

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

WOONASQUATUCKET RIVER  
WATERSHED COUNCIL;

EASTERN RHODE ISLAND  
CONSERVATION DISTRICT;

GREEN INFRASTRUCTURE  
CENTER; and

NATIONAL COUNCIL OF  
NONPROFITS,

*Plaintiffs,*

v.

Case No.

DEPARTMENT OF AGRICULTURE;

BROOKE ROLLINS, in her official  
capacity as Secretary of Agriculture;

DEPARTMENT OF ENERGY;

CHRIS WRIGHT, in his official  
capacity as Secretary of Energy;

DEPARTMENT OF THE INTERIOR;

DOUG BURGUM, in his official  
capacity as Secretary of the Interior;

ENVIRONMENTAL PROTECTION  
AGENCY;

LEE ZELDIN, in his official capacity  
as EPA Administrator;

OFFICE OF MANAGEMENT AND  
BUDGET;

RUSSELL VOUGHT, in his official

capacity as OMB Director; and

KEVIN HASSETT, in his official  
capacity as Director of the National  
Economic Council,

*Defendants.*

---

## **COMPLAINT**

From its very first day in office, the Trump administration has engaged in concerted efforts to strangle the flow of federal funding on which Americans of all walks of life rely. Defendants here have specifically targeted funding appropriated by two laws passed during the prior presidential administration: the Inflation Reduction Act and the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law. They have implemented broad, non-individualized freezes of funds appropriated by those laws, and in doing so, have acted arbitrarily, capriciously, without statutory authority, and contrary to law, in violation of the Administrative Procedure Act. The result of Defendants' unlawful funding freeze has been real and irreparable harm to the recipients of that funding in this District and across the country, as well as to the people and communities they serve. The Court's intervention is required to stop further damage.

## **PARTIES**

1. **Plaintiff Woonasquatucket River Watershed Council (WRWC)** is a nonprofit based in Providence, Rhode Island. Its mission is to create positive environmental, social, and economic change by revitalizing the Woonasquatucket River, its Greenway, and its communities. It pursues that mission through

conservation work, habitat and waterway restoration, community education and skills training programs, and environmental monitoring, among other things.

2. **Plaintiff Eastern Rhode Island Conservation District (ERICD)** is a conservation district serving Bristol and Newport Counties in Rhode Island. ERICD's mission is to promote and improve long-lasting and environmentally friendly practices that protect natural resources such as soil, water, and air. It works with a variety of people and groups including farmers, landowners, municipalities, schools, and others in the community.

3. **Plaintiff Green Infrastructure Center (GIC)** is a nonprofit based in Charlottesville, Virginia with offices and staff in Rhode Island. GIC helps local governments, communities, conservation groups, and developers evaluate their green infrastructure assets—that is, the interconnected network of waterways, wetlands, woodlands, greenways, parks, farms, ranches, and open spaces that contribute to people's health and quality of life—and make plans to conserve them.

4. **Plaintiff National Council of Nonprofits (NCN)** is the largest network of nonprofit organizations in North America, with more than 30,000 organizational members located in this District and across the country. NCN supports nonprofits in advancing their missions by identifying emerging trends, sharing proven practices, and promoting solutions that benefit charitable nonprofits and the communities they serve. NCN brings this case on behalf of its members.

5. **Defendant Department of Agriculture** is a federal agency headquartered in Washington, D.C. Its subagencies include the United States Forest Service and the Natural Resource Conservation Service.

6. **Defendant Brooke Rollins** is Secretary of Agriculture. She is sued in her official capacity.

7. **Defendant Department of the Interior** is a federal agency also headquartered in Washington, D.C. Its subagencies include the National Park Service.

8. **Defendant Doug Burgum** is Secretary of Interior. He is sued in his official capacity.

9. **Defendant Department of Energy** is a federal agency headquartered in Washington, D.C.

10. **Defendant Chris Wright** is Secretary of Energy. He is sued in his official capacity.

11. **Defendant Environmental Protection Agency** is a federal agency headquartered in Washington, D.C.

12. **Defendant Lee Zeldin** is Administrator of the EPA. He is sued in his official capacity.

13. **Defendant Office of Management and Budget** is a federal agency headquartered in Washington, D.C.

14. **Defendant Russell Vought** is the Director of OMB. He is sued in his official capacity.

15. **Defendant Kevin Hassett** is Director of the National Economic Council and Assistant to the President for Economic Policy. He is sued in his official capacity.

### **JURISDICTION AND VENUE**

16. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, because this action arises under federal law, specifically the Administrative Procedure Act, 5 U.S.C. § 551, *et seq.*

17. Venue is proper in this District under 28 U.S.C. § 1391(e) because at least one Plaintiff resides in this District.

### **LEGAL FRAMEWORK**

18. The Inflation Reduction Act (IRA), Pub. L. 117-169, 136 Stat. 1818 (2022), is a landmark piece of legislation that aims to fight inflation, expand domestic manufacturing, lower energy costs, and reduce carbon emissions, among other notable goals.

19. Among other things, the IRA authorizes and appropriates billions of dollars in funding for grants, loans, and other forms of federal financial assistance in order to advance these goals.

20. Those programs are administered by various agencies. The Department of Agriculture, for example, administers billions of dollars in IRA funding, including \$19.5 billion handled by the Natural Resources Conservation Service to help farmers, ranchers, and other landowners protect natural resources and enhance production, \$13.2 billion to build electrification infrastructure, and \$2.4 billion to relieve

thousands of distressed direct and guaranteed Farm Service Agency loan borrowers.<sup>1</sup> As of January 13, the EPA has awarded \$38.4 billion in funds appropriated by IRA, representing 93% of grant funding made available by the law.<sup>2</sup>

21. The Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58, 135 Stat. 429 (2021), also referred to as the Bipartisan Infrastructure Law, or BIL, was enacted and signed into law in November 2021. It too funds a wide variety of critical projects and initiatives that are administered by different agencies.

22. Among many other examples, EPA has awarded nearly \$69 billion in IIJA funds to create jobs, lower energy costs, save families money, support clean energy manufacturing, and help communities burdened by pollution.<sup>3</sup> This includes funding to ensure that water systems are safe and more resilient to natural disasters and cyber-attack threats; to improve air quality and create jobs at U.S. ports; and to eliminate the Superfund cleanup backlog. Interior has awarded IIJA funds to close open mine portals (protecting homes from landslides), clean up orphaned oil and gas wells, and support the federal wildland firefighting workforce.<sup>4</sup> And Energy has deployed its \$97 billion in IIJA funding<sup>5</sup> to upgrade America's power grid to withstand

---

<sup>1</sup> U.S. Dep't of Agric., *Fact Sheet: Celebrating Two Years of the Inflation Reduction Act* (Aug. 16, 2024), <https://perma.cc/X37S-NKKC>.

