteer leadership will cancel the trip rather than risk the safety of

participants. In many cases, this will mean both trip leaders and participants may lose the cost of airfare which they have already purchased to attend.

295. Many of the Sierra Club's planned Outings are trips to national parks that have already experienced DOGE-caused impacts, including trips to Grand Canyon National Park (planned for March 24 – April 1, April 27 – May 12, and October 11 – October 17), Acadia National Park (September 7 – 13 and September 14 – 20), Cuyahoga Valley National Park (September 14 – 19), Great Smoky Mountains National Park (October 12 – 17), North Cascades National Park (July 7 – 13 and July 11 – 17), and Olympic National Park (June 14 – 19 and July 12 – 17), among trips to many other national parks, national monuments, and NPS-managed lands. Several Outings are planned to national forests that have already experienced DOGE-caused impacts, as well. For example, Sierra Club has planned a trip to Stanislaus National Forest (June 22 – 28), which has seen significant cuts to staff responsible for clean toilets, clearing out trash, maintaining campgrounds, restoring forests, and supporting wildland firefighting efforts.

296. In addition to planning and publicizing these Outings and recruiting trip participants, for at least some of its Outings, Sierra Club has already committed organizational funds to procure permits or secure accommodations or supplies. If Sierra Club is forced to cancel due to insufficient staffing or unsafe conditions in NPS, USFS, or BLM-managed lands, it will incur monetary and reputational harm.

297. The impacts at Yosemite National Park will also harm Sierra Club's Yosemite Conservation Heritage Center, which is located inside the park and is open to visitors from May to September each year. The Center offers educational displays, a reference library and kids' events, as well as a public lecture series. The Center is staffed by volunteers who come for a week at a time and camp in one of the park campgrounds. The volunteers receive extensive training on

the Center in addition to training on camping rules, park safety, wildlife encounters, and other relevant park information. The volunteer schedule for the 2025 season is set, but Sierra Club is now concerned about its ability to keep this schedule due to uncertainty over whether campgrounds will be open and whether the park will be adequately staffed to ensure the safety and comfort of volunteers and visitors.

298. The Center depends on park employees to provide emergency and public safety services. The historic preservation crew handles building repairs. The wildlife management team responds when wildlife like wood rats or bats get into the building and when bears come approach it. High voltage and electrical crews employed by the park manage power outages by providing a generator and restoring power. Park staff also handle trash removal. All these essential services are at risk due to staff reductions.

299. Fire prevention and control services within the park and in the adjacent national forests are also essential to protecting the Center. In the past, the Center has had to shut down when fires have erupted in the park or when the air quality index indicates that the air is unhealthy to breathe. Sierra Club is concerned that NPS staff reductions will substantially increase fire risks at to Center, its volunteers, and park visitors.

300. Individual Sierra Club members also frequently visit and recreate in NPS, USFS, and BLM-managed lands. Thousands of Sierra Club members visit national parks, national forests, and other sites each year, with many traveling long distances to do so. Sierra Club members rely on NPS and USFS staff to maintain trails and campsites, remove hazards and trash, conduct search and rescue operations, enforce park rules to prevent destruction or disruption by other visitors, manage vehicular traffic, provide directions and weather information, provide search and rescue services, clean bathrooms, and ensure access to facilities. Insufficient staffing and other cuts

negatively impact the experiences of Sierra Club members. Staff are responsible for maintaining the usability of trails, limiting vehicles to designated areas and directing traffic when parks become crowded, providing critical safety information and alerting parkgoers to potentially hazardous conditions, informing visitors about the history and significance of sights within the park, cleaning bathrooms, and enabling visitors to access buildings and ensuring those buildings are adequately heated or cooled. Sierra Club members may decide against visiting these parks and forests altogether if they cannot be assured of their ability to safely visit the park, use campgrounds, reach trails and sights, and access facilities such as clean toilets or water fountains.

