

Congress of the United States

Washington, DC 20515

February 13, 2025

Elon Musk
Chair
Department of Government Efficiency
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Musk:

We write regarding reports that you will be taking advantage of loopholes in federal ethics laws to avoid publicly disclosing your financial conflicts of interest.¹ Given the broad scope of your conflicts and the powerful role you play as head of the Department of Government Efficiency (DOGE), this non-disclosure is deeply troubling and will leave the public with legitimate questions about whether you are putting your own financial interests ahead of the public interest. To address those questions, we ask that you immediately release to the public your full financial disclosure form containing information about your potential conflicts of interest.

Given the scale of your power to carry out sweeping administrative policies and your vast personal financial interests, the American people deserve to know how you stand to profit from your role in the Trump Administration.

You have exploited a loophole in ethics law to avoid disclosing your finances.² Specifically, you are serving in the Trump Administration as an “Special Government Employee” (SGEs) and reportedly will be unpaid.³ While SGEs are required to publicly disclose their financial interests if they serve more than 60 days per year and if their position is classified above the GS-15 pay level,⁴ the White House has stated that, “[a]s an unpaid special government employee who is not a commissioned officer, Elon will file a confidential financial disclosure report.”⁵

¹ CBS News, “The public won't get to see Elon Musk's financial disclosures. Here's why that matters,” Kathryn Watson, February 7, 2025, <https://www.cbsnews.com/news/the-public-wont-see-elon-musk-financial-disclosure-why-that-matters/>.

² Axios, “Musk adds ‘special government employee’ to resume,” Sareen Habeshian, February 4, 2025, <https://www.axios.com/2025/02/05/elon-musk-trump-special-government-employee>.

³ New York Times, “Elon Musk Is a ‘Special Government Employee.’ What Does That Mean?,” Eric Lipton, February 5, 2025, <https://www.nytimes.com/2025/02/05/us/politics/elon-musk-special-government-employee-explainer.html>; CBS News, “The public won't get to see Elon Musk's financial disclosures. Here's why that matters,” Kathryn Watson, February 7, 2025, <https://www.cbsnews.com/news/the-public-wont-see-elon-musk-financial-disclosure-why-that-matters/>.

⁴ 5 CFR § 2634.201; 5 CFR § 2634.204; 5 CFR § 2634.202.

⁵ CBS News, “The public won't get to see Elon Musk's financial disclosures. Here's why that matters.” Kathryn Watson, February 7, 2025, <https://www.cbsnews.com/news/the-public-wont-see-elon-musk-financial-disclosure-why-that-matters/>; CBS News, “The White House says Elon Musk is a ‘special government employee.’ Here's what that means,” Aimee Picchi and Anne Marie Lee, February 6, 2025, <https://www.cbsnews.com/news/elon-musk-special-government-employee-what-does-that-mean/>.

But just because your conflicts of interest are not public does not mean that they are non-existent. Since President Trump’s inauguration, you have had free rein to access critical Treasury Department payment systems and agency data — including information on Americans’ Medicare and Social Security benefits, student loan information, and other sensitive data.⁶ You have obtained sensitive contracting and financial information — potentially in violation of the Privacy Act of 1974⁷ and other federal privacy rules and laws. You and your DOGE team have illegally attempted to shut down USAID and, this past week, attempted to unlawfully shut down the Consumer Financial Protection Bureau (CFPB).⁸ And you apparently did much of this before receiving an ethics training (which you completed just last week) and before filing your confidential financial disclosure report (which you have apparently not yet sent to the White House) — even though your businesses stand to profit from the work you have done to date.⁹

Regardless of your status as an unpaid SGE, you are still subject to federal ethics laws — in particular, criminal prohibitions under 18 U.S.C. § 208 that bar you “from personally and substantially participating in any particular matter that would have a direct and predictable effect on [your] financial interests.”¹⁰ Absent public disclosure of your interests, it is unclear how the public can have confidence in your compliance with that provision — particularly given that you will be responsible for policing your own conflicts of interest.¹¹ Alarming, the White House has explained: “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.”¹² Further eroding public confidence in your compliance, the White House has hamstrung the office responsible for preventing conflicts of interest in the executive branch, the Office of Government Ethics, by firing its director this week.¹³

⁶ CBS News, “Elon Musk’s access to Treasury’s payment system is raising alarms. Here’s what to know,” Kate Gibson and Aimee Picchi, February 5, 2025, <https://www.cbsnews.com/news/musk-treasury-social-security-access-federal-payment-system-trump/>.