<sup>2</sup> Press Release, Env't Prot. Agency, *New Report Celebrates EPA's Unprecedented Successes Under Biden-Harris Administration's Investing in America Agenda* (Jan. 13, 2025), <https://perma.cc/DY67-J3U2>.

<sup>3</sup> *Id.*

<sup>4</sup> Dep't of Interior, *Fact Sheet: Through President Biden's Investing in America Agenda, the Interior Department is Helping Create Good Jobs in the Clean Energy Economy*, <https://perma.cc/3D48-LX4Z> (last visited Mar. 13, 2025).

<sup>5</sup> Dep't of Energy, *Infrastructure Program and Funding Announcements*, <https://perma.cc/9GHB-2XBT> (last visited Mar. 13, 2025).

wildfires, extreme weather, and other natural disasters; develop technology to improve the extraction of rare earth minerals; and deploy cybersecurity technology to protect electric utility systems.<sup>6</sup>

23. In addition to the appropriations for grants funding created by the IRA and IIRA, the regulations that govern the administration of grants by the defendant agencies set out specific conditions and procedures for terminating and suspending grants. 2 C.F.R §§ 200.339-200.343 (2024).

### FACTUAL ALLEGATIONS

#### *The Unleashing American Energy Executive Order and OMB Memo M-25-11*

24. On January 20, 2025, President Trump signed an executive order entitled *Unleashing American Energy*, Exec. Order No. 14,154, 90 Fed. Reg. 8353. That order laid out, in Section 2, a nine-part “policy of the United States”:

- a. “to encourage energy exploration and production on Federal lands and waters,”;
- b. “to establish our position as the leading producer and processor of non-fuel minerals, including rare earth minerals”;
- c. “to protect the United States’s economic and national security and military preparedness by ensuring that an abundant supply of reliable energy is readily accessible in every State and territory”;

---

<sup>6</sup> Dep’t of Energy, *Infrastructure Programs at Department of Energy*, <https://perma.cc/9WAU-H8UH>; <https://perma.cc/QG69-S3ZC> (last visited Mar. 13, 2025); Dep’t of Energy, *Rural And Municipal Utility Advances Cybersecurity Grant And Technical Assistance Program*, <https://perma.cc/7GWT-5BPX> (last visited Mar. 13, 2025).

- d. “to ensure that all regulatory requirements related to energy are grounded in clearly applicable law”;
- e. “to eliminate the ‘electric vehicle (EV) mandate’ and promote true consumer choice”;
- f. “to safeguard the American people’s freedom to choose from a variety of goods and appliances, including by not limited to lightbulbs, dishwashers, washing machines, gas stoves, water heaters, toilets, and shower heads, and to promote market competition and innovation within the manufacturing and appliance industries”;
- g. “to ensure that the global effects of a rule, regulation, or action shall, whenever evaluated, be reported separately from its domestic costs and benefits”;
- h. “to guarantee that all executive departments and agencies (agencies) provide opportunity for public comment and rigorous, peer-reviewed scientific analysis”; and
- i. “to ensure that no Federal funding be employed in a manner contrary to the principles outlined in this section, unless required by law.”

25. In Section 7, entitled “Terminating the Green New Deal,” the executive order states: “All agencies shall immediately pause the disbursement of funds appropriated through the Inflation Reduction Act of 2022 (Public Law 117-169) or the



Infrastructure Investment and Jobs Act (Public Law 117-58), including but not limited to funds for electric vehicle charging stations . . . and shall review their processes, policies, and programs for issuing grants, loans, contracts, or other financial disbursements of such appropriated funds for consistency with the law and the policy outlined in section 2 of this order.”

26. Section 7 further provides: “No funds identified in this subsection (a) shall be disbursed by a given agency until the Director of OMB and Assistant to the President for Economic Policy have determined that such disbursements are consistent with any review recommendations they have chosen to adopt.”

27. OMB adopted such review recommendations the next day, issuing a “Memorandum to the Heads of Departments and Agencies” numbered M-25-11. Ex. A. The subject line: “Guidance Regarding Section 7 of the Executive Order *Unleashing American Energy*.” The memo was from Matthew J. Vaeth, the then-acting director of OMB, and Kevin Hassett, the Assistant to the President for Economic Policy and Director of the National Economic Council.

28. The memo stated: “The directive in section 7 of the Executive Order entitled *Unleashing American Energy* requires agencies to immediately pause disbursement of funds appropriated under the Inflation Reduction Act of 2022 (Public Law 117-169) or the Infrastructure Investment and Jobs Act (Public Law 117-58). This pause only applies to funds supporting programs, projects, or activities that may be implicated by the policy established in Section 2 of the order. This interpretation is consistent with section 7’s heading (‘Terminating the Green New Deal’) and its

reference to the “law and policy outlined in section 2 of th[e] order” (alteration in original).

29. The memo continued: “For the purposes of implementing section 7 of the Order, funds supporting the ‘Green New Deal’ refer to any appropriations for objectives that contravene the policies established in section 2. Agency heads may disburse funds as they deem necessary after consulting with the Office of Management and Budget.”

30. OMB has limited statutory authority to establish governmentwide financial management policies for executive agencies and to provide them with guidance on financial management matters. 31 U.S.C. § 503(a). OMB lacks statutory authority to direct executive agencies to undertake a blanket freeze of even a subset of funding appropriated by the IRA and IIJA. *Cf. Nat’l Council of Nonprofits v. OMB*, No. 1:25-cv-239, 2025 WL 597959, at \*15 (D.D.C. Feb. 25, 2025) (finding that OMB likely lacked statutory authority to direct broad halts of federal funding and explaining that OMB’s statutory responsibilities to “provid[e] overall direction and establishing financial management policies do not clearly confer the power to halt all finances, full-stop, on a moment’s notice”).

*Defendants Have Broadly Frozen Funds Appropriated by the IRA and IIJA*

31. Since the *Unleashing American Energy* order, Defendants have broadly frozen the payment of funding appropriated under the IRA and IIJA. They have halted payment of these funds—and halted activities related to the payment of these

funds, such as maintaining access to online portals through which grantees can draw on open awards—en masse and on a non-individualized basis.

32. In doing so, numerous agencies have said outright what they were doing and why.

33. For example, at EPA, officials sent grant recipients an e-mail on January 28 with the subject “Pause EPA Grants.” That e-mail stated: “Dear Grant Recipient, EPA is working diligently to implement President Trump’s *Unleashing American Energy* Executive Order issued on January 20 in coordination with the Office of Management and Budget. The agency has paused all funding actions related to the Inflation Reduction Act and the Infrastructure Investment and Jobs Act at this time. EPA is continuing to work with OMB as they review processes, policies, and programs, as required by the Executive Order.”