301. Loss of trained NPS and USFS firefighters impacts Sierra Club and its members. For example, some Sierra Club members reside adjacent to or near National Forest lands. These members have often chosen to live in these locations for the same reason they joined the Sierra Club: their love of wild spaces and desire to protect and enjoy nature. These members rely on USFS firefighters to manage federal lands to prevent or reduce forest fires in the first instance. Once a fire occurs, members rely on federal firefighters to battle blazes. Before DOGE-directed cuts, these members were apprehensive about forest fires threatening their residences, but with the drastic cuts, members fear that risks have skyrocketed given inadequate forest management and firefighting staff. Sierra Club members suffer from the increased risk of catastrophic fire due to reduced preventative measures such as brush clearing and controlled burns, as well as reduced staff to support wildland firefighting efforts. These risks may lead Sierra Club members to spend less time in part-time residences near USFS lands or pay more to insure their homes. Sierra Club members' homeowners' associations and local firefighting agencies work closely with Forest Service staff. Members are also affected by smoke from wildfires and rely on air filters or must avoid the area during periods of heavy smoke. Before DOGE-directed cuts, these members were

apprehensive about forest fires threatening their homes and have often undertaken significant fire prevention activities in and around their property, but with drastic cuts, members fear that risks will escalate if forest management and firefighting staff are both cut.

302. These risks will also impact Outings. For example, one planned Sierra Club Outing to Canyonlands National Park (September 26 – October 3) will traverse the White Rim Road. FEMA has designated that area as having high wildfire risk, with a Wildfire Risk Index score of 95.6 out of 100.<sup>122</sup> Impacts on NPS and USFS firefighting efforts will place these trips at risk of cancellation and increase safety risks to participants once trips are underway.

303. Sierra Club is also dedicated to protecting and preserving access to BLM-managed lands, including the Red Rock Canyon National Conservation Area in Nevada, the Grand Staircase-Escalante National Monument in Utah, the Chuckwalla National Monument in California, the Northern Red Desert in Wyoming, the Organ Mountains-Desert Peaks National Monument in New Mexico, and others. Sierra Club members frequently visit these areas to enjoy nature and engage in outdoor recreation, often as part of Sierra Club's Outings program. Sierra Club staff and volunteers have advocated to protect these areas, and they were instrumental in achieving the current protections in many BLM-managed national monuments, wilderness areas, and areas of critical environmental concern.

304. The ability of Sierra Club's members to enjoy these areas, and the success of Sierra Club-led trips, depend on BLM funding and staff to effectively manage and maintain the areas. BLM provides key services in the areas, such as trail maintenance, signage, campground management, and emergency services. In many of the more popular areas such as Red Rock

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<sup>122</sup> FEMA, *National Risk Index Community Report* (March 4, 2025), <https://perma.cc/D3MV-NZRJ>.



Canyon, Sierra Club and other users rely on BLM to implement systems such as timed entry to ensure that access remains open but also ecologically sustainable. In newly designated areas such as the Chuckwalla National Monument, the ability of Sierra Club members to continue protecting and accessing the area depends on BLM staff maintaining trails and other visitor infrastructure. In Wyoming's Red Desert, Sierra Club and its members are depending on BLM to implement a management plan that it recently finalized, with significant input from Sierra Club to address issues such as vandalism at cultural sites and to rock formations and the protection of wildlife migration corridors.

305. On information and belief, Sierra Club's interests will be harmed by DOGE's staffing cuts at BLM-managed sites. Places like the Grand Staircase-Escalante National Monument are already understaffed, and additional cuts would adversely affect key services from trail maintenance to protecting sensitive areas. The loss of these key services will harm Sierra Club and its members by increasing safety risks and diminishing their enjoyment of the areas due to degraded conditions at trails and campsites and damage to areas that are left without adequate protections. These impacts could require Sierra Club to cancel or postpone outings to those places. Additionally, funding or hiring reductions could prevent BLM from implementing required management in newly designated areas, thereby denying Sierra Club the opportunity to use and enjoy new recreation sites. Finally, reduced BLM staff may prevent the agency from implementing newly finalized management plans that will advance Sierra Club's interests in protecting those affected areas.