⁷ *Privacy Act of 1974*, Public Law 93-579.

⁸ Washington Post, “Trump moves to wrest control of USAID as Musk says, ‘We’re shutting it down,’” John Hudson, Ellen Nakashima, Missy Ryan, Mariana Alfaro and Faiz Siddiqui, February 3, 2025, <https://www.washingtonpost.com/politics/2025/02/02/usaaid-trump-musk/>; BBC News, “Musk’s DOGE takes aim at US consumer protection agency,” Mike Wendling, February 8, 2025, <https://www.bbc.com/news/articles/cly48101n19o>.

⁹ New York Times, “Elon Musk’s Financial Disclosure Will Not Be Made Public,” Theodore Schleifer and Eric Lipton, February 11, 2025, <https://www.nytimes.com/2025/02/11/us/politics/elon-musk-finances.html>; CBS News, “The public won’t get to see Elon Musk’s financial disclosures. Here’s why that matters,” Kathryn Watson, February 7, 2025, <https://www.cbsnews.com/news/the-public-wont-see-elon-musk-financial-disclosure-why-that-matters/>.

¹⁰ Department of Defense Standards of Conduct Office, “Conflicts of Interest,” <https://dodsoco.ogc.osd.mil/Conflicts-of-Interest/#:~:text=%C2%A7%20208%2C%20a%20Federal%20employee,will%20have%20a%20direct%20and>.

¹¹ Bloomberg, “White House Says Musk Will Police His Own Conflicts of Interest,” Dana Hull, February 5, 2025, <https://www.bloomberg.com/news/articles/2025-02-05/white-house-says-musk-will-police-his-own-conflicts-of-interest?embedded-checkout=true>.

¹² New York Times, “Elon Musk’s Business Empire Scores Benefits Under Trump Shake-Up,” Eric Lipton and Kirsten Grind, February 11, 2025, <https://www.nytimes.com/2025/02/11/us/politics/elon-musk-companies-conflicts.html>.

¹³ CNN, “Trump removes top government ethics czar,” Fredreka Schouten, February 10, 2025, <https://www.cnn.com/2025/02/10/politics/office-of-government-ethics-david-huitema-trump/index.html>; U.S. Office of Government Ethics, https://www.oge.gov/web/oge.nsf/ethicsofficials_mission.

Even without any disclosures to date, what the public does know about your financial interests in the government’s work is troubling.¹⁴ You have an extensive financial stake in ongoing federal enforcement actions; your companies are currently the subject of at least 32 federal investigations, complaints, and other enforcement actions.¹⁵ Furthermore, X (formerly Twitter) is now partnering with Visa to offer a digital wallet for peer-to-peer payments — all while you work overtime to obliterate the CFPB, which regulates such digital wallets to protect consumers from financial fraud and discrimination.¹⁶

Meanwhile, your companies have been awarded over \$3 billion in federal contracts over the past year alone and more than \$13 billion over the past five years.¹⁷ Tesla earned \$10.7 billion through the sale of credits from government climate initiatives, accounting for approximately a third of the company’s profits over the past decade,¹⁸ and has received hundreds of millions in loans from the federal government.¹⁹ Meanwhile, SpaceX and its subsidiary Starlink are significant federal contractors and have received approximately \$1.7 billion from NASA and \$1.3 billion from the Air Force in the past year.²⁰

Still, the public lacks a complete picture of your sources of income, stock holdings, other assets, and any other positions outside of government. Without that information, the American people have no way of fully assessing your conflicts of interest, the extent to which those conflicts may influence your agenda within the Trump Administration, or the ways in which your financial interests are on a collision course with the public interest.

¹⁴ Letter from Senator Adam B. Schiff to White House Chief of Staff Susan Wiles, February 10, 2025, <https://www.schiff.senate.gov/wp-content/uploads/2025/02/20250210-Sen-Schiff-Letter-to-COS-Wiles-on-Musk.pdf>.