34. On February 7, EPA’s Budget and Planning e-mail address sent an e-mail with the subject: “RE: Additional information on IIJA and IRA - program review pause.”<sup>7</sup> The e-mail stated: “Pursuant to the review of financial assistance programs announced by the Acting Deputy Administrator on February 6, the following accounts are temporarily paused for new obligations or disbursements for assistance agreements, loans, rebates, interagency agreements, procurements, and no-cost actions pending a review for compliance with applicable administrative rules and policies.”

---

<sup>7</sup> Brad Johnson, *Trump EPA Again Freezes All Biden-Era Programs*, Hill Heat (Feb. 10, 2025), <https://perma.cc/4CAN-3U52>.

35. As reflected in a March 7 letter from Senator Sheldon Whitehouse to EPA Administrator Lee Zeldin, EPA has recently informed senior staff that “all [funding] actions greater than \$50,000 now require approval from an EPA DOGE Team member.” *See* Ex. B. This process requires the program office to complete and sign an “EO Compliance Review Form” for every funding action to facilitate that review. *Id.* That form requires an explanation of how the funding action “complies with Executive Order requirements.” *Id.* at 6. These actions are consistent with the “freeze first, ask questions later” approach Defendants have adopted to releasing funding.

36. The Department of the Interior initiated a review of disbursements of funds under the IRA and IIJA following the *Unleashing American Energy* executive order,<sup>8</sup> and has “frozen billions in grants and loans stemming from those two bills” pending that review.<sup>9</sup> As one example, the National Park Service, a component of Interior, has refused to release funding appropriated by the IRA and IIJA. In communications with grant recipients, the National Park Service has stated that “NPS FA [financial assistance] agreements that include BIL or IRA funding” will remain frozen. As a result, members of Plaintiff NCN and others have been unable to access funds on open grants administered by the Department of the Interior.

---

<sup>8</sup> Sec’y of the Interior, Order No. 3418, *Unleashing American Energy* (Feb. 3, 2025), <https://perma.cc/6CUZ-A89U>.

<sup>9</sup> Austin Corona, *Will Trump Review Lead to Smaller Monuments, More Mines on Public Lands? What to Know*, Ariz. Republic (Feb. 28, 2025), <https://perma.cc/BYF8-QWMZ>.

37. The Department of Agriculture has likewise broadly frozen IRA and IIJA funding following the *Unleashing American Energy* executive order. Only on February 20 did it announce that “the first tranche of funding that was paused due to the review of funding in the Inflation Reduction Act (IRA)” would be released—a mere \$20 million out of the many billions of dollars in IRA funding that the agency administers.<sup>10</sup> That statement acknowledges both the agency’s broad freeze of IRA funding and the immense scope of USDA funding that remains under a blanket freeze. In short, the announcement confirms Plaintiff NCN’s members’ experiences that USDA is taking precisely the “freeze first, ask questions later” tactic that they challenge. This is consistent with reporting that IRA grant recipients under USDA were “shut out of the federal grant portal that is used to distribute money.”<sup>11</sup> The USDA has given no indication that any further “tranches” of funding have been released from the blanket freeze.

38. This blanket freeze has affected numerous programs at Agriculture. For example, the IRA provides \$1.5 billion in funding for the Urban and Community Forestry Program. Pub. L. 117-169, § 23003(a), 136 Stat. 1818, 2026 (2022). That program is administered by the U.S. Forest Service, a component of the Department of Agriculture. The Urban and Community Forestry Program provides grants to support efforts by states and partner organizations to plant and maintain

---

<sup>10</sup> Press Release, U.S. Dep’t of Agric., *Secretary Rollins Releases the First Tranche of Funding Under Review* (Feb. 20, 2025), <https://perma.cc/UD67-F97T>.

<sup>11</sup> Jeremy Herbet al., *‘People Are Just Flipping Out’: Billions in Federal Funding Remain Frozen Despite Court Orders to Keep the Taps Open*, CNN (Feb. 13, 2025), <https://perma.cc/PHT3-GAJQ>.

community trees, forests, and green spaces, including in disadvantaged areas. Because of the freeze, Plaintiffs WRWC and GIC, other members of Plaintiff NCN, and countless others have been unable to access funds on open grants through that program.

39. As another example, the IRA appropriates nearly \$5 billion in funding until fiscal year 2026 for the Regional Conservation Partnership Program. Pub. L. 117-169, § 21001(a)(4). That program is administered by the Natural Resource Conservation Service, a component of the Department of Agriculture. The Regional Conservation Partnership Program provides funding for public-private conservation projects by landowners and communities. In an email to program grant recipients dated March 11, NRCS stated that it would begin to authorize payments on existing grants “except for IRA/BIL funded agreements.” As a result, members of Plaintiff NCN and others have been unable to access funds on open grants through that program.

40. As to the Department of Energy, reporting has stated that IRA grant recipients under Energy were likewise “shut out of the federal grant portal that is used to distribute money.”<sup>12</sup> Reporting has also revealed that the Department of Energy froze grants related to the IRA and IIJA, ultimately requiring review and approval by a political appointee before disbursement.<sup>13</sup> As that reporting explains, because there are “easily thousands of transactions a week that a political appointee

---

<sup>12</sup> Jean Chemnick, *Effects of Trump’s Spending Freeze Ripple Across Energy Projects*, Politico (Feb. 6, 2025), <https://perma.cc/NCT2-9AYS>.

<sup>13</sup> *Id.*

would suddenly now have to approve,” payments from these funding lines “just won’t get made or may be made late.” *Supra* note 11.

41. As one example of the effect of that freeze: The IIJA appropriates \$3.5 billion in funding for the Weatherization Assistance Program. Pub. L. 117-58, § 40551, 135 Stat. 448, 1075-76 (2021). That program is administered by the Department of Energy and enables low-income families to permanently reduce their energy bills by making their households more energy efficient. As a result of the freeze, members of Plaintiff NCN and others have been unable to access funds on open grants through that program.

42. Because of these broad freezes, funding appropriated by the IRA and IIJA for particular grant programs has halted. The handful of examples described above are merely evidence of a much wider freeze; Defendants have broadly frozen numerous other sources of funding appropriated by the IRA and IIJA.

43. On information and belief, OMB has acted in concert with the other agency defendants to freeze funding appropriated by the IRA and IIJA.

44. First, OMB has directed agencies to freeze funds “for objectives that contravene the policies established in section 2” of the *Unleashing American Energy* executive order, without legal basis, and without explaining how an agency should determine what “contravene[s]” those policies.

45. Second, OMB has directed agencies that they “may disburse funds as they deem necessary after consulting with the Office of Management and Budget.” On information and belief, to the extent that agencies have consulted with OMB

about the disbursement of funds they deem necessary, OMB has acted unreasonably and without basis in withholding that consent, and requiring the agencies to continue withholding funds.

