

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

February 5, 2025

## VIA EMAIL

Mr. Robert Keele  
General Counsel  
xAI Corp.  
1450 Page Mill Road  
Palo Alto, CA 94304

Dear Mr. Keele:

Elon Musk, xAI's Chief Executive Officer, currently serves as the head of the Department of Government Efficiency ("DOGE"), while operating with the official status of "special government employee" of the federal government.<sup>1</sup> Mr. Musk's dual roles—running a for-profit corporation while serving in public office—not only create glaring conflicts of interest that pose grave risks for America's most sacred institutions, but may also violate federal law.<sup>2</sup> Pursuant to Senate Resolution 59 (118th Cong.) and Rule 1 of the Permanent Subcommittee on Investigations ("PSI" or "the Subcommittee"), PSI is conducting a preliminary inquiry into DOGE and the ramifications of its conduct. I therefore write to request information and records regarding steps xAI has taken to address these significant conflicts of interest and to notify you that, in light of the possibility that xAI may be enabling the violation of ethics requirements, obtaining unfair competitive advantages, and potentially violating federal laws, you are obligated to preserve all records pertaining to xAI's interactions with DOGE or any agent operating on its behalf.

Mr. Musk and his team have reportedly obtained unparalleled access to sensitive government data in the two weeks since DOGE was established. Since assuming his role, Mr. Musk has seized control of a sensitive Treasury Department data and payment system, potentially

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<sup>1</sup> *'Co-president' Elon Musk? Trump Ally Tests Influence in Spending Fight*, WASH. POST (Dec. 19, 2024), <https://www.washingtonpost.com/politics/2024/12/19/co-president-elon-musk-trump-ally-tests-influence-spending-fight/>; *Trump Makes DOGE Head Elon Musk a 'Special Government Employee' Amid Accusations of a Takeover*, USA TODAY (Feb. 3, 2025), <https://www.usatoday.com/story/news/politics/2025/02/03/doge-elon-musk-special-employee-federal-government/78185365007/>.

<sup>2</sup> *See, e.g.*, 18 U.S.C. § 208(a) (providing that executive branch employees, "including a special Government employee," that participate in any matter in which they have a "financial interest" may be subject to civil and criminal penalties); 18 U.S.C. § 1924(a) (providing that any employee of the United States who, "by virtue of his office, employment, position, or contract, becomes possessed of documents or materials containing classified information of the United States, knowingly removes such documents or materials without authority and with intent to retain such materials at an unauthorized location" shall be subject to criminal penalties); Defend Trade Secrets Act (18 U.S.C. §§ 1831-1839); Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq., see also, 15 U.S.C §§ 78j, 78u-1); *see also U.S. Government Officials Privately Warn Musk's Blitz Appears Illegal*, WASH. POST (Feb. 4, 2025), <https://www.washingtonpost.com/business/2025/02/04/elon-musk-government-legal-doge/>.

giving him the ability to control which payments the Treasury Department makes and almost certainly providing him access to nonpublic information pertaining to xAI's competitors—such as sensitive information regarding government contracts.<sup>3</sup> Mr. Musk's staff have gained access to the Office of Personal Management's ("OPM") Enterprise Human Resources Integration and USAJOBS, giving him the ability to access the personally identifiable information of not just federal employees, but anyone who has ever applied for a federal government position.<sup>4</sup> He has directed the heads of every agency of the federal government to email the chief of staff of OPM, a former employee of Mr. Musk's, with the identities of all federal workers on probationary periods.<sup>5</sup> The reckless haste with which DOGE has forced these sweeping changes may violate the E-Government Act of 2002, the Privacy Act of 1974, and the Administrative Procedure Act, among others.<sup>6</sup>

Mr. Musk's apparent control over the personal data of millions of Americans and the federal government's most sensitive financial workings is unprecedented and deeply troubling. Mr. Musk's access to the payment system at the Treasury Department grants him the ability to influence the system used for tax refunds, Medicare and Medicaid payments, and other services on which hundreds of millions of Americans rely. Mr. Musk has used DOGE to interfere with or encourage the elimination of federal agencies or programs that his companies, or his competitors, have had direct interest in.<sup>7</sup> This access may violate federal law and may also allow Mr. Musk to gain a competitive advantage in his numerous businesses, including xAI.<sup>8</sup> He may also have the power to withhold payments or hinder government programs without having to provide any explanation or notice.<sup>9</sup> DOGE's operations will also provide its employees with substantial information and influence over government contracts and plans that are commercially material to Mr. Musk's businesses.

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<sup>3</sup> *Elon Musk Says DOGE Will Now Shut Down Government Payments He Doesn't Like*, YAHOO! NEWS (Feb. 3, 2025), <https://www.yahoo.com/news/elon-musk-says-doge-now-162304330.html>; *'We are terrified': Musk puts USAID through 'wood chipper'*, THE HILL (Feb. 3, 2025), <https://thehill.com/policy/technology/5122676-usaid-shutdown-elon-musk-doge/>; *Elon Musk's Team Now Has Access to Treasury's Payments System*, N.Y. TIMES (Feb. 1, 2025), <https://www.nytimes.com/2025/02/01/us/politics/elon-musk-doge-federal-payments-system.html>.