306. On information and belief, DOGE-directed cuts at NOAA also directly impair Sierra Club's ability to safely offer its Outings and impair its members' ability to explore and enjoy the outdoors. Sierra Club members, trip leaders, and trip participants on Sierra Club Outings rely

on NOAA-provided weather data, NOAA emergency alerts, and NOAA Weather Radio before and during trips to anticipate and mitigate safety risks. Sierra Club members traveling in wilderness areas on non-Outings hiking, camping, backpacking, climbing, and other outdoors trips do the same. In fact, NPS recommends that visitors “[l]isten to the NOAA Weather Radio” and “sign up for . . . [NOAA’s] NWS Wireless Emergency Alerts” when weather conditions change.<sup>123</sup>

307. NPS and USFS also rely on accurate and timely NOAA-provided data and services in planning park operations, deciding whether to add warning signage or close areas to visitors, increasing staffing levels and mobilizing emergency response teams, and allocating resources within and across parks and forests, among other uses. Without that information, NPS and USFS cannot provide Sierra Club members, trip leaders, and trip participants with the safety guidance and emergency support they rely on to safely enjoy their trips. For example, as a result of DOGE-directed staffing cuts, radiosonde observations were suspended at a location in NOAA’s Fairbanks Weather Forecasting Office (WFO) region. Sierra Club has a planned outing in June to the Arctic National Wildlife Refuge, which is located within the Fairbanks WFO and experiences fast-changing weather conditions, making timely and reliable weather forecasts and alerts critical to trip safety.

308. NOAA also generates and publishes satellite data on wildfire activity and smoke emissions, which are critical to firefighting efforts for large-scale wildland fires. Less effective firefighting would result in harm to the natural environments where the Sierra Club and its members recreate, reduce the areas where they can safely hike and camp, and increase safety risks for trips in areas prone to wildfires.

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<sup>123</sup> See, e.g., National Park Service, *When Thunder Roars, Go Indoors*, <https://perma.cc/KMQ4-YACG>.

**D. Union of Concerned Scientists (UCS)**

309. Mr. Musk and DOGE's actions, including but not limited to those at NOAA, NSF, NIH, EPA, and USDA, have harmed UCS and its members.

310. UCS members who work at academic and research institutions rely on federal data, tools, and funding to conduct their work. On information and belief, Mr. Musk and DOGE's funding cuts and reduction of the federal workforce pose an immediate and very likely threat of forcing UCS members to close labs, end ongoing research projects, and terminate researchers and graduate students. These actions also threaten to prevent UCS members from hiring future graduate students, analyzing existing data sets, publishing research, and pursuing new projects that would have grown scientific knowledge and benefited humanity.

311. The long-term nature of some of UCS members' work means that once a project is disrupted, it is difficult or impossible for members to resume. Given the nature of scientific research, even a brief unanticipated interruption can result in irreparable losses for UCS members, with attendant harms that negatively impact the public.

312. In addition to direct financial harm from loss of funding, disruptions in research, experimentation, and analysis impede UCS members' ability to share their research at meetings and conferences or through publications. This not only harms the substantive scientific work UCS members conduct, but it will also hurt the advancement of UCS members' careers resulting, among other things, in future financial losses for them in earning potential.

313. Moreover, in addition to immediate and ongoing harms to existing work, uncertainty around future federal funding for scientific research will cause and has caused UCS members to cease applying for federal funding for their work, and to change or abandon plans for future research.

314. For all of these reasons, UCS members have regularly expressed profound concerns to UCS staff about Mr. Musk and DOGE's actions, including cuts to federal funding for science.

315. For example, one UCS member, a Professor of Environmental Health Sciences at a major university, researches the ways in which atmospheric pollution affects human health. He regularly receives grants from the federal government to support his research. These grants allow him to take air quality measurements all over the world to study the chemical makeup of pollutants and their accompanying ecological and public health risks. He reasonably fears that Mr. Musk and DOGE's ongoing review and termination of federal funding will harm his work. He has already had a project shut down due to tens of thousands of dollars of terminated grant funding.

316. This member's lab was likewise slated to be a subcontractor on a project performing air-quality research funded by a grant administered by the EPA. His institution was budgeted to perform hundreds of thousands of dollars of work. But once Mr. Musk and DOGE began reviewing and terminating federal grants and contracts, the group with which his lab was contracting reported that the EPA was "clamming up," forcing his lab to make the decision not to proceed with contracting on the project.

317. As a result of Mr. Musk and DOGE's review and termination of federal funding, this member has altered how he is conducting his research on a separate grant from the federal government. To avoid drawing any attention to his research, he is delaying large purchases, including setting up a significant and binding subcontract that is essential for the project's success. Due to the uncertainty created by Mr. Musk and DOGE's actions, he is likewise unable to solidify his plans to hire a student to conduct research for the project over the summer because he is concerned about offering the student a research stipend but being unable to follow through if the grant is terminated.