46. Officials affiliated with DOGE (encompassing the Department of Government Efficiency, the U.S. DOGE Service, and/or the DOGE Service Temporary Organization) have helped or directed EPA to freeze funding appropriated by the IRA and IIJA. On information and belief, officials affiliated with DOGE have done the same at other defendant agencies. DOGE lacks any statutory authority to itself freeze this funding.

*Defendants' Freezes of These Funding Lines Are Final Agency Action*

47. The Administrative Procedure Act authorizes judicial review of final agency action. 5 U.S.C. § 704.

48. Final agency actions are those (1) that “mark the ‘consummation’ of the agency’s decisionmaking process” and (2) “by which rights or obligations have been determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 178 (1997) (quotation marks omitted).

49. Each Defendant’s freeze on funding appropriated by the IRA and IIJA is final agency action subject to the Court’s review.

50. The freeze of funds appropriated by the IRA and IIJA marks the consummation of the agencies’ decisionmaking process because it immediately suspends the payment of funds appropriated by the IRA and IIJA.



51. The freeze of funds appropriated by the IRA and IIJA is also an action by which rights or obligations have been determined or from which legal consequences will flow because it halts the payment of funds appropriated by the IRA and IIJA that would otherwise be paid.

### **PLAINTIFFS' INJURIES**

52. Defendants' freeze of funding appropriated by the IRA and IIJA has caused, and if not enjoined will continue to cause, serious and irreversible harm to Plaintiffs' members and many others.

53. Countless states, localities, businesses, and nonprofits—including WRWC, ERICD, GIC, and other members of NCN—have been awarded grants and other financial assistance through the IRA and IIJA. That money funds vital programs ranging from wildfire prevention efforts to lead pipe remediation to efforts to control and contain invasive species to important scientific and ecological research to reforestation efforts and much more.

54. Many of the recipients of such funding—and, in particular, nonprofit recipients such as Plaintiffs and other NCN members—rely on those sources of funding in order to hire and pay staff, carry out what are frequently multiyear projects for the benefit of the communities where they operate, and plan for the future.

55. Defendants' freeze has already seriously damaged those nonprofits' ability to carry out their core missions and led them to have to halt ongoing projects.

56. For example, WRWC has a \$1 million grant (as a subgrantee) funded by the U.S. Forest Service—but it has been frozen since January because the grant was funded under the IRA. That freeze has completely halted WRWC’s planned project of building capacity for urban forestry along the Woonasquatucket Greenway, and also disrupted WRWC’s operations more broadly.

57. ERICD has a nearly \$350,000 grant from EPA (as a subgrantee) that is funded under the IRA. Those funds were intended to support education and outreach efforts to reduce food waste and its negative impacts on the environment, including setting up the first municipal composting site in Rhode Island. But because ERICD’s grant has been frozen on and off for weeks, it hasn’t been able to carry out the work it planned. ERICD is also a subgrantee of a USDA grant funded by the IRA—and that grant has remained completely frozen since January. ERICD planned to use that money to hire another full-time staff person to help farmers use technology and data to grow more efficiently and sustainably. But because of the freeze, ERICD has not been able to hire that staff person, and so fewer farmers receive help.

58. GIC, one of NCN’s members that operates in Rhode Island and several other states, receives both IRA and IIJA funding. Those grants make up fully 80 percent of their budget. Their IRA funding comes through the Department of Agriculture and goes toward efforts to plant and maintain community trees, forests, and green spaces, including in disadvantaged areas.

59. GIC has had to stop work as a result of the Department of Agriculture’s freeze on payments. They hired new staff specifically to complete IRA-funded work

but now have had to furlough some staff and, if the funds remain frozen, will need to lay off not only their new hires but the rest of their staff as well. They have been unable to plan for the future and do not know, for example, whether they will have the money to pay for trees they need to order now to have ready for planting seasons in the fall. They worked hard to build trust in communities that are frequently skeptical of government programs in order to be able to successfully carry out long-term projects; the freeze has shattered that trust.

60. Another NCN member carries out research and conservation work to protect giant sequoias and other large trees. They rely on funds from both the IRA and IIJA from the Department of Interior. Because of Defendants' funding freeze, they have been unable to draw on IRA-appropriated funds through a grant supporting work to research and monitor bark beetles that can infest and kill giant sequoia trees.

61. If the freeze continues, the group is likely to have to postpone the project until next year, even as bark beetles are currently in the process of attacking ancient trees that cannot be replaced. Halting that data collection will have cascading impacts on their scientific progress as well. And because of the funding freeze, the group has already had to postpone hiring a new full-time employee to add to their staff of four, as well as hiring up to six part-time contractors. Not being able to add that extra capacity has a meaningful impact on the amount of work the group is able to do to fulfill its mission.

62. Another NCN member is dedicated to watershed protection and restoration in a Western state. They too receive funds appropriated under the IRA and IIJA for a number of different projects but have seen funds administered by the Department of Agriculture frozen as a result of Defendants' actions.

63. That freeze has already put on hold a land-management project to clear vegetation in order to reduce the risk of wildfires and improve habitat and water quality in the area. Keeping that project on ice increases the danger of wildfires this summer and threatens local water quality. It is also already hurting the group. They hired new staff in reliance on a grant of IRA funds they cannot currently access. As a result, they do not know how much longer they will be able to continue paying their new employee or when their work might resume.

64. Yet another NCN member, which engages hundreds of youth and young adults in programs to improve access to outdoor recreation, restore natural habitats, protect waterways, and respond to community needs and natural disasters, has approximately \$621,000 in federal grants from Interior frozen.

65. As a result, that organization can no longer use those funds as planned to support an invasive plant management team that would work with national parks in the central United States. That will result in potentially thousands of acres not being managed, with negative impacts for visitors to public lands, hunting and fishing, and wildlife populations due to loss of habitat. And the organization cannot make up for that delay: If they are ever able to manage these invasive species in the

future, it will be more difficult and more expensive because they will have spread more.

66. And yet another NCN member runs a weatherization training center, which helps weatherize the homes of low-income Americans in an effort to lower their utility bills when they are struggling to make ends meet, which helps them stay in their homes and also improves air quality and health and safety in the home. That member typically trains over 200 people in about 40 classes per year. But the funding for that weatherization program comes entirely from IIJA funds awarded by the Department of Energy, and those funds have been frozen since January.

67. As a result, that member has had to stop offering weatherization training, which means that people living in poverty are less safe in their homes and less able to make ends meet. Because of the funding freeze, that member has also had to pause all work on a two-year program to gain expertise in offering training to weatherization departments, which would ultimately enable them to weatherize more homes. And the member has had to cancel a planned conference, undermining their relationships with speakers and attendees from their community.

