

**From:** [Grant Anderson](#)  
**To:** [Shelley K. Finlayson](#); [Diana Veilleux](#)  
**Cc:** [Elizabeth D. Horton](#)  
**Subject:** WH: EO: Establishing And Implementing The President's "Department Of Government Efficiency"  
**Date:** Tuesday, January 21, 2025 9:35:14 AM

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FYI – please see highlighted below.

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**Establishing And Implementing The President's "Department Of Government Efficiency"**

Executive Order

1/20/25

Source: <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. This Executive Order establishes the Department of Government Efficiency to implement the President's DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity.

Sec. 2. Definitions. As used in this order:

(a) "Agency" has the meaning given to it in section 551 of title 5, United States Code, except that such term does not include the Executive Office of the President or any components thereof.

(b) "Agency Head" means the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order.

Sec. 3. DOGE Structure.

(a) Reorganization and Renaming of the United States Digital Service. The United States Digital Service is hereby publicly renamed as the United States DOGE Service (USDS) and shall be established in the Executive Office of the President.

(b) Establishment of a Temporary Organization. There shall be a USDS Administrator established in the Executive Office of the President who shall report to the White House Chief of Staff. There is further established within USDS, in accordance with section 3161 of title 5, United States Code, a temporary organization known as "the U.S. DOGE Service Temporary Organization". The U.S. DOGE Service Temporary

Organization shall be headed by the USDS Administrator and shall be dedicated to advancing the President's 18-month DOGE agenda. The U.S. DOGE Service Temporary Organization shall terminate on July 4, 2026. The termination of the U.S. DOGE Service Temporary Organization shall not be interpreted to imply the termination, attenuation, or amendment of any other authority or provision of this order.

(c) DOGE Teams. In consultation with USDS, each Agency Head shall establish within their respective Agencies a DOGE Team of at least four employees, which may include Special Government Employees, hired or assigned within thirty days of the date of this Order. Agency Heads shall select the DOGE Team members in consultation with the USDS Administrator. Each DOGE Team will typically include one DOGE Team Lead, one engineer, one human resources specialist, and one attorney. Agency Heads shall ensure that DOGE Team Leads coordinate their work with USDS and advise their respective Agency Heads on implementing the President's DOGE Agenda.

#### Sec. 4. Modernizing Federal Technology and Software to Maximize Efficiency and Productivity.

(a) 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.

(b) Agency Heads shall take all necessary steps, in coordination with the USDS Administrator and to the maximum extent consistent with law, to ensure USDS has full and prompt access to all unclassified agency records, software systems, and IT systems. USDS shall adhere to rigorous data protection standards.

(c) This Executive Order displaces all prior executive orders and regulations, insofar as they are subject to direct presidential amendment, that might serve as a barrier to providing USDS access to agency records and systems as described above.

#### Sec. 5. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,

January 20, 2025.

**From:** [Grant Anderson](#)  
**To:** [Diana Veilleux](#); [Shelley K. Finlayson](#)  
**Cc:** [Elizabeth D. Horton](#)  
**Subject:** WH: EO: Reforming The Federal Hiring Process And Restoring Merit To Government Service  
**Date:** Tuesday, January 21, 2025 10:11:05 AM

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FYI

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## **Reforming The Federal Hiring Process And Restoring Merit To Government Service**

Executive Order

January 20, 2025

Source: <https://www.whitehouse.gov/presidential-actions/2025/01/reforming-the-federal-hiring-process-and-restoring-merit-to-government-service/>

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301, 3302, and 7511 of title 5, United States Code, it is hereby ordered:

Section 1. Policy. American citizens deserve an excellent and efficient Federal workforce that attracts the highest caliber of civil servants committed to achieving the freedom, prosperity, and democratic rule that our Constitution promotes. But current Federal hiring practices are broken, insular, and outdated. They no longer focus on merit, practical skill, and dedication to our Constitution. Federal hiring should not be based on impermissible factors, such as one's commitment to illegal racial discrimination under the guise of "equity," or one's commitment to the invented concept of "gender identity" over sex. Inserting such factors into the hiring process subverts the will of the People, puts critical government functions at risk, and risks losing the best-qualified candidates.

By making our recruitment and hiring processes more efficient and focused on serving the Nation, we will ensure that the Federal workforce is prepared to help achieve American greatness, and attracts the talent necessary to serve our citizens effectively. By significantly improving hiring principles and practices, Americans will receive the Federal resources and services they deserve from the highest-skilled Federal workforce in the world.

### Sec. 2. Federal Hiring Plan.

(a) Within 120 days of the date of this order, the Assistant to the President for Domestic Policy, in consultation with the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Administrator of the Department of Government Efficiency (DOGE), shall develop and send to agency heads a Federal Hiring Plan that brings to the Federal workforce only highly skilled Americans dedicated to the furtherance of American ideals, values, and interests.

(b) This Federal Hiring Plan shall:

(i) prioritize recruitment of individuals committed to improving the efficiency of the Federal government, passionate about the ideals of our American republic, and committed to upholding the rule of law and the United States Constitution;

(ii) prevent the hiring of individuals based on their race, sex, or religion, and prevent the hiring of individuals who are unwilling to defend the Constitution or to faithfully serve the Executive Branch;

(iii) implement, to the greatest extent possible, technical and alternative assessments as required by the Chance to Compete Act of 2024;

(iv) decrease government-wide time-to-hire to under 80 days;

(v) improve communication with candidates to provide greater clarity regarding application status, timelines, and feedback, including regular updates on the progress of applications and explanations of hiring decisions where appropriate;

(vi) integrate modern technology to support the recruitment and selection process, including the use of data analytics to identify trends, gaps, and opportunities in hiring, as well as leveraging digital platforms to improve candidate engagement; and

(vii) ensure Department and Agency leadership, or their designees, are active participants in implementing the new processes and throughout the full hiring process.