318. This is but one example of similar harms experienced by UCS members across the country as a result of Defendants' actions. Among UCS 450,000 members, a significant number work at academic or federal institutions that have been harmed or face the threat of being harmed by Mr. Musk and DOGE.

319. UCS customarily provides resources and trainings to its members, especially to the scientists and researchers in its Science Network. Those efforts typically include providing instructional resources and hosting webinars, skills trainings, and other gatherings for UCS members on topics related to ensuring that UCS members have the skills and capacities they need to successfully advance science-informed public policy across a wide range of issue areas.

320. Since Mr. Musk and DOGE's unlawful actions began, however, UCS has had to alter the normal services it provides to members and has urgently redirected its efforts to resources and support for their members and the broader scientific community directly responsive to Mr. Musk and DOGE's unlawful actions. For example, UCS has given members information on data preservation as websites and information suddenly disappear from federal websites; protections for scientists who are or were employees of the federal government and fear retaliation and retribution; guidance on how to handle political harassment and legal intimidation; and state and local open-records laws and protections for research. Many of these events have been attended by hundreds of UCS members who are scientists and researchers. These responses to Mr. Musk and DOGE's actions have required UCS to expend organizational resources that would otherwise be spent advancing UCS' mission of science-based policy-making.

321. In addition, Mr. Musk and DOGE's illegal actions are undermining and disrupting the entire federal scientific enterprise, interfering with one of UCS's core activities: ensuring the best available science informs federal public policy that benefits all communities across America.

Mr. Musk and DOGE's actions have made essential scientific staff, processes, and data unavailable and has forced UCS to alter its work and priorities as UCS determines whether and when funding, staffing and access to data will be restored at federal agencies.<sup>124</sup>

## **CLAIMS**

### **COUNT ONE**

#### **Ultra Vires**

#### **All Plaintiffs Against Defendants Musk, DOGE, and Gleason**

322. Plaintiffs reallege, as though fully set forth in this paragraph, all the allegations of this Complaint.

323. Defendants DOGE, Musk, and Gleason have no legal authority under the U.S. Constitution or federal statute to direct cuts to the federal budget and federal spending. Defendants have no legal authority under the U.S. Constitution or federal statute, or otherwise, to terminate or cancel federal grants and contracts, to direct the termination or cancellation of federal grants and contracts, or to engage in decision-making regarding the termination of federal grants and contracts. Defendants have no legal authority to use artificial intelligence to analyze the federal budget or federal spending for substantive cuts, essentially exercising a line-item veto; or otherwise to undertake a zero-based budgeting process, or any other budgeting process, for the United States. Defendants have no legal authority to stop or pause federal payments. Defendants

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<sup>124</sup> In addition to the harms described herein, Plaintiffs, their members, and others reasonably fear retaliation and other adverse action for expressing their viewpoints, including in this lawsuit. Mr. Musk has used his control of, and outsized presence on, X to threaten, mock, and disparage individuals and organizations opposed to his actions, including those who investigate and criticize DOGE. For example, after a *Wall Street Journal* reporter revealed that a DOGE employee had posted racist statements online, Mr. Musk publicly called for the reporter to "be fired immediately," on his X account with more than 200 million followers. Elon Musk (@elonmusk), X (Feb. 7, 2025, 7:36 AM), <https://perma.cc/WA7S-49ND>. This and other similar activity reasonably chills speech of Plaintiffs and others regarding Mr. Musk and DOGE.

have no legal authority to direct the termination of federal employees or engage in decision-making regarding the termination of federal employees. Defendants have no legal authority to direct the reduction of the federal workforce or engage in decision-making regarding the reduction of the federal workforce. Defendants have no legal authority to dismantle federal agencies.

324. Nevertheless, despite lacking lawful authority, Defendants have engaged in and continue to engage in these activities. Defendants are engaged in a zero-based budgeting process that involves analyzing the federal budget and federal spending for substantive cuts on an ongoing basis—including for termination and cancellation of grants and contracts, termination of federal employees, and reduction of the federal workforce. This analysis includes the use of artificial intelligence to analyze agency spending in a manner that amounts to a line-item veto. Defendants have directed and caused, and are directing and causing, the termination and cancellation of grants and contracts. Defendants have directed and caused, and are seeking to continue to direct and cause, halts to federal payments. Defendants have directed and caused, and are directing and causing, the termination of federal employees. Defendants have directed and caused, and are directing and causing, the reduction of the federal workforce. Defendants have directed and caused, and are directing and causing, the dismantling of federal agencies. These actions are ultra vires.

