

February 15, 2025

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

Dear Ms. Wiles:

Best wishes to you in your new role. I am writing to inquire about the circumstances and legality of Elon Musk's appointment to be the Administrator of the Department of Government Efficiency. Musk, who reports directly to you, has been delegated substantial and wide-ranging authority. He and his operatives have been given unprecedented access to highly restricted government data across multiple federal agencies, the authority to impose layoffs, the discretion to freeze funds, and the power to approve federal agencies' hiring decisions. They are now in the Environmental Protection Administration, which I oversee as ranking member of its authorizing committee.

Although the White House has asserted that Musk is a "special government employee," we have seen no evidence that he is complying with the procedures and rules that ordinarily apply to such employees. In addition, the nature and scope of his authority suggests he is not properly a special government employee but is instead a principal officer who requires Senate confirmation under the Appointments Clause.

At your earliest convenience, I would be grateful if you would explain the following:

- (1) the circumstances and legality of Elon Musk's appointment as a "special government employee," and the procedures employed;
- (2) any security vetting that was done, and by whom, particularly as regards the influence and interests of countries where he has substantial overseas investments;
- (3) whether he is in compliance, and subject to any impartial review of his asserted compliance, with federal ethics rules and laws, and also what formal exemptions he may have received, and if so from whom;
- (4) whether and from whom he was receiving legal advice regarding the lawfulness *vel non* of his various disruptions of agencies, agency employees' employment status and work responsibilities, and agency systems and data operations;

- (5) under what terms and with what vetting (and by whom) his operatives were hired and set loose in sensitive government datasets and funding systems;
- (6) whether the Office of Legal Counsel (OLC) was consulted on the legality of Musk's appointment; and
- (7) whether any analysis has been conducted on whether, under the Appointments Clause, Musk is a principal officer who must be confirmed by the Senate, given that Supreme Court and OLC precedent mandate Senate confirmation for individuals who, among other things, "exercis[e] significant authority" and carry out their functions without supervision by a Senate-confirmed official.

I hope you agree that these are reasonable things for the American people to understand. We in the Senate are certainly hearing about this from them, and would like these answers.

Yours sincerely,



Sheldon Whitehouse  
United States Senator