(c) This Federal Hiring Plan shall include specific agency plans to improve the allocation of Senior Executive Service positions in the Cabinet agencies, the Environmental Protection Agency, the Office of Management and Budget, the Small Business Administration, the Social Security Administration, the National Science Foundation, the Office of Personnel Management, and the General Services Administration, to best facilitate democratic leadership, as required by law, within each agency.

(d) 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.

### Sec. 3. Accountability and Reporting.

(a) The Director of the Office of Personnel Management shall establish clear performance metrics to evaluate the success of these reforms, and request agency analysis on a regular basis.

(b) The Office of Personnel Management shall consult with Federal agencies, labor organizations, and other stakeholders to monitor progress and ensure that the reforms are meeting the needs of both candidates and agencies.

### Sec. 4. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof;

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(iii) the functions of the Board of Governors of the Federal Reserve System or the Federal Open Market Committee relating to its conduct of monetary policy.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,

January 20, 2025.

**From:** [Shelley K. Finlayson](#)  
**To:** [Ty Cooper](#)  
**Subject:** FW: WH: EO: Establishing And Implementing The President's "Department Of Government Efficiency"  
**Date:** Tuesday, January 28, 2025 12:12:12 PM

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Hi Ty –

Bring this to your attention as (b) (5)

Thanks,  
Shelley

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**From:** Grant Anderson <ganderso@oge.gov>  
**Sent:** Tuesday, January 28, 2025 12:04 PM  
**To:** Shelley K. Finlayson <skfinlay@oge.gov>; Diana Veilleux <dveilleux@oge.gov>  
**Cc:** Elizabeth D. Horton <edhorton@oge.gov>  
**Subject:** FW: WH: EO: Establishing And Implementing The President's "Department Of Government Efficiency"

Excerpts: [note: please see [here](#) for this EO in our online list].

- Sec. 3 (c) DOGE Teams. In consultation with USDS, each Agency Head shall establish within their respective Agencies a DOGE Team of at least four employees, which may include Special Government Employees, hired or assigned within thirty days of the date of this Order [note: by 2/19/25]. Agency Heads shall select the DOGE Team members in consultation with the USDS Administrator. Each DOGE Team will typically include one DOGE Team Lead, one engineer, one human resources specialist, and one attorney. Agency Heads shall ensure that DOGE Team Leads coordinate their work with USDS and advise their respective Agency Heads on implementing the President 's DOGE Agenda.
- Sec 4 (b) Agency Heads shall take all necessary steps, in coordination with the USDS Administrator and to the maximum extent consistent with law, to ensure USDS has full and prompt access to all unclassified agency records, software systems, and IT systems. USDS shall adhere to rigorous data protection standards.

Duplicate - remainder of thread already released above

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Duplicate - remainder of thread already released above



Duplicate - remainder of thread already released above



Duplicate - remainder of thread already released above

**From:** [Shelley K. Finlayson](#)  
**To:** [Dale A. Christopher](#)  
**Subject:** RE: tracker/items due tomorrow  
**Date:** Friday, January 31, 2025 8:26:03 AM

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Yes – on my list. Thanks

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**From:** Dale A. Christopher <dachrist@oge.gov>  
**Sent:** Friday, January 31, 2025 8:25 AM  
**To:** Shelley K. Finlayson <skfinlay@oge.gov>  
**Subject:** Re: tracker/items due tomorrow

Great. As a double check, you might want to ask (b)(5) deliberative and predecisional

Thanks!

Sent from my T-Mobile 5G Device  
Get [Outlook for Android](#)

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**From:** Shelley K. Finlayson <skfinlay@oge.gov>  
**Sent:** Friday, January 31, 2025 8:17:34 AM  
**To:** Dale A. Christopher <dachrist@oge.gov>  
**Subject:** RE: tracker/items due tomorrow

Great and just FYI Nicole and I have a brainstorming session Monday morning (b)(5) . (b)(5) . I also have a meeting with the bis 4 smalls in 15 minutes, so please let me know if there is anything you want me to ask/raise. I have (b)(5) deliberative and on my list.

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**From:** Dale A. Christopher <dachrist@oge.gov>  
**Sent:** Friday, January 31, 2025 8:14 AM  
**To:** Shelley K. Finlayson <skfinlay@oge.gov>  
**Subject:** Re: tracker/items due tomorrow

Thank you, Shelley. FYI, He and I are meeting at 1 today.

Chip

Sent from my T-Mobile 5G Device  
Get [Outlook for Android](#)

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**From:** Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)>

**Sent:** Thursday, January 30, 2025 6:02:49 PM

**To:** Dale A. Christopher <[dachrist@oge.gov](mailto:dachrist@oge.gov)>

**Subject:** tracker/items due tomorrow

Hi Chip –

I went into the tracker and tried to update, assign everything new, and find the deliverables for tomorrow that David might ask you about (in addition to the (b)(5) deliberative and predecisional

\_\_\_\_\_). (b)(5)

1. (b)(5) deliberative and predecisional \_\_\_\_\_))
2. (b)(5) deliberative and predecisional \_\_\_\_\_.