68. These stories are just a few examples of a much broader picture of instability, confusion, and irreparable harm created by Defendants' actions.

## **CLAIMS FOR RELIEF**

### **Count One**

#### **Violation of the Administrative Procedure Act—706(2)(A) Arbitrary and Capricious (Against All Defendants)**

69. Plaintiffs reallege all paragraphs above as if fully set forth here.

70. Under the APA, a court shall “hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious.” 5 U.S.C. § 706(2)(A).

71. Defendants’ freeze on funding appropriated by the IRA and IIJA is arbitrary and capricious in multiple respects. Several examples follow.

72. First, Defendants’ payment freeze fails to account for the catastrophic practical consequences that it has already produced and, if not stopped, will continue to produce. In this and other respects, Defendants “entirely failed to consider an important aspect of the problem.” *See Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

73. Second, Defendants’ funding freeze fails to account for the substantial reliance interests in the ordinary disbursement of funds authorized by the IRA and IIJA that the freeze radically disrupts. “When an agency changes course . . . it must be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account,” and the failure to do so is arbitrary and capricious. *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 30 (2020) (internal quotation marks and citation omitted).

74. Third, Defendants’ funding freeze contradicts Defendant OMB’s own directive. That directive instructs agencies that the order to pause funding in the *Unleashing American Energy* executive order does not apply to all funding authorized by the IRA and IIJA but only “to funds supporting programs, projects, or activities that may be implicated by the policy established in Section 2 of the order.” Defendants, however, have continued to pause funding authorized by the IRA and

IIJA well outside that scope. By freezing payments without reason and in contravention of the administration's own interpretation of the executive order, Defendants have acted arbitrarily and capriciously.

75. Defendants Department of Agriculture, Department of Energy, Department of the Interior, EPA, and their leaders have acted arbitrarily and capriciously by halting funding appropriated by the IRA and IIJA.

76. In addition or in the alternative, on information and belief, Defendants OMB, Director Vought, and Director Hassert have acted arbitrarily and capriciously by withholding purportedly necessary approvals to the other Defendants to release funding appropriated by the IRA and IIJA.

**Count Two**  
**Administrative Procedure Act–706(2)(C)**  
**In Excess of Statutory Authority**  
**(Against All Defendants)**

77. Plaintiffs reallege all paragraphs above as if fully set forth here.

78. Under the APA, a court shall “hold unlawful and set aside agency action . . . found to be . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(C).

79. “An agency . . . literally has no power to act—including under its regulations—unless and until Congress authorizes it to do so by statute.” *FEC v. Cruz*, 596 U.S. 289, 301 (2022) (internal quotation marks and citation omitted).

80. No statutory provision authorizes Defendants Department of Agriculture, Department of Energy, Department of the Interior, or EPA to freeze funding appropriated by the IRA and IIJA.

81. Defendants Department of Agriculture, Department of Energy, Department of the Interior, EPA, and their leaders therefore have acted in excess of statutory jurisdiction, authority, or limitations, or short of statutory right in withholding those funds.

82. In addition or in the alternative, on information and belief, Defendants OMB, Director Vought, and Director Hassett have acted in excess of statutory authority by withholding purportedly necessary approvals to the other Defendants to release funding authorized by the IRA and IIJA.

83. OMB's organic statute gives it responsibilities for establishing financial management policies and requirements for executive agencies, *see* 31 U.S.C. §§ 503(a), 504, which can include providing guidance to agencies on understanding executive orders.

84. But no statutory provision authorizes OMB, Director Vought, or Director Hassett to require executive agencies to freeze funding authorized by the IRA and IIJA.

**Count Three**  
**Administrative Procedure Act–706(2)(A)**  
**Contrary to Law**  
**(Against All Defendants)**

85. Plaintiffs reallege all paragraphs above as if fully set forth here.

86. Under the APA, a court shall “hold unlawful and set aside agency action . . . found to be . . . not in accordance with law.” 5 U.S.C. § 706(2)(A).

87. The APA's reference to “law” in the phrase “not in accordance with law,” “means, of course, *any* law, and not merely those laws that the agency itself is charged



with administering.” *FCC v. NextWave Pers. Commc’ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

88. The IRA and IIJA appropriate money for specific purposes and expressly direct that the money be put to those purposes.

89. By freezing funds appropriated under the IRA and IIJA and refusing to direct that money to the purposes Congress specified in those laws, Defendants are acting contrary to law.

90. The regulations that govern the administration of grants by Defendants Department of Agriculture, Department of Energy, Department of the Interior, and EPA set out specific conditions and procedures for terminating and suspending grants.

91. Defendants have not followed the procedures set out in those governing regulations and have frozen payment on grants in circumstances in which the regulations would not allow those grants to be terminated or suspended. By doing so, Defendants are acting contrary to law.

92. In addition or in the alternative, on information and belief, Defendants OMB, Director Vought, and Director Hassert have acted contrary to law by withholding purportedly necessary approvals to the other Defendants to release funding appropriated by the IRA and IIJA.

### **PRAYER FOR RELIEF**

Plaintiffs request that the Court enter the following relief:

- a. Declare unlawful and set aside Defendants' freeze on funding appropriated by the IRA and IIJA as arbitrary, capricious, or an abuse of discretion under 5 U.S.C. § 706(2)(A), in excess of statutory jurisdiction, authority, or limitations, or short of statutory right under 5 U.S.C. § 706(2)(C), and not in accordance with law under 5 U.S.C. § 706(2)(A);
- b. For the same reasons, declare and hold unlawful OMB Memo M-25-11 insofar as it directs agencies to freeze the payment of any funds authorized by the IRA and IIJA;
- c. Issue preliminary and permanent relief, including a stay under 5 U.S.C. § 705, barring Defendants, their officers, employees, and agents from continuing to carry out the freeze on funding appropriated by the IRA and IIJA and requiring the disbursement of funds previously frozen;
- d. Award Plaintiffs their costs, reasonable attorney's fees, and other disbursements as appropriate;
- e. Grant such other relief as the Court deems necessary, just, and proper.