<sup>4</sup> *Federal Workers Sue to Disconnect DOGE Server*, WIRED (Feb. 4, 2025), <https://www.wired.com/story/federal-workers-sue-over-doge-server/>.

<sup>5</sup> *Exclusive: Musk aides lock workers out of OPM computer systems*, REUTERS (Feb. 2, 2025), <https://www.reuters.com/world/us/musk-aides-lock-government-workers-out-computer-systems-us-agency-sources-say-2025-01-31/>.

<sup>6</sup> See The E-Government Act of 2002 (44 U.S.C. § 3501 note); The Privacy Act of 1974 (5 U.S.C. §§ 552a); The Administrative Procedure Act (5 U.S.C. § 706(2)(A)).

<sup>7</sup> See, e.g., *Elon Musk Reportedly Has a Huge Conflict of Interest Motivating Him to Gut USAID*, FUTURISM (Feb. 5, 2024), <https://futurism.com/elon-musk-conflict-interest-shutting-down-usaid/>; *Project Announcement: Inspection of USAID's Oversight of Starlink Terminals Provided to the Government of Ukraine*, OFFICE OF INSPECTOR GENERAL, U.S. AGENCY FOR INT'L DEVELOPMENT (May 14, 2024), <https://perma.cc/5UC2-2682>.

<sup>8</sup> *Treasury Dept. Gives Elon Musk's Team Access to Federal Payment System: Sources*, ABC NEWS (Feb. 3, 2025), <https://abcnews.go.com/US/treasury-dept-elon-musks-team-access-federal-payment/story?id=118380399>.

<sup>9</sup> *Id.*

Mr. Musk has also installed former (and, perhaps, current) employees of his companies throughout the federal government.<sup>10</sup> Since gaining unheard-of authority over the Treasury Department's systems, including potentially access or administrative rights to systems with classified information or significant national security risks, Mr. Musk has provided access to these systems to a group of unvetted software engineers, reportedly ranging in age from 19 to 25, who appear to have interned at, worked at, or otherwise have connections to Mr. Musk's various business interests.<sup>11</sup> At OPM, new personnel with connections to Mr. Musk include the chief of staff and at least five other senior staff members.<sup>12</sup>

It is imperative that Congress promptly obtain all information pertaining to Mr. Musk's unprecedented power grab, including the extent to which the information and influence Mr. Musk has obtained is being used to the commercial benefit of xAI, and whether xAI personnel are working on behalf of DOGE.

To assist the Subcommittee's understanding of what sensitive information xAI has obtained, which xAI personnel are assisting DOGE, what steps xAI has taken to address conflicts of interest, and how xAI plans to ensure that Mr. Musk's access to sensitive, nonpublic information and control over government programs does not result in violations of state and federal law, please provide the following information to the Subcommittee by February 14, 2025. I further request that you provide the Subcommittee with updates to xAI's answers to each of the following questions on a biweekly basis thereafter.<sup>13</sup>

1. How many current xAI personnel have performed services on behalf of the Department of Government Efficiency ("DOGE"), whether as an employee, consultant, volunteer, agent, or other type of associate?
2. For each individual identified in response to question 1, please provide the individual's:
  - a. Full name and current title;
  - b. First day of employment with xAI;
  - c. Current monthly salary;
  - d. Total hours spent working on behalf of DOGE since January 20, 2025, broken down by week;
  - e. A brief description of the individual's responsibilities on behalf of DOGE; and
  - f. A brief description of any process utilized by the individual to obtain permission from xAI to perform services on behalf of DOGE or the federal government, including the name of all xAI personnel providing approval.
3. How many former xAI personnel employed at or associated with xAI at any point in 2024 have since become employed by or otherwise associated with DOGE?
4. For each person identified in response to question 3, please provide the individual's:
  - a. Full name and most recent title;

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<sup>10</sup> *The Young, Inexperienced Engineers Aiding Elon Musk's Government Takeover*, WIRED (Feb. 2, 2025), <https://www.wired.com/story/elon-musk-government-young-engineers/>.

<sup>11</sup> *Unmasked: Musk's Secret DOGE Goon Squad—Who Are All Under 26*, YAHOO NEWS (Feb. 3, 2025), <https://www.yahoo.com/news/doge-musketeers-secret-team-elon-221351736.html>.

<sup>12</sup> *Musk Associates Given Unfettered Access to Private Data of Government Employees*, POPULAR INFORMATION (Feb. 3, 2025), <https://popular.info/p/musk-associates-given-unfettered>.

<sup>13</sup> Please see additional instructions on responding to these requests in Attachment A to this letter.