¹⁵ New York Times, “Elon Musk’s Business Empire Scores Benefits Under Trump Shake-Up,” Eric Lipton and Kirsten Grind, February 11, 2025, <https://www.nytimes.com/2025/02/11/us/politics/elon-musk-companies-conflicts.html>; Office of U.S. Senator Elizabeth Warren, Letter to Trump Transition Team regarding Musk conflicts of interest, December 16, 2024, https://www.warren.senate.gov/imo/media/doc/letter_to_trump_transition_reelonmuskconflictsofinterest.pdf; Washington Post, “Musk has long history of squabbles, investigation with federal agencies,” Faiz Siddiqui and Rachel Lerman, November 15, 2024, <https://www.washingtonpost.com/business/2024/11/15/elon-musk-trump-government-efficiency-agencies-investigations/>; New York Times, “U.S. Agencies Fund, and Fight With, Elon Musk. A Trump Presidency Could Give Him Power Over Them,” Eric Lipton, David A. Fahrenthold, Aaron Krolik and Kirsten Grind, October 20, 2024, <https://www.nytimes.com/2024/10/20/us/politics/elon-musk-federal-agencies-contracts.html>.

¹⁶ CNBC News, “Elon Musk’s X begins its push into financial services with Visa deal,” Hugh Son and MacKenzie Sigalos, January 28, 2025, <https://www.cnbc.com/2025/01/28/elon-musk-x-visa-digital-wallet.html>.

¹⁷ New York Times, “Elon Musk’s Business Empire Scores Benefits Under Trump Shake-Up,” Eric Lipton and Kirsten Grind, February 11, 2025, <https://www.nytimes.com/2025/02/11/us/politics/elon-musk-companies-conflicts.html>; New York Times, “U.S. Agencies Fund, and Fight With, Elon Musk. A Trump Presidency Could Give Him Power Over Them,” Eric Lipton, David A. Fahrenthold, Aaron Krolik and Kirsten Grind, October 20, 2024, <https://www.nytimes.com/2024/10/20/us/politics/elon-musk-federal-agencies-contracts.html>.

¹⁸ Politico, “Tesla built Musk’s vast wealth through climate credits. Trump may end them,” Corbin Hiar, January 18, 2025, <https://www.politico.com/news/2025/01/18/musk-tesla-climate-credits-trump-00198794>.


¹⁹ U.S. Department of Energy, “Loan Programs Office: Tesla,” <https://www.energy.gov/lpo/tesla>.

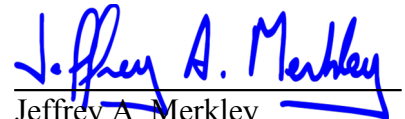
²⁰ ABC News, “Democrats demand investigation into Musk’s alleged ‘conflicts’ over billions in federal contracts,” John Parkinson, February 7, 2025, <https://abcnews.go.com/Politics/house-judiciary-democrats-call-ag-bondi-probe-musks/story?id=118573390>.


To help the public understand whether decisions made by DOGE are free from potential conflicts — and to follow your own call for the government to practice “maximum transparency”²¹ — we urge you to file and make public your financial disclosure paperwork no later than February 19, 2025.

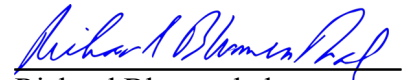
Thank you for your attention to this matter.


Sincerely,

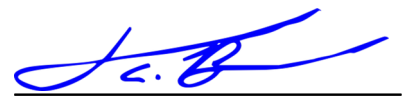

Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator

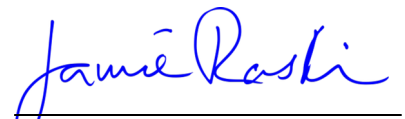

Adam B. Schiff
United States Senator


Richard Blumenthal
United States Senator


Jack Reed
United States Senator


Cory A. Booker
United States Senator


Chris Van Hollen
United States Senator


Jamie Raskin
Member of Congress

²¹ New York Times, “Trump’s Declaration Allows Musk’s Efficiency Team to Skirt Open Records Laws,” Minho Kim, February 10, 2025, <https://www.nytimes.com/2025/02/10/us/politics/trump-musk-doge-foia-public-records.html>.