Hope this helps. Happy to discuss our responses, who sends, etc.

Thanks,

Shelley

**From:** [Shelley K. Finlayson](#)  
**To:** [Contact OGE](#)  
**Cc:** [Nicole Stein](#)  
**Subject:** Contact from the public  
**Date:** Monday, February 3, 2025 12:28:44 PM

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Hi Elise/Courtney –

I hope you're well. I received a voicemail from a member of the public concerned about the status and activities of individuals who may not be federal employees (DOGE). He requested a return call. His contact information is 1-(b)(6) and (b)(6) (although I am not sure about the punctuation/accuracy of the email).

Please record the contact/respond as appropriate.

Thanks,

Shelley

**From:** [Jody Keegan](#)  
**To:** [Heather A. Jones](#); [Deborah J. Bortot](#)  
**Subject:** FW: [EXTERNAL] (b)(5) Question - [ Message contains CUI ]  
**Date:** Wednesday, February 5, 2025 1:35:19 PM

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See agency response below.

Jody

# Referral to NASA

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**From:** Jody Keegan <[jkeegan@oge.gov](mailto:jkeegan@oge.gov)>  
**Sent:** Wednesday, February 5, 2025 12:32 PM  
**To:** SPEAR, Kathleen T {Katie} (HQ-MB000) <(b)(6)> Greenstone, Adam Franklin (HQ-MB000) <(b)(6)>  
**Subject:** [EXTERNAL] (b)(5) Question - [ Message contains CUI ]

CONTROLLED

Thank you for making the call happen this morning. Very helpful.. If possible, can we get answers to these questions by 130 today?

(b)(5) and some information (b)(3)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

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**From:** [Jody Keegan](#)  
**To:** [Heather A. Jones](#)  
**Subject:** FW: Isaacman nomination (Contains CUI)  
**Date:** Monday, February 10, 2025 9:51:44 AM  
**Attachments:** [image001.png](#)

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Can you call me when you have a chance.

Jody

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**From:** Heather A. Jones <hajones@oge.gov>  
**Sent:** Monday, February 10, 2025 8:55 AM  
**To:** 'Kelner, Robert' <rkelner@cov.com>; Jody Keegan <jkeegan@oge.gov>; Deborah J. Bortot <djbortot@oge.gov>  
**Cc:** SPEAR, Kathleen T {Katie} (HQ-MB000) <(b)(6)> Greenstone, Adam Franklin (HQ-MB000) <(b)(6)> Lawlor, Derek <dlawlor@cov.com>  
**Subject:** RE: Isaacman nomination (Contains CUI)

CONTROLLED

Rob-

(b)(5) deliberative and predecisional

[REDACTED]

[REDACTED]

Thanks,  
Heather

# Referral to NASA

[REDACTED]

# Referral to NASA

**From:** [Shelley K. Finlayson](#)  
**To:** [Dale A. Christopher](#); [David J. Apol](#); [Diana Veilleux](#)  
**Subject:** FW: Letters from Sen. Schiff on Elon Musk  
**Date:** Monday, February 10, 2025 12:22:26 PM  
**Attachments:** [20250210 Sen Schiff Letter to OGE on Musk.pdf](#)  
[20250210 Sen Schiff Letter to COS Wiles on Musk.pdf](#)

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**From:** David Huitema <[dhuitema@oge.gov](mailto:dhuitema@oge.gov)>  
**Sent:** Monday, February 10, 2025 9:55 AM  
**To:** Shelley K. Finlayson <[skfinlay@oge.gov](mailto:skfinlay@oge.gov)>  
**Subject:** FW: Letters from Sen. Schiff on Elon Musk

Here's a letter that came in overnight.

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**From:** Boland, Patrick (Schiff) <(b)(6)>  
**Sent:** Monday, February 10, 2025 4:30 AM  
**To:** David Huitema <[dhuitema@oge.gov](mailto:dhuitema@oge.gov)>; (b)(6) Pace McMullan's email address; James C. EOP WHO Braid <(b)(6)>  
**Cc:** OGE Ethics <[ogeethics@oge.gov](mailto:ogeethics@oge.gov)>  
**Subject:** Letters from Sen. Schiff on Elon Musk

**CAUTION:** This email originated from outside OGE. Use caution before clicking on links, opening attachments, or responding. If you believe this email is suspicious, please forward it to [spam@oge.gov](mailto:spam@oge.gov) for additional analysis.

Good morning,

Please see the attached letters from Senator Adam Schiff for White House Chief of Staff Wiles and OGE Director Huitema regarding Elon Musk.

Please confirm receipt when you're able.

Best,  
Patrick

--

Patrick M. Boland  
Chief of Staff  
Sen. Adam Schiff

# United States Senate

WASHINGTON, DC 20510

## COMMITTEES

JUDICIARY  
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AND FORESTRY

SMALL BUSINESS AND  
ENTREPRENEURSHIP

February 10, 2025

David Huitema  
Director  
U.S. Office of Government Ethics  
250 E Street, SW, Suite 750  
Washington, DC 20024

Dear Director Huitema,

I am writing to request that the Office of Government Ethics clarify Elon Musk's compliance with federal conflicts of interest, ethics, and reporting requirements in light of his activities within the Executive Office of the President since January 20, 2025, and his access to sensitive government information while he retains significant financial interests in multiple private companies that benefit from federal government contracts.