- b. First day of employment with xAI; and
- c. Date of departure from xAI
5. Please describe the nature and extent of communication Mr. Musk or any current or former xAI personnel providing services to DOGE have maintained regarding the daily operations of xAI since January 20, 2025.
6. Please list all federal government contracts xAI has been awarded, submitted a bid for, or otherwise solicited in the past 12 months.
7. Please describe any policies in place to restrict insider trading or anticompetitive behavior connected to information obtained from Mr. Musk, DOGE, or any person acting on its behalf.
8. When did Mr. Musk inform xAI and/or its Board of Directors of his intention to concurrently work as head of DOGE and maintain his role as CEO of xAI?
9. Has xAI's Board of Directors independently considered and approved Mr. Musk's plans to concurrently work as head of DOGE and maintain his role as CEO? Please provide a detailed description of how this approval process was conducted and what factors were considered in providing approval.
10. Has xAI received or gained access to any nonpublic data, information, or records from DOGE or persons acting on its behalf? If so, please describe the nature of that data and how xAI intends to use it.
11. Has xAI provided any digital infrastructure or access to technical resources, such as servers, databases, digital storage, or artificial intelligence models, to DOGE, the Office of Personnel Management, the Department of Treasury, or any division of the federal government? If so, please describe the nature of those contributions and arrangements regarding their use.

In addition, please immediately and continuously preserve all of the following records pertaining to xAI's association with and/or potential conflicts of interest related to DOGE. Documents preserved must include all records in xAI's possession, custody, or control, including but not limited to physical, virtual, encrypted, or other forms of records. Records stored on personal devices of xAI personnel must also be preserved if used for company business. All communications must be preserved, regardless of any designation as "disappearing" or "ephemeral."<sup>14</sup>

1. All communications referring or relating to the Department of Government Efficiency ("DOGE") or related efforts to reduce the federal budget, federal agencies, or reduce federal services, from November 6, 2024, and thereafter, including but not limited to all communications:
  - a. referring or relating to actual or potential awards of federal government contracts;
  - b. between xAI personnel and federal government personnel related to DOGE and/or any prospective cuts to the federal budget, federal workforce, federal payments, or reduction of any federal government functions;
  - c. between xAI personnel and personnel of the Trump Transition Team;

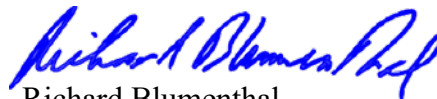
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<sup>14</sup> Please see definitions in Attachment A for further guidance.

- d. referring or relating to any xAI personnel under consideration for a role (whether formal or informal) in the Trump Administration, including but not limited to a role within the Department of Government Efficiency;
  - e. between Mr. Musk and any xAI personnel referring or relating to Mr. Musk's prospective or actual service to or employment by the federal government; and
  - f. between Mr. Musk and any member of xAI's Board of Directors referring or related to Mr. Musk's prospective or actual service to or employment by the federal government.
2. All records referring or relating to access to federal government data, records, or other information, including but not limited to records referring or relating to:
    - a. the transfer or sharing of federal government data or information with xAI, including, but not limited to any nonpublic personally identifiable information, information regarding federal contracts, agency planning, or information from the federal treasury;
    - b. nonpublic federal government information about any xAI competitor;
    - c. nonpublic federal government information about any contract the xAI is eligible to bid for or otherwise enter into with the federal government.
  3. All records referring or related to xAI policies and procedures relating to conflicts of interest, including but not limited to:
    - a. Any analyses performed to determine the permissibility of xAI personnel accepting employment with or volunteering for the federal government, including but not limited to legal analyses;
    - b. Policies and procedures to ensure personnel employed by both xAI and the federal government will not abuse their position within the federal government for personal or xAI gain;
    - c. Employment contracts or agreements between xAI and any xAI personnel who have worked for or otherwise provided services to the federal government since January 20, 2025;
    - d. xAI policies and procedures for the custody, retention, and internal or external transmission of nonpublic information.

Please contact the Subcommittee should you have any questions about responding to these requests. Thank you for your attention to this matter.

Sincerely,



Richard Blumenthal  
Ranking Member  
Permanent Subcommittee on Investigations

cc: The Honorable Ron Johnson  
Chairman

## ATTACHMENT A

Date range: Unless otherwise specified, all information and records provided in response to this request should be as of November 6, 2024.

For purposes of this request, the “federal government” means the Executive Office of the President (“EOP”), the divisions named or otherwise included in 5 USC §§ 101-105, and any official, employee, consultant, contractor, or agent of the EOP or any division of government encompassed in 5 USC §§ 101-105.

For purposes of this request, “records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), direct messages, chats, calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

For purposes of this request, “communications” include any records, as defined above, transmitted in any way between two or more individuals or entities.

For purposes of this request, “xAI” includes, but is not limited to xAI and any of its subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which the xAI had or has a controlling interest, along with any employee, affiliate, contractor, or any other individual that conducted business on behalf of xAI.

For purposes of this request, “personally identifiable information” means information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, as defined in OMB Memorandum M-07-1616.

For purposes of this request, “personnel” means any and all employees, executives, agents, interns, volunteers, consultants, or other designees operating on behalf of the referenced entity.