

# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

J. DOE 1, et al.,

*Plaintiffs,*

v.

ELON MUSK, *et al.*,

*Defendants.*

Case No. 8:25-cv-00462-TDC

**DECLARATION OF JEREMY LEWIN**

I, Jeremy Lewin, pursuant to 28 U.S.C. 1746, hereby declare as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this declaration. This declaration is based on my personal knowledge and information provided to me in my official capacity by others.

2. Since Tuesday, March 18, 2025, I have performed the duties and functions of Deputy Administrator (Policy and Programming) and Chief Operating Officer of the United States Agency for International Development (USAID).

3. In my current roles, my duties include overseeing the responsible administration of USAID's day to day activities, such as its ongoing life-saving aid programs. I have served as a policymaker at USAID since January 28, 2025, as both a Senior Advisor and Director for Strategy & Programs. I have also held similar roles at other federal agencies, including the Department of State, where I serve as a Senior Advisor to the Deputy Secretary for Management and Resources. Previously, I clerked on the U.S. Court of Appeals for the District of Columbia Circuit and worked in the private sector, as an investment banker and

litigation and regulatory lawyer.

4. On January 30, 2025, President Trump designated Secretary of State Marco Rubio as Acting Administrator of USAID pursuant to the Federal Vacancies Reform Act, 5 U.S.C. § 3345 *et seq.* That same day, Secretary and Acting Administrator Rubio delegated the duties and functions of Deputy Administrator of USAID to Peter Marocco, the Director of the Office of Foreign Assistance at the Department of State.

5. On February 3, 2025, Secretary and Acting Administrator Rubio sent a letter to Congress, formally notifying them, consistent with applicable law, including sections 7063 and 7015 of the Department of State, Foreign Operations, and Relation Programs Appropriations Act, 2024 (Div. K, P.L. 118-47), as carried forward by the Continuing Appropriations Act, 2025 (Div. A, P.L. 118-83), of “our intent to initiate consultations ... regarding the manner in which foreign aid is distributed around the world through [USAID],” including by exploring a potential reorganization of USAID and/or its potential absorption by the Department of State. *See* February 3, 2025, Letter to the Chairs and Ranking Members of the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, and the House and Senate Committees on Appropriations. That letter explained that Secretary and Acting Administrator Rubio had delegated to Director Marocco the duties and functions of Deputy Administrator of USAID, “to begin the process of engaging in a review and potential reorganization of USAID’s activities to maximize efficiency and align operations with the national interest.” *Id.*

6. Since February 3, 2025, Acting Administrator Rubio and PTDO Deputy Administrator Marocco have authorized numerous actions in connection with this proposed restructuring, and to better align USAID’s operations with its appropriate focus on life-saving and strategic aid delivery. For example, USAID conducted an individualized full-scope review

of all its existing federal awards and took action to terminate certain awards which Acting Administrator Rubio determined were not consistent with the foreign policy and national interests of the United States. Likewise, Acting Administrator Rubio and PTDO Marocco authorized certain personnel actions, including the placement of certain USAID personnel on paid administrative leave, and the use of statutory and regulatory Reduction-in-Force (RIF) processes.

7. I assisted in recommending and implementing some of these actions. In performing these duties, I was always under the direction and supervision of Acting Administrator Rubio and PTDO Deputy Administrator Marocco. At no point did I take or implement any action without appropriate authorization from these or other duly appointed senior USAID officials.

8. On March 18, 2025, Acting Administrator Rubio, consistent with applicable law, delegated to me the duties and functions of the Deputy Administrator (Policy and Programming) and Chief Operating Officer of USAID. At the same time, he delegated to Kenneth Jackson, Assistant to the Administrator for Management and Resources at USAID since January 20, 2025, the duties and functions of the USAID Deputy Administrator (Management and Resources). Thus, Director Marocco returned full-time to his Department of State duties leading the Office of Foreign Assistance and ceased to have any formal authority over USAID operations or affairs. The decision to delegate to me these responsibilities was made prior to the Court's issuance of its March 18, 2025, Preliminary Injunction and was in no way related to the proceedings in this case.

9. I am not, and have never been, an employee of Elon Musk or USDS. I was the DOGE Team Lead at USAID for a period of time. I am no longer the DOGE Team Lead at USAID. Nor am I now otherwise a member of the DOGE Team at USAID.

10. None of Elon Musk, USDS, or any USDS employee has any formal authority over me. None has the legal authority to direct me or anyone at USAID regarding access to USAID data or systems; to send, change, or restore any email communications; to manage personnel or take personnel actions; to take any action with respect to grants, contracts, and other agreements; or to take any other similar governmental action. I report directly and only to Acting Administrator Rubio. As Article II requires, the Acting Administrator reports directly and only to President Trump, the Commander-in-Chief.

11. Consistent with the Congressional Notification and ongoing consultations, USAID intends to continue certain reorganization activities. In the past several days, Acting Administrator Rubio has authorized several additional steps and actions to be taken in connection with the ongoing restructuring and other matters related to the operation and management of USAID.

12. Pursuant to my duly delegated authority, I intend to implement several of these actions. For example, in my position, I have directive authority over and ultimate responsibility for USAID's regional and pillar bureaus and all of USAID's global programming. Several actions authorized by Secretary and Acting Administrator Rubio relate to these functions and matters. Next to Acting Administrator Rubio, only I have appropriate authority to direct and manage some of these actions within the scope of delegated area of responsibility.

13. Any delay or frustration of my ability to authorize these actions may imperil the delivery of USAID's essential aid programming and may potentially place USAID personnel posted overseas in harm's way.

14. For example, the responsible administration of USAID's critical and life-saving Global Health activities, including the PEPFAR HIV relief program, requires the termination or modification of certain existing grants or contracts in order to better allocate resources to higher-

impact activities. One of my primary goals in assuming my delegated role is to secure the effective delivery of the PEPFAR program and to ensure that USAID's critical global health supply chain remains intact. To that end, I have reviewed requests from career staff to terminate certain unnecessary contracts in order to create room to reactivate, renegotiate, and sign new contracts with greater impact. I intend to timely approve many of these requests, which I have been advised are essential to ensure that millions of people living with HIV can timely receive their medication.

15. Aside from me, only Acting Administrator Rubio has sufficient authority to authorize these actions. Especially in view of his significant responsibilities, it is unreasonable to expect the Agency Head to personally approve every such action or request. That is precisely why USAID is constituted with a Deputy Administrator for Policy and Programming, and with a Chief Operating Officer. I am unaware of any significant federal agency or instrumentality that does not have a Deputy Administrator or Deputy Secretary to exercise the management powers and authorities I have been delegated.

16. Likewise, I may need to take certain personnel actions in connection with the orderly administration of the restructuring, or to secure the continued safety of our personnel and confidentiality of Agency information. I have primary responsibility for the management and security of nearly 2,000 full-time USAID personnel posted abroad. In recent days, there have been several disturbances at overseas posts. Working with appropriate security and management staff, I have been advised of certain personnel actions which may be necessary to ensure the safety and confidentiality of Agency operations. If I am unable to review or authorize these actions, it is not clearly which officer, other than Acting Administrator Rubio, would possess sufficient authority to do so.

Executed this 19<sup>th</sup> day of March, 2025



JEREMY LEWIN