According to a White House official, Mr. Musk is serving in the Administration as a "special government employee," which makes him subject to the federal criminal conflict of interest statute, as well as other legal and ethical obligations.<sup>1</sup> The federal criminal conflict of interest statute, in particular, prohibits government employees, including special government employees, from participating personally and substantially in official matters where they have a financial interest.<sup>2</sup>

Mr. Musk holds substantial financial interests in private companies, including Tesla, Inc., SpaceX, The Boring Company, xAI, X Corp., and Neuralink. According to public reporting, Tesla, Inc. and SpaceX alone account over the past decade for at least \$15.4 billion in government contracts across a dozen agencies.<sup>3</sup> Mr. Musk's companies have also been the subject of at least 20 recent investigations or reviews by federal agencies, which heightens the risk that Mr. Musk may seek to use his new position to shield his companies from federal scrutiny.<sup>4</sup>

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<sup>1</sup> Kaitlan Collins & Tierney Sneed, *Elon Musk is serving as a 'special government employee,' White House says*, CNN (February 3, 2025), <https://www.cnn.com/2025/02/03/politics/musk-government-employee/index.html>.

<sup>2</sup> 18 U.S.C. § 208. See U.S. Office of Government Ethics, "Analyzing Potential Conflicts of Interest," <https://www.oge.gov/web/oge.nsf/Resources/Analyzing+Potential+Conflicts+of+Interest>.

<sup>3</sup> Eric Lipton, David A. Fahrenthold, Aaron Krolik & Kirsten Grind, *U.S. Agencies Fund, and Fight With, Elon Musk. A Trump Presidency Could Give Him Power Over Them*, (October 20, 2024), <https://www.nytimes.com/2024/10/20/us/politics/elon-musk-federal-agencies-contracts.html>.

<sup>4</sup> *Id.*

On February 5, 2025, White House Press Secretary Karoline Leavitt stated at a press briefing: “If Elon Musk comes across a conflict of interest with the contracts and the funding that DOGE is overseeing, then Elon will excuse himself from those contracts.” Notwithstanding this assertion, Mr. Musk’s compliance with federal conflicts of interest and other related obligations remains unknown to Congress and the public. For instance, unless the White House Chief of Staff or another senior White House official, in consultation with the Office of Government Ethics, provided a written waiver *prior* to Mr. Musk’s appointment as a special government employee, Mr. Musk may have violated the federal criminal conflict of interest statute by undertaking acts otherwise prohibited by law.

To ensure transparency, which is essential to maintaining congressional and public trust, and to inform the Senate’s legislative function, including to review the applicability of existing statutes and consider possible reforms to further strengthen them, please respond to the following questions by February 13, 2025:

1. Has Mr. Musk completed a financial disclosure report, consistent with 5 U.S.C. §13103?
2. Consistent with 18 U.S.C. § 208 and in his capacity as a special government employee, to your knowledge, has Mr. Musk or is Mr. Musk currently participating “personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest”?
3. Did the Office of Government Ethics consult with and provide advice to the White House regarding Mr. Musk’s private financial interests *prior* to Mr. Musk’s appointment as a special government employee?
4. To your knowledge, did any White House official issue a written waiver exempting Mr. Musk from the penalties set forth in 18 U.S.C. § 208?
  - a. If so and in OGE’s possession, please produce a written copy of the waiver, the date you were made aware of the waiver, and clarify whether the waiver was issued pursuant to 18 U.S.C. § 208(b)(1) or (b)(3).

- b. If such a written waiver was issued *after* Mr. Musk's appointment as a special government employee, please clarify that Mr. Musk did not act in any official capacity prior to the issuance of the waiver.
5. Please provide the same information requested above for any other type of ethics waiver Mr. Musk received, including authorizations to participate pursuant to 5 C.F.R. 2635.502(d) or waivers issued pursuant to 5 U.S.C. § 13103(h).

Mr. Musk's activities, access to sensitive federal government information, and potential financial conflicts of interest also raise significant questions about Mr. Musk's foreign entanglements and the activities and possible conflicts of other individuals associated with the "Department of Government Efficiency," which will be the focus of forthcoming requests for information and records that are needed for the U.S. Senate to exercise its essential oversight and legislative functions.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam B. Schiff". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Adam B. Schiff  
United States Senator

cc: Susan Wiles  
White House Chief of Staff

# United States Senate

WASHINGTON, DC 20510

## COMMITTEES

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FISHERIES, WATER, AND WILDLIFE

AGRICULTURE, NUTRITION,  
AND FORESTRY

SMALL BUSINESS AND  
ENTREPRENEURSHIP

February 10, 2025

Susan Wiles  
White House Chief of Staff  
Executive Office of the President  
Washington, D.C. 20500

Dear Ms. Wiles,

I am writing to request that the White House clarify Elon Musk's compliance with federal conflicts of interest, ethics, and reporting requirements in light of his activities within the Executive Office of the President since January 20, 2025, and his access to sensitive government information while he retains significant financial interests in multiple private companies that benefit from federal government contracts.