Dated: March 13, 2025

Respectfully submitted,

/s/ Amato A. DeLuca

/s/ Miriam Weizenbaum

Amato A. DeLuca (RI Bar No. 0531)  
Miriam Weizenbaum (RI Bar No. 5182)  
DeLuca, Weizenbaum, Barry & Revens  
199 North Main Street  
Providence, RI 02903  
(401) 453-1500  
bud@dwbrlaw.com

Kevin E. Friedl\* (Admitted only in New  
York; practice supervised by D.C. Bar  
members)  
Jessica Anne Morton\* (DC Bar No.  
1032316)  
Robin F. Thurston\* (DC Bar No. 1531399)  
Skye L. Perryman\* (D.C. Bar No. 984573)  
Democracy Forward Foundation  
P.O. Box 34553  
Washington, D.C. 20043  
(202) 448-9090  
kfriedl@democracyforward.org  
jmorton@democracyforward.org  
rthurston@democracyforward.org  
sperryman@democracyforward.org

\*motion to appear *pro hac vice* forthcoming

# EXHIBIT A



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

January 21, 2025

M-25-11

## MEMORANDUM TO THE HEADS OF DEPARTMENTS AND AGENCIES

FROM: Matthew J. Vaeth, Acting Director, Office of Management and Budget  
Kevin Hassett, Assistant to the President for Economic Policy and Director of the National Economic Council

SUBJECT: Guidance Regarding Section 7 of the Executive Order *Unleashing American Energy*

The directive in section 7 of the Executive Order entitled *Unleashing American Energy* requires agencies to immediately pause disbursement of funds appropriated under the Inflation Reduction Act of 2022 (Public Law 117-169) or the Infrastructure Investment and Jobs Act (Public Law 117-58). This pause only applies to funds supporting programs, projects, or activities that may be implicated by the policy established in Section 2 of the order. This interpretation is consistent with section 7's heading ("Terminating the Green New Deal") and its reference to the "law and the policy outlined in section 2 of th[e] order."

For the purposes of implementing section 7 of the Order, funds supporting the "Green New Deal" refer to any appropriations for objectives that contravene the policies established in section 2. Agency heads may disburse funds as they deem necessary after consulting with the Office of Management and Budget.

# EXHIBIT B

SHELLEY MOORE CAPITO, WEST VIRGINIA, *CHAIRMAN*  
SHELDON WHITEHOUSE, RHODE ISLAND, *RANKING MEMBER*

KEVIN CRAMER, NORTH DAKOTA  
CYNTHIA M. LUMMIS, WYOMING  
JOHN R. CURTIS, UTAH  
LINDSEY O. GRAHAM, SOUTH CAROLINA  
DAN SULLIVAN, ALASKA  
PETE RICKETTS, NEBRASKA  
ROGER F. WICKER, MISSISSIPPI  
JOHN BOOZMAN, ARKANSAS  
JON HUSTED, OHIO

BERNARD SANDERS, VERMONT  
JEFF MERKLEY, OREGON  
EDWARD J. MARKEY, MASSACHUSETTS  
MARK KELLY, ARIZONA  
ALEX PADILLA, CALIFORNIA  
ADAM B. SCHIFF, CALIFORNIA  
LISA BLUNT ROCHESTER, DELAWARE  
ANGELA D. ALSOBROOKS, MARYLAND

ADAM TOMLINSON, REPUBLICAN STAFF DIRECTOR  
DAN DUDIS, DEMOCRATIC STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

March 7, 2025

The Honorable Lee M. Zeldin  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator Zeldin:

I write to express deep concern about the role of the so-called “Department of Government Efficiency” (DOGE) in reviewing and approving funding decisions at the Environmental Protection Agency (EPA). According to documents obtained exclusively by the Democratic Staff of the Senate Committee on Environment and Public Works (EPW), the EPA has recently issued new guidance to senior staff indicating that “all [funding] actions greater than \$50,000 now require approval from an EPA DOGE Team member.”<sup>1</sup> This escalation of the role that DOGE plays in EPA funding decisions threatens to delay routine funding processes and hand complex financial decisions to unvetted individuals with no demonstrable expertise in environmental policy or fiscal management. Accordingly, I request that you immediately reverse this policy and provide responses to my inquiries below.

On January 20, 2025, President Trump issued Executive Order 14158, establishing and implementing the so-called “Department of Government Efficiency.” That order directed you, as an agency head, to establish within EPA a DOGE Team to “implement the President’s DOGE Agenda.”<sup>2</sup> On February 26, 2025, President Trump further explained DOGE’s mission in Executive Order 14222, which provided guidance on DOGE’s role over spending in government contracts, grants, and loans. More specifically, the order clarified DOGE’s authority to scrutinize discretionary spending and terminate or modify existing contracts and grants.<sup>3</sup>

---

<sup>1</sup> Information obtained by EPW Democratic Staff.

<sup>2</sup> The White House, Executive Order 14158, *Establishing and Implementing the President’s “Department of Government Efficiency,”* 90 Fed. Reg. 8441 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02005/establishing-and-implementing-the-presidents-department-of-government-efficiency>.

<sup>3</sup> The White House, Executive Order 14158, *Establishing and Implementing the President’s “Department of Government Efficiency,”* 90 Fed. Reg. 8441 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02005/establishing-and-implementing-the-presidents-department-of-government-efficiency>.

According to the information EPW Democratic Staff obtained, EPA is now operationalizing these executive orders. On March 3, 2025, EPA sent an email instructing all division directors and deputy directors that “any assistance agreement, contract, or interagency agreement transaction \$50,000 or greater ***must receive approval from an EPA DOGE Team member.***”<sup>4</sup> The email further states that program offices are required to “complete and sign the attached EO Compliance Review Form for all funding actions.”<sup>5</sup> The Compliance Review Form seeks confirmation that the funding action “does not conflict with the Executive Orders.”<sup>6</sup> A separate email concurrently sent to Project Officers and Contract Officer Representatives reiterates that “any assistance agreement, contract, or interagency agreement transaction \$50,000 or greater must receive approval from any EPA DOGE Team member” and that “[p]rograms and regions should aim to submit a single tranche of actions for DOGE review each day between 3pm - 6pm EST.”<sup>7</sup> All three documents obtained by EPW Democratic Staff are enclosed with this letter.

This new directive is troubling for several reasons.

First, agency actions including contracting and grant-making now face unnecessary bureaucratic delays. Previously, routine approvals covered essential expenditures such as small-scale grants for air and water quality monitoring, laboratory equipment purchases, hazardous waste disposal at federal sites, and funding for municipal recycling programs. Second, the involvement of Elon Musk’s unvetted, inexperienced team raises serious concerns about improper external influence on specialized agency decision-making.<sup>8</sup> EPA assistance agreements, contracts, grants, and interagency agreements can often be valued at rates significantly greater than \$50,000 and may involve multiple parties, rely upon complex transactional arrangements, and require specialized knowledge of environmental science, policy, and regulations. Allowing unskilled, self-proclaimed “experts,” not vetted for conflicts of interest, to have veto power over funding determinations is inappropriate and risks compromising the agency’s mission to protect public health and the environment.