325. Defendants are continuing and intend to continue these actions, in an ongoing effort to dramatically alter the federal budget, slash federal spending, reduce the federal workforce, and dismantle disfavored agencies. These actions are ultra vires.

## **COUNT TWO**

### **Separation of Powers**

#### All Plaintiffs Against Defendants Musk, DOGE, and Gleason

326. Plaintiffs reallege, as though fully set forth in this paragraph, all the allegations of this Complaint.

327. The separation of powers among the three branches of the federal government is a fundamental principle of our constitutional system. The Constitution allocates the spending power to Congress, not the executive branch. U.S. Const., Art. I, § 8, Cl. 1. The executive branch cannot unilaterally cancel or change appropriations by Congress. *Id.*; U.S. Const., Art. I, § 9, Cl. 7; *see Train v. City of N.Y.*, 420 U.S. 35, 44 (1975); *Clinton v. City of N.Y.*, 524 U.S. 417, 468 (1998) (Scalia, J., concurring in part and dissenting in part); 2 U.S.C. § 683.

328. Congress, not the executive branch, holds the legislative power, and the executive branch has no power “to enact, to amend, or to repeal statutes”—including appropriations statutes. *Clinton*, 524 U.S. at 438. The President “shall take care that the laws be faithfully executed.” U.S. Const., Art. II, § 3.

329. Defendants have acted in violation of the separation of powers by directing and causing the termination of grants and contracts under previously appropriated federal funds; terminating federal workers funded by congressional appropriations; reducing the size of the federal workforce; working to abolish federal departments and agencies including the U.S. Department of Education, an executive department created by federal statute; and refusing to spend money appropriated by Congress.



**COUNT THREE**

**Appointments Clause**

All Plaintiffs Against Defendant Musk

330. Plaintiffs reallege, as though fully set forth in this paragraph, all the allegations of this Complaint.

331. The Appointments Clause of the U.S. Constitution requires that principal officers of the United States be nominated by the President and confirmed by the United States Senate. U.S. Const., Art. II, § 2, Cl. 2. It further requires that inferior officers of the United States go through the same process unless Congress has by law vested their appointment in the President, the courts, or heads of departments. *Id.*

332. Mr. Musk is exercising significant authority and is acting as a principal officer of the United States but has not been confirmed by the United States Senate, in violation of the Appointments Clause.

333. Even were Mr. Musk acting as an inferior officer of the United States, Congress has not by law vested the appointment of the “U.S. DOGE Service Administrator” or of an office exercising the powers that Mr. Musk wields in the President or heads of departments.

334. Mr. Musk does not occupy an office as the head of a department. Only Congress, not the President, can establish such a position.

335. Mr. Musk reports only to the President of the United States, if anyone, and wields vast, unchecked power over large swaths of the federal government.

336. The significant power that Mr. Musk exercises includes termination and direction of the termination of federal grants and contracts; stopping and directing the stopping of federal payments; termination and direction of the termination of federal workers; reduction of the federal workforce; and dismantling of federal executive departments and agency.

337. Mr. Musk's actions and threatened actions in violation of the Appointments Clause have harmed Plaintiffs and will continue to harm Plaintiffs.

338. Mr. Musk has exercised the powers of a principal officer of the United States in violation of the Appointments Clause.

#### **COUNT FOUR**

##### **Administrative Procedure Act, 5 U.S.C. § 706(2)**

All Plaintiffs Against Defendants OPM, Ezell, U.S. Department of Education, McMahon, NPS, Bowron, USFS, Schultz, BLM, Raby, NOAA, Hann, U.S. Department of Commerce, Lutnick, U.S. Department of the Interior, Burgum, HHS, Kennedy, NIH, Memoli, SAMHSA, Carroll, EPA, Zeldin, NSF, Panchanathan, USDA, Rollins, FEMA, Hamilton, HUD, and Turner (Agency Defendants)

339. Plaintiffs reallege, as though fully set forth in this paragraph, all the allegations of this Complaint.

340. The Administrative Procedure Act, 5 U.S.C. § 706(2), provides that a Court “shall hold unlawful and set aside agency action, findings, and conclusions” that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” “contrary to constitutional right, power, privilege, or immunity,” or “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.”