According to a White House official, Mr. Musk is serving in the Administration as a "special government employee," which makes him subject to the federal criminal conflict of interest statute, as well as other legal and ethical obligations.<sup>1</sup> The federal criminal conflict of interest statute, in particular, prohibits government employees, including special government employees, from participating personally and substantially in official matters where they have a financial interest.<sup>2</sup>

Mr. Musk holds substantial financial interests in private companies, including Tesla, Inc., SpaceX, The Boring Company, xAI, X Corp., and Neuralink. According to public reporting, Tesla, Inc. and SpaceX alone account over the past decade for at least \$15.4 billion in government contracts across a dozen agencies.<sup>3</sup> Mr. Musk's companies have also been the subject of at least 20 recent investigations or reviews by federal agencies, which heightens the risk that Mr. Musk may seek to use his new position to shield his companies from federal scrutiny.<sup>4</sup>

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<sup>1</sup> Kaitlan Collins & Tierney Sneed, *Elon Musk is serving as a 'special government employee,' White House says*, CNN (February 3, 2025), <https://www.cnn.com/2025/02/03/politics/musk-government-employee/index.html>.

<sup>2</sup> 18 U.S.C. § 208. See U.S. Office of Government Ethics, "Analyzing Potential Conflicts of Interest," <https://www.oge.gov/web/oge.nsf/Resources/Analyzing+Potential+Conflicts+of+Interest>.

<sup>3</sup> Eric Lipton, David A. Fahrenthold, Aaron Krolik & Kirsten Grind, *U.S. Agencies Fund, and Fight With, Elon Musk. A Trump Presidency Could Give Him Power Over Them*, (October 20, 2024), <https://www.nytimes.com/2024/10/20/us/politics/elon-musk-federal-agencies-contracts.html>.

<sup>4</sup> *Id.*

On February 5, 2025, White House Press Secretary Karoline Leavitt stated at a press briefing: “If Elon Musk comes across a conflict of interest with the contracts and the funding that DOGE is overseeing, then Elon will excuse himself from those contracts.” Notwithstanding this assertion, Mr. Musk’s compliance with federal conflicts of interest and other related obligations remains unknown to Congress and the public. For instance, unless you or another senior White House official, in consultation with the Office of Government Ethics, provided a written waiver *prior* to Mr. Musk’s appointment as a special government employee, Mr. Musk may have violated the federal criminal conflict of interest statute by undertaking acts otherwise prohibited by law.

To ensure transparency, which is essential to maintaining congressional and public trust, and to inform the Senate’s legislative function, including to review the applicability of existing statutes and consider possible reforms to further strengthen them, please respond to the following questions by February 13, 2025:

1. Has Mr. Musk completed a financial disclosure report, consistent with 5 U.S.C. §13103?
2. Consistent with 18 U.S.C. § 208 and in his capacity as a special government employee, has Mr. Musk or is Mr. Musk currently participating “personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest”?
3. Did you or any other White House official consult with the Office of Government Ethics regarding Mr. Musk’s private financial interests *prior* to Mr. Musk’s appointment as a special government employee?
4. Did you or any other White House official issue Mr. Musk a written waiver exempting him from the penalties set forth in 18 U.S.C. § 208?
  - a. If so, please produce a written copy of the waiver, the date the waiver was issued, and clarify whether the waiver was issued pursuant to 18 U.S.C. § 208(b)(1) or (b)(3).
  - b. If such a written waiver does not exist, please explain your determination that such a waiver has not been and is not currently necessary.

- c. If such a written waiver was issued *after* Mr. Musk's appointment as a special government employee, please provide written verification that Mr. Musk did not act in any official capacity prior to the issuance of the waiver.
5. Please provide the same information requested above for any other type of ethics waiver Mr. Musk received, including authorizations to participate pursuant to 5 C.F.R. 2635.502(d) or waivers issued pursuant to 5 U.S.C. § 13103(h).

Mr. Musk's activities, access to sensitive federal government information, and potential financial conflicts of interest also raise significant questions about Mr. Musk's foreign entanglements and the activities and possible conflicts of other individuals associated with the "Department of Government Efficiency," which will be the focus of forthcoming requests for information and records that are needed for the U.S. Senate to exercise its essential oversight and legislative functions.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam B. Schiff". The signature is fluid and cursive, with the first name "Adam" and last name "Schiff" being clearly legible, and "B." in the middle.

Adam B. Schiff  
United States Senator

cc: Director David Huitema  
U.S. Office of Government Ethics

**From:** [Shelley K. Finlayson](#)  
**To:** [David J. Apol](#); [Seth Jaffe](#); [Dale A. Christopher](#)  
**Subject:** FW: Musk Letter FINAL 2.7.pdf  
**Date:** Monday, February 10, 2025 7:52:01 AM  
**Attachments:** [Musk Letter FINAL 2.7.pdf](#)

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**From:** Diana Veilleux <djveille@oge.gov>  
**Sent:** Friday, February 7, 2025 12:28 PM  
**To:** David Huitema <dहितema@oge.gov>; Shelley K. Finlayson <skfinlay@oge.gov>  
**Subject:** Musk Letter FINAL 2.7.pdf

Good Morning

Please see new Congressional correspondence received today.

Best regards,

Diana

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515–3302**

February 7, 2025

Attorney General Pam Bondi  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Director David Huitema  
U.S. Office of Government Ethics  
250 E St. SW Suite 750  
Washington, DC 20024

Dear Attorney General Bondi and Director Huitema:

We write to urgently request that the Department of Justice (DOJ) and Office of Government Ethics (OGE) uphold federal ethics laws in relation to Elon Musk’s role as a special government employee (SGE).