Third, requiring a certification that an agency funding decision does not conflict with executive orders is illegal. It is already established by court order that it is Congress that authorizes and appropriates funds for specific purposes, not the Office of Management and Budget or the President via executive order or DOGE.<sup>9</sup>

In short, rather than reducing waste, fraud, and abuse, the new measures impose administrative burdens that will disrupt Congressionally-directed programs, hinder federal agencies’ ability to function effectively, and usurp Congressional spending power. This new directive is just the latest salvo in EPA’s illegal campaign to block appropriated and obligated funding to projects and initiatives with which the Administrator and the President disagree.

---

<sup>4</sup> Information obtained by EPW Democratic Staff.

<sup>5</sup> Information obtained by EPW Democratic Staff.

<sup>6</sup> Information obtained by EPW Democratic Staff.

<sup>7</sup> Information obtained by EPW Democratic Staff.

<sup>8</sup> Donald Trump, “President Trump Addresses Joint Session of Congress,” *C-SPAN*, March 4, 2025, 1:02:12–1:02:33, <https://www.c-span.org/program/joint-session-of-congress/president-trump-addresses-joint-session-of-congress/656056>.

<sup>9</sup> See Memorandum and Order, *New York v. Trump*, C.A. No. 25-cv-39-JJM-PAS (D.R.I. Mar. 5, 2025), [https://storage.courtlistener.com/recap/gov.uscourts.rid.58912/gov.uscourts.rid.58912.161.0\\_2.pdf](https://storage.courtlistener.com/recap/gov.uscourts.rid.58912/gov.uscourts.rid.58912.161.0_2.pdf).



The consequences of this latest initiative extend beyond procedural slowdowns. As has been observed in disaster-stricken areas such as East Palestine, Ohio, communities rely on the agency's ability to quickly approve and distribute funds to restore access to clean water and rebuild damaged infrastructure.<sup>10</sup> Delays caused by additional approval requirements could prolong outages, exposing communities to unsafe conditions and heightened public health risks.

Given these concerns, please respond to the follow questions and requests for documents by no later than March 14, 2025:

1. How many DOGE staff currently work at EPA?
2. Do any DOGE staff at EPA have any professional experience in accounting, forensic auditing, contracting, grant-making, environmental policy, or environmental science? Please provide current CVs for all DOGE staff working at EPA.
3. How many funding actions worth at least \$50,000 did the Agency make per week in 2024? Please provide the weekly average.
4. Please provide a full list of criteria DOGE staff will use in reviewing agency funding decisions.
5. Please provide your asserted statutory or Constitutional basis for requiring that agency funding decisions be consistent with executive orders.
6. Please list all funding decisions that have been subjected to this new process, including the dates when approval was first sought, the dates wen approval was granted or denied, and the basis for any denials.
7. Given the involvement of DOGE, which is led by the world's richest man, what safeguards have you implemented or will you implement to prevent undue private influence over EPA's decisions?
8. Have you instituted a recusal process for DOGE staff from any agency funding decision that may implicate the financial interests of Elon Musk? If so, please provide details as to how it will work and the conditions that will trigger it.
9. Provide all documents and communications between and among you, EPA staff, volunteers or employees of DOGE, Elon Musk, Russell Vought, the Office of Management and Budget, and the White House concerning the \$50,000 funding directive issued at EPA on March 3, 2025.

I appreciate your prompt attention to this matter.

---

<sup>10</sup> Environmental Protection Agency, "EPA State Revolving Funds and Grants Available to Water and Wastewater Utilities," U.S. Environmental Protection Agency, last modified October 23, 2024, <https://www.epa.gov/fedfunds/epa-state-revolving-funds-and-grants-available-water-and-wastewater-utilities>.

Sincerely,



---

Sheldon Whitehouse  
United States Senator  
Ranking Member  
Committee on Environment  
and Public Works

cc: Sen. Shelley Moore Capito  
Chairman, Senate Committee on Environment and Public Works

FW: EO Compliance Review - contract, assistance agreement, IA funding and purchases

Retention Policy: 10 years (Capstone approach) (10 years) Expires: 3/2/2035

Review\_Documentation\_Extremural- fillable.pdf 65 KB

From: [REDACTED] <[REDACTED]>  
Sent: Monday, March 03, 2025  
To: [REDACTED] <[REDACTED]>  
Subject: EO Compliance Review - contract, assistance agreement, IA funding and purchases

Good Afternoon Directors and Deputies,

Earlier this afternoon we received revised guidance regarding review and approval of funding actions (e.g. - contracts, purchase card actions, assistance agreements, and IAs). This email reflects the latest information from OMS and could be subject to change. We will continue to provide updates as we receive them. **Most importantly, all actions greater than \$50,000 now require approval from an EPA DOGE Team member.** This requirement is in addition to the guidance sent late last week that OMS requires programs to certify their funding actions comply with Executive Order requirements (detailed here: [Presidential Actions - The White House](#)) and the Administrator's "Powering the Great American Comeback" Initiative (EPA Administrator Lee Zeldin Announces EPA's "Powering the Great American Comeback" Initiative 1/15/24). These requirements are in place until OMS revisits them and supersedes any previous guidance.

To implement these requirements, the program office must complete and sign the attached EO Compliance Review Form for all funding actions. For assistance agreements, this includes any new, supplemental, incremental funding actions, as well as amendments to workplans and budgets. For contracts and purchase card transactions, this includes any new contract or any amendment to a statement of work. Similarly for interagency agreements it includes any new, supplemental, or other funding action. The document demonstrates the signer understands and confirms the action and associated workplan or performance work statement complies with at the time of signature. If the funding action is \$50,000 or more, the form should be completed prior to beginning any Commitment Notice (CN), Funding Recommendation (FR), or Purchase Request (PR) to allow for review and either approval or denial by DOGE before any funds are committed. The revised Form requires the dollar amount and a 1 sentence explanation of the funding action. The explanation should focus on how the funding action meets statutory requirements and complies with the Executive Orders and the Administrator's five pillars outlined in Powering the Great American Comeback.

For actions of \$50,000 or more, the SRO is responsible for sending all submissions to the DOGE team. To meet daily times, please send the completed form by 2:00pm to Ken Rose for assistance agreement actions and interagency agreements, or Karyn Price for contract actions. Ken and Karyn will be batching all requests daily for submission to DOGE for approval/denial. If the action is approved by DOGE, the signed form will be sent back to the Project Officer (PO) or Contracting Officer Representative (COR), with copy to the DD and Deputy, as appropriate for inclusion in their funding document (e.g. - CN, FR, CR, PR).

If the funding action is less than \$50,000, then the Director or their designee need only provide the contract/grant/IA number, the recipient/vendor name, the funding amount, and sign the form. The PO or COR will attach the signed form to the funding document and include in the contract/grant/IA file.

Only the **Division Director** or their designee may sign the Form.