341. On information and belief, the Agency Defendants have terminated grants and contracts at the direction of Mr. Musk and DOGE and/or in processes that include Mr. Musk and DOGE as decisionmakers. On information and belief, the Agency Defendants have terminated federal workers, reduced the federal workforce, and accepted federal workers' response to the “Fork in the Road” email at the direction of Mr. Musk and DOGE and/or in processes that include Mr. Musk and DOGE as decisionmakers.

342. Agency Defendants' actions are arbitrary and capricious because, among other reasons, they are illogical and irrational; fail to acknowledge important aspects of the problem,

such as consequences for public safety; fail to account for reliance interests; and depart from prior policies without acknowledgment or reasoned explanation. Agency Defendants' actions are also contrary to law and the Constitution in their termination of previously appropriated federal grants, contracts, and spending, stopping of federal payments, termination of federal workers working under previously appropriated funds, reduction of the federal workforce, and dismantling of federal executive departments and agencies created by Congress, in violation of the separation of powers.

### PRAYER FOR RELIEF

Wherefore, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, and award the following relief:

- a. Declare that Defendants Musk, DOGE, and Gleason have no legal authority to:
  - i. “Audit” federal executive departments and agencies;
  - ii. Use artificial intelligence to identify federal spending for termination;
  - iii. Terminate or cancel federal grants and contracts;
  - iv. Direct or cause the termination and cancellation of federal grants and contracts;
  - v. Stop or “pause” federal payments;
  - vi. Direct or cause a stop or “pause” to federal payments;
  - vii. Claw back already-disbursed federal payments;
  - viii. Direct or cause the claw-back of already-disbursed federal payments;
  - ix. Make, direct, or cause personnel decisions regarding federal employees at any federal agency outside DOGE;
  - x. Direct or cause reductions in force or otherwise reduce the size of the federal workforce outside DOGE;
  - xi. Take steps to dismantle federal departments and agencies created by law or otherwise assert control over such agencies, including through the cancellation of leases and disposal or designation for disposal of federal properties;
  - xii. Close federal departments and agencies; or
  - xiii. Engage in any other conduct in excess of statutory authority or in violation of the Appointments Clause;

- b. Declare that, accordingly, all actions of Defendants Musk, DOGE, and Gleason described in the preceding paragraph are ultra vires and have no legal effect;
- c. Declare that Defendant Musk’s officer-level actions are ultra vires and in violation of the Appointments Clause and have no legal effect;
- d. Declare that all Defendants are legally prohibited, consistent with the separation of powers, from refusing to spend funds appropriated by Congress, and that Defendants’ actions refusing to spend funds appropriated by Congress—including through the termination and cancellation of grants and contracts, stopping of federal payments, termination of federal employees and reduction in force of the federal workforce, and dismantling of federal departments and agencies created by law—violate the separation of powers;
- e. Preliminarily and permanently enjoin Defendants Musk, DOGE, and Gleason from all actions described in paragraph (a);
- f. Preliminarily and permanently enjoin Defendant Musk from exercising the powers of an officer of the United States;
- g. Preliminarily and permanently enjoin all Defendants from refusing to spend funds appropriated by Congress, including through a policy, rule, practice, or program of reducing the federal workforce, permanently eliminating staff positions, terminating federal grants and contracts, and/or stopping federal payments;
- h. Preliminarily and permanently enjoin all Defendants from implementing or enforcing the February 26, 2025, executive order “Implementing the President’s ‘Department of Government Efficiency’ Cost Efficiency Initiative” and vacate any implementing guidance;

- i. Award Plaintiffs their costs and reasonable attorneys' fees in this action;
- j. Retain jurisdiction over this matter until all Defendants have complied with all orders and mandates of this Court; and
- k. Grant Plaintiffs such other relief as this Court may deem just and proper.

Dated: March 5, 2025

Respectfully submitted,

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\*Application for D.D.C. admission forthcoming  
\*\*Application for pro hac vice forthcoming  
\*\*\* D.D.C. application pending