As you are aware, 18 U.S.C. § 208 explicitly prohibits federal employees, including SGEs, from “participating personally and substantially in a particular Government matter that will affect his own financial interests, as well as the financial interests of certain individuals with whom he has ties outside the Government.”<sup>1</sup> According to USASpending.gov, SpaceX and its subsidiary Starlink, companies that Mr. Musk owns, have received approximately \$1.7 billion from NASA, \$1.3 billion from the Air Force, and \$199.2 million from the Defense Information Systems Agency over the past 12 months – this is approximately \$3.3 billion in unclassified revenue.<sup>2</sup> Furthermore, given Mr. Musk’s extensive business holdings in addition to SpaceX – including Tesla and X (formerly Twitter) – it is critical that the DOJ ensure compliance with this statute to preserve public trust in government.

Mr. Musk’s position as an SGE demands heightened scrutiny. His companies routinely engage with federal agencies on matters such as defense contracts, telecommunications regulations, and energy policy. Any participation by Mr. Musk in governmental matters impacting these sectors risks violating § 208 given that his financial interests could be directly implicated. The law’s criminal and civil enforcement mechanisms, which fall solely under the DOJ’s authority, must be rigorously applied to prevent actual or perceived conflicts of interest.

While exemptions can be made for SGEs if their financial interests are considered “not so substantial as to be deemed likely to affect the integrity of the services which the government may expect from the employee,” such exemptions require a rigorous, publicly defensible determination that an employee’s financial interests are insubstantial. Musk’s sprawling financial interests in federal contracts and subsidies make it impossible to credibly argue that his conflicts are not material to this provision.

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<sup>1</sup> <https://www.oge.gov/web/oge.nsf/Resources/18+U.S.C.+%C2%A7+208:+Acts+affecting+a+personal+financial+interest>

<sup>2</sup> <https://www.defenseone.com/policy/2025/02/musks-role-special-government-employee-raises-ethics-questions/402751/>

His companies are not passive investments; they actively lobby and litigate against federal agencies. SpaceX is suing the National Labor Relations Board (NLRB), X has faced Securities & Exchange Commission (SEC) scrutiny and litigation, and Tesla was accused of violating federal law by the Equal Employment Opportunity Commission (EEOC). This creates a direct nexus between his advisory role and his financial interests, undermining any claim of “insubstantial” conflicts.

Beyond the clear violation of § 208, Musk’s position also contravenes 5 C.F.R. § 2635.502 – the Impartiality Regulation. This requires federal employees to recuse themselves not only from matters affecting their financial interests, but also from those affecting the financial interests of closely affiliated persons or organizations. This regulation **provides no exemption for SGEs.**

Moreover, Musk’s status as an SGE subjects him to the strict disclosure standards established by the Stop Trading on Congressional Knowledge (STOCK) Act. The law requires him to publicly disclose financial interests that could create conflicts with his federal role. However, the scale and complexity of Mr. Musk’s holdings – spanning federal contracts through SpaceX, subsidiaries for Neuralink and the Boring Company, and federally regulated entities like Tesla – raise serious questions about whether his disclosures adequately capture the conflicts arising from his dual role as a government advisor and beneficiary of agency actions.

The STOCK Act’s transparency provisions are rendered meaningless if government employees with sprawling financial portfolios are permitted to withhold or obscure substantial ties. We urge you to evaluate whether Musk’s disclosures comply with the requirements of the law and, if not, to pursue appropriate remedies to uphold public accountability.

The American people deserve assurances that no individual, regardless of stature, is permitted to influence policy for personal gain. Failure to enforce this statute risks eroding confidence in the impartiality of federal decision-making. We urge the DOJ and OGE to promptly investigate whether Mr. Musk’s actions or engagements as an SGE have violated § 208, 5 C.F.R. § 2635.502, and the STOCK Act and to take appropriate enforcement action if warranted.

Thank you for your attention to this urgent issue and we look forward to your prompt response.

Sincerely,



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Deborah K. Ross  
Member of Congress



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Jamie Raskin  
Ranking Member  
House Committee on the  
Judiciary



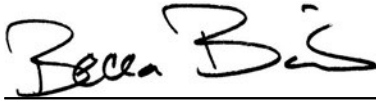
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Henry C. "Hank" Johnson, Jr.  
Member of Congress



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Pramila Jayapal  
Member of Congress



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Becca Balint  
Member of Congress



---

Sydney Kamlager-Dove  
Member of Congress



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Steve Cohen  
Member of Congress



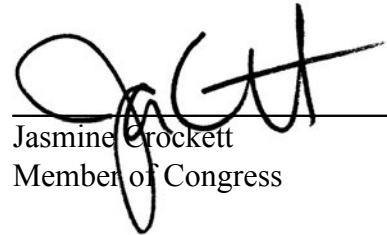
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Eric Swalwell  
Member of Congress



---

Mary Gay Scanlon  
Member of Congress



---

Jasmine Crockett  
Member of Congress



---

Dan Goldman  
Member of Congress



---

Valerie P. Foushee  
Member of Congress

**From:** [Jody Keegan](#)  
**To:** ["SPEAR, Kathleen T. {Katie} \(HQ-MB000\)"](#)  
**Cc:** [Heather A. Jones](#); [Deborah J. Bortot](#)  
**Subject:** RE: [EXTERNAL] RE: Meeting - Contains CUI  
**Date:** Tuesday, February 4, 2025 5:22:39 PM

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CONTROLLED

Thank you. That appears to be good for us as well. Thank you for taking the time to do that.