The following outlines the process for the various types of funding actions:

- 1. Assistance agreements (grants and cooperative agreements):** Project Officers (POs) shall upload the signed form to the associated efile and attach it to either the Funding Recommendation or Change Request, depending on the type of action, as well as to the Commitment Notice (Section 4, Attachments). The Funds Control Officer (FCO) will confirm EO Compliance Review Form is included in the CN before committing funds in Compass. The Grant Specialist will attach the signed Form to the draft award for award official review prior to signing.
- 2. Contracts:** The Contracting Officer Representative (COR) must attach the signed form to the purchase requisition (PR) in EAS. The PR will then be routed to the FCO to commit the funds in Compass before it is received by the Contracting Officer to be awarded. In addition to this guidance, the following items should also be attached to the PR in EAS prior to being routed to the FCO (documents will be required as part of the PR package when routing through EAS):
  - o Compliance Review Document (signed)
  - o Specification/List of items to be purchased/Statement of Work/Performance Work Statement
  - o Independent Government Estimate (IGE)
  - o Suggested Sources/Vendors that are known to provide this service/items
  - o Previous contract number/order number (if previously procured)
  - o Period of Performance and required date that the Contractual action is needing to be in place by
  - o Purchase Request (PR) (fully routed/approved) - Preference is for funding to be provided with the initial PR routing but in some instances may be for zero dollar. Please note that Contracting Officers are not able to approve any contractual action(s) unless funding is provided on the PR.
- 3. Purchase Cards:** the requester will upload the signed Form to the Purchase Request System. The purchase card holder will then upload the EO Compliance Review Form to PCOMS along with any other supporting documentation (NDAA 889, SF-182, etc.). The purchase card holder must receive the EO Compliance Review Form prior to executing a purchase card transaction. It will then be routed to Approving Official, including any other approvals (e.g., SOB Compliance by SOB), before routing to the FCO to commit the funds in Compass. Only a select few individuals maintain a credit card with capacity to purchase items. Most actions will need to go through the Contracts Section for action.
- 4. Interagency Agreements:** the form must be attached to the manual IA package or uploaded into G-invoicing. POs will email the signed EO Compliance Review Form to FCO when requesting a Document Control Number to commit the funds in Compass.

**Executive Order Compliance Review**

The following review verification document must be included with any assistance agreement, contract or interagency (IA) funding action or amendment to a workplan or statement of work. The document demonstrates that the signatory understands that the action and associated workplan or performance work statement complies with Executive Order requirements (detailed here: [Presidential Actions – The White House](#)) at the time of signature.

For actions requiring this document, signature must be by the Office Director (OD) in Headquarters or the Division Director (DD) in the regions. An OD/DD may assign a designee. Contracting Officers/ Specialists, IA Specialists, and Grants Specialists must retain the signed document in the contract, IA or grant file.

Funding actions for \$50,000 and above, review and signature by a DOGE team member is required.

**Funding Action Review Confirmation**

This confirms that the workplan, budget or performance work statement does not conflict with the Executive Orders and aligns with the Administrator's "[Powering the Great American Comeback](#)" initiative. Funding organizations may batch actions and attach a list of covered actions, which must include the following details, at a minimum.

Contract/ Grant/ IA #:

Recipient/ Vendor name:

Funding amount \$:

Description of Work (one sentence and only for \$50,000 and above actions):

---

Program Office Director (or designee)/ Regional Division Director (or designee)

---

DOGE Team (if required)



**Subject:** FW: Updated EO Compliance Review

Project Officers and Contract Officer Representatives:

Good morning. Please see the updated EO compliance review document (attached) and the instructions below.

Funding organizations will need to provide the amended EO compliance review document to award officials to signal alignment on Administration priorities as detailed through Executive Orders ([Presidential Actions – The White House](#)) and the Administrator's "Powering the Great American Comeback" Initiative ([EPA Administrator Lee Zeldin Announces EPA's "Powering the Great American Comeback" Initiative | US EPA](#)). For transactions below \$50,000, the compliance document is largely the same, except it requests the dollar amount.

There is a new requirement for transactions greater than \$50,000. **Effective today, any assistance agreement, contract, or interagency agreement transaction \$50,000 or greater must receive approval from an EPA DOGE Team member.** To facilitate the DOGE Team review, please include a brief (1-sentence) explanation of the funding action (all other fields must be completed as well). Programs and regions should aim to submit a single tranche of actions for DOGE review each day between 3pm – 6pm EST. While emergency/ special actions are understandable, please work to batch your funding actions as best as possible.

For compliance reviews requiring DOGE sign-off, please email your request by **2 p.m.** to [REDACTED] at [REDACTED]@epa.gov and [REDACTED] at [REDACTED]@epa.gov.

Thank you for your time, and feel free to contact me with any questions.

Have a great day,

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Woonasquatucket River Watershed Council et al.  
(see attachment)

(b) County of Residence of First Listed Plaintiff Providence County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Amato A. DeLuca, DeLuca, Weizenbaum, Barry &  
Revens, Ltd., 199 North Main Street, Providence, RI  
02903. (401) 453-1500 (see attachment)

**DEFENDANTS**

Department of Agriculture et al. (see attachment)

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
5 U.S.C. 706

Brief description of cause:

Plaintiffs challenge Defendants' freeze of federal funding as arbitrary and capricious, without statutory authority, and contrary to law under the APA.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Hon. John J. McConnell

DOCKET NUMBER 1:25-cv-00039

DATE

Mar 13, 2025

SIGNATURE OF ATTORNEY OF RECORD

/s/ Amato A. DeLuca

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**Attachment to Civil Cover Sheet**

*Additional Plaintiffs*

Eastern Rhode Island Conservation District  
Green Infrastructure Center, Inc.  
National Council of Nonprofits

*Additional Defendants*

Brooke Rollins, in her official capacity as Secretary of Agriculture  
Department of Energy  
Chris Wright, in his official capacity as Secretary of Energy  
Department of the Interior  
Doug Burgum, in his official capacity as Secretary of the Interior  
Environmental Protection Agency  
Lee Zeldin, in his official capacity as EPA Administrator  
Office of Management and Budget  
Russell Vought, in his official capacity as OMB Director  
Kevin Hassett, in his official capacity as Director of the National Economic Council

*Additional Attorneys for Plaintiffs*

Miriam Weizenbaum (RI Bar No. 5182)  
DeLuca, Weizenbaum, Barry & Ravens  
199 North Main Street  
Providence, RI 02903  
(401) 453-1500  
miriam@dwbrlaw.com

Kevin E. Friedl\*  
Jessica Anne Morton\*  
Robin F. Thurston\*  
Skye L. Perryman\*  
Democracy Forward Foundation  
P.O. Box 34553  
Washington, D.C. 20043  
(202) 448-9090

\*motion to appear *pro hac vice* forthcoming