Jody

Referral to NASA

Referral to NASA

Referral to NASA

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**From:** Jody Keegan <[jkeegan@oge.gov](mailto:jkeegan@oge.gov)>

**Sent:** Tuesday, February 4, 2025 4:18 PM

**To:** SPEAR, Kathleen T {Katie} (HQ-MB000) <(b)(6)>

**Cc:** Heather A. Jones <[hajones@oge.gov](mailto:hajones@oge.gov)>; Jody Keegan <[jkeegan@oge.gov](mailto:jkeegan@oge.gov)>; Deborah J. Bortot <[djbortot@oge.gov](mailto:djbortot@oge.gov)>

**Subject:** [EXTERNAL] RE: Meeting - Contains CUI

CONTROLLED

At this moment any time after 1030 am will work for Heather and myself for tomorrow.

Jody

# Referral to NASA

# Referral to NASA

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**From:** [Heather A. Jones](#)  
**To:** [Jody Keegan](#); [Deborah J. Bortot](#)  
**Subject:** RE: Meeting - Contains CUI  
**Date:** Tuesday, February 4, 2025 4:13:43 PM

---

I can do it tomorrow.

---

**From:** Jody Keegan <jkeegan@oge.gov>  
**Sent:** Tuesday, February 4, 2025 4:13 PM  
**To:** Deborah J. Bortot <djbortot@oge.gov>; Heather A. Jones <hajones@oge.gov>  
**Subject:** FW: Meeting - Contains CUI

I think I would prefer to have one of you on the phone for this call please. Can I look at the calendar and set up a time for tomorrow.

Jody

# Referral to NASA

Referral to NASA

**From:** [Christopher J. Swartz](#)  
**To:** [Melba Melton](#); [Christie Chung](#); [Emma Robertson](#); [Jenna R. Mazzella](#); [Kimberly L. Sikora Panza](#); [Leah C. Stromberg](#); [Margaret E. Dylus-Yukins](#); [Marian Lemont](#); [Marjorie R. Levine](#); [Maura Leary](#); [Morris C. Barren](#); [Rachel K. McRae](#); [Seth Jaffe](#)  
**Cc:** [David J. Apol](#)  
**Subject:** RE: (b)(5) deliberative and predecisional [REDACTED] ?  
**Date:** Tuesday, February 4, 2025 10:53:37 AM  
**Attachments:** [image001.png](#)

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Melba

This is an extremely important question. I second your request that consideration be given to advice on this topic.

Christopher J. Swartz  
Senior Associate Counsel  
U.S. Office of Government Ethics

(202) 482-9267  
Visit OGE's website: [www.oge.gov](http://www.oge.gov)  
Follow OGE @OfficeGovEthics

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**From:** Melba Melton <mmelton@oge.gov>  
**Sent:** Tuesday, February 4, 2025 10:14 AM  
**To:** Christie Chung <cchung@oge.gov>; Christopher J. Swartz <cjswartz@oge.gov>; Emma Robertson <eroberts@oge.gov>; Jenna R. Mazzella <jrmazzel@oge.gov>; Kimberly L. Sikora Panza <kspanza@oge.gov>; Leah C. Stromberg <lcstromb@oge.gov>; Margaret E. Dylus-Yukins <meyukins@oge.gov>; Marian Lemont <mlemont@oge.gov>; Marjorie R. Levine <mlevine@oge.gov>; Maura Leary <mleary@oge.gov>; Melba Melton <mmelton@oge.gov>; Morris C. Barren <mbarren@oge.gov>; Rachel K. McRae <rmcrae@oge.gov>; Seth Jaffe <sjaffe@oge.gov>  
**Cc:** David J. Apol <djapol@oge.gov>  
**Subject:** (b)(5) deliberative and predecisional [REDACTED] ?

Good morning!

SSA reached out on Monday, and Emma graciously responded to their question while I was out of the office. (b)(5) deliberative and predecisional [REDACTED]

Has anyone else received similar questions from their agencies? If so, are we aware of any forthcoming guidance from OGE regarding (b)(5) deliberative and predecisional [REDACTED] ?

Thank you!

Melba

Melba Melton

---

Assistant Counsel, Ethics Law & Policy Branch  
U.S. Office of Government Ethics  
250 E Street SW, Suite 750  
Washington, DC 20024  
[mmelton@oge.gov](mailto:mmelton@oge.gov)

(202) 482-9233

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**From:** [Melba Melton](#)  
**To:** [David J. Apol](#)  
**Cc:** [Seth Jaffe](#)  
**Subject:** RE: (b)(5) deliberative and predecisional ?  
**Date:** Tuesday, February 4, 2025 11:34:48 AM  
**Attachments:** [image001.png](#)

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Hi Dave,

Seth recommended that I coordinate with you on these questions. Please let me know if it would be easier to have a call to discuss.

Thank you!

Melba

Melba Melton

---

Assistant Counsel, Ethics Law & Policy Branch  
U.S. Office of Government Ethics  
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Washington, DC 20024  
[mmelton@oge.gov](mailto:mmelton@oge.gov)  
(202) 482-9233

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**From:** Melba Melton  
**Sent:** Tuesday, February 4, 2025 11:29 AM  
**To:** Seth Jaffe <[sjaffe@oge.gov](mailto:sjaffe@oge.gov)>  
**Cc:** David J. Apol <[djapol@oge.gov](mailto:djapol@oge.gov)>  
**Subject:** RE: (b)(5) deliberative and predecisional ?

Hi Seth,

Thank you for your response. I have just a couple of follow-up questions:

1. Would it be possible to share this guidance with the larger ELPB group? That way if other attorneys receive a similar question from their agencies, they can provide consistent guidance.
2. (b)(5) deliberative and predecisional ? (b)(5) deliberative and predecisional ?

Thank you,

Melba

Melba Melton

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**From:** Seth Jaffe <[sjaffe@oge.gov](mailto:sjaffe@oge.gov)>

**Sent:** Tuesday, February 4, 2025 10:48 AM

**To:** Melba Melton <[mmelton@oge.gov](mailto:mmelton@oge.gov)>

**Cc:** David J. Apol <[djapol@oge.gov](mailto:djapol@oge.gov)>

**Subject:** RE: (b)(5) deliberative and predecisional [REDACTED] ?

Hi Melba,

Our understanding is that (b)(5) deliberative and predecisional [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

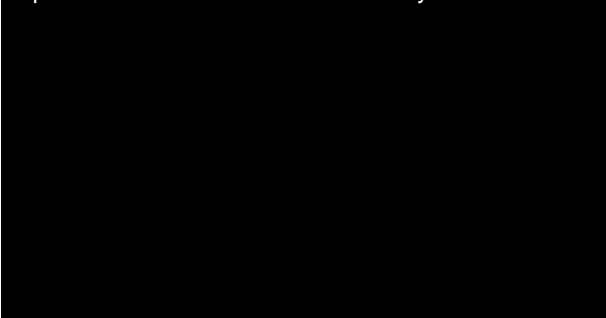
Thanks,

Seth

Duplicate - remainder of thread already released above

[REDACTED]

Duplicate - remainder of thread already released above



# Referral to DOD

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**From:** Margaret E. Dylus-Yukins <meyukins@oge.gov>  
**Sent:** Friday, February 28, 2025 10:30 AM  
**To:** Urgese, Jocelyn S CIV OSD OGC (USA) <(b)(6)>; Deborah J. Bortot <djbortot@oge.gov>; Heather A. Jones <hajones@oge.gov>  
**Subject:** RE: Phone call - [ Message contains CUI ]

CONTROLLED  
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Hi Jocelyn, Deb and Heather: just getting everyone on the same email chain. Jocelyn, Heather can join a phone call this afternoon. I've already forwarded Deb and Heather the below email so they have it. As I mentioned, (b)(5) deliberative and predecisional

Jocelyn – (b)(5) deliberative and predecisional

(I will also include this in my comments

when I send everything back to you.)

Thank you,

Margaret

# Referral to DOD

# Referral to DOD

From: Margaret E. Dylus-Yukins <meyukins@oge.gov <<mailto:meyukins@oge.gov>>>  
Sent: Friday, February 28, 2025 7:33 AM  
To: Urgese, Jocelyn S CIV OSD OGC (USA) <jocelyn.s.urgese.civ@mail.mil  
<[<\(b\)\(6\)>](mailto:(b)(6))>>  
Subject: Phone call

Hi Jocelyn, I'm really sorry, but I've (b)(6) personal [REDACTED]. Do you mind sending me bullet points with your questions/comments, and I'll respond as best I can? I can also send you specific bullet points as well. My plan was to review the materials you sent this morning before our call, which I still intend to do.

Thank you,  
Margaret

Margaret Dylus-Yukins  
U.S. Office of Government Ethics  
(202) 482-9222  
[meyukins@oge.gov](mailto:meyukins@oge.gov) <<mailto:meyukins@oge.gov>>

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**From:** [David J. Apol](#)  
**To:** "[Gast, Scott F. EOP/WHO](#)"  
**Subject:** stuff  
**Date:** Tuesday, February 4, 2025 5:21:06 PM

---

We are making good progress on the three priorities, although we still have a way to go on the (b)(5) deliberative a  
[REDACTED]. (b)(5) deliberative and predecisional [REDACTED]. I'll keep you  
posted.

On the other, Deb just scheduled a meeting for 6, so that's a good sign!

(b)(5) deliberative and predecisional [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]. FYI, LA 23-10 has some  
guidance on coordinating between agencies when folks are on detail. Link below.

[https://www.oge.gov/Web/oge.nsf/Legal%20Docs/12A0F5077AC1F95D852589E9006B23BE/\\$FILE/LA-23-10%20-%20Guidance%20on%20Detailees%20Between%20Agencies%20and%20Need%20for%20Agency%20Coordination.pdf?open](https://www.oge.gov/Web/oge.nsf/Legal%20Docs/12A0F5077AC1F95D852589E9006B23BE/$FILE/LA-23-10%20-%20Guidance%20on%20Detailees%20Between%20Agencies%20and%20Need%20for%20Agency%20Coordination.pdf?open)

David J. Apol  
General Counsel  
U.S. Office of Government Ethics  
202 482 9205

**From:** [Jody Keegan](#)  
**To:** [Deborah J. Bortot](#)  
**Cc:** [Heather A. Jones](#)  
**Subject:** (b)(5)  
**Date:** Wednesday, February 5, 2025 3:33:15 PM

---

(b)(5) deliberative/predecisional

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Best regards,  
Jody

Jody T. Keegan  
Program Analyst | Presidential Nominations Branch  
U.S. Office of Government Ethics  
Phone: (202) 482-9215

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