

ELON MUSK'S AI-BOLA AND MARCO RUBIO'S VERY BUSY MONTH

Trump had a ritual humiliation session yesterday he billed as a Cabinet Meeting. One purpose of it was to perform complaisance with DOGE [sic]. Trump had Elon lie about his accomplishments and goal, and then invited Cabinet Members to speak up publicly about problems with him, which of course all declined to do.

And obviously, that can only be done with the support of everyone in this room. And I'd like to thank everyone for – for your support. Thank you very much this. This – this can only be done with – with your support.

So, this is – it's really – DOGE is a support function for the president and for the – the agencies and departments to help achieve those savings and to effect- – effectively find 15 percent in reduction in fraud and – and waste.

And – and we bring the receipts. So, people say, like, "Well, is this real?" Just go to DOGE.gov. We l- – we – line item by line item, we specify each item. So – and w- – and I – I should say, we – also, we will make mistakes. We won't be perfect. But when we make mistake, we'll fix it very quickly.

So, for example, with USAID, one of the things we accidentally canceled, very briefly, was Ebola – Ebola prevention. I think we all wanted Ebola prevention. So, we restored the Ebola prevention immediately, and there was no interruption.

But we do need to move quickly if we're – if we're to achieve a trillion-dollar deficit reduction in tw- – in – in

financial year 2026. It requires saving \$4 billion per day, every day from now through the end of September. But we can do it, and we will do it.

Thank you.

THE PRESIDENT: Well, do you have any questions of Elon while we're on the subject of DOGE? Because we'll finish off with that. And if you would have any questions, please ask – you could ask me or Elon.

Go ahead, please.

Q Thank you, Mr. President. Thank you, Mr. Musk. I just wanted to ask you, the – President Trump put out a Truth Social today saying that everybody in the Cabinet was – was happy with you. I just wondered if that – if you had heard otherwise, and if you had heard anything about members of the Cabinet who weren't happy with the way things were going. And if so, what are you doing to address those – any dissatisfaction?

MR. MUSK: To the best of –

THE PRESIDENT: Hey, Elon, let the Cabinet speak just for a second.
(Laughter.)

Is anybody unhappy with Elon? If you are, we'll throw them out of here.
(Laughter.) Is anybody unhappy?
(Applause.)

They are – they have a lot of respect for Elon and that he's doing this. And some disagree a little bit, but I will tell you, for the most part, I think everyone is not only happy, they're thrilled.

The Ebola line – one Marco Rubio did not contest – got a *ton* of press.

But WaPo's story – describing that Elon's claimed restoration was a lie – got far less.

Yet current and former USAID officials said that Musk was wrong: USAID's Ebola prevention efforts have been largely halted since Musk and his DOGE allies moved last month to gut the global-assistance agency and freeze its outgoing payments, they said. The teams and contractors that would be deployed to fight an Ebola outbreak have been dismantled, they added. While the Trump administration issued a waiver to allow USAID to respond to an Ebola outbreak in Uganda last month, **partner organizations were not promptly paid for their work**, and USAID's own efforts were sharply curtailed compared to past efforts to fight Ebola outbreaks.

"There have been no efforts to 'turn on' anything in prevention" of Ebola and other diseases, said Nidhi Bouri, who served as a senior USAID official during the Biden administration and oversaw the agency's response to health-care outbreaks.

Last month's Ebola outbreak has now receded, but some former U.S. officials say that's in part because of past investments in prevention efforts that helped position Uganda to respond – and that other countries remain far more vulnerable.

Bouri said her former USAID team of 60 people working on disease-response had been cut to about six staffers as of earlier this week. She called the recent USAID response to Uganda's Ebola outbreak a "one-off," far diminished from "the full suite" of activities that the agency historically would mount, such as ramping up efforts to monitor whether the disease had spread to neighboring countries.

"The full spectrum – the investments in disease surveillance, the investments in what we mobilize ... moving commodities, supporting lab workers – that capacity is now a tenth of what it was," Bouri said.

[snip]

"We have the programs and the people who were working on Ebola and other deadly-disease prevention capacity in other countries not able to do their jobs because **their work is frozen, and many of the people have been put on administrative leave,**" said Cameron, who worked on biosecurity efforts in the Bush, Obama, Trump and Biden administrations. "And we have a response that is, at best, less efficient, because the **implementers are not able to get reliably paid.**" [my emphasis]

This is consistent with what people have been claiming in court declarations (in this case from a Controller stationed overseas) for weeks: even where State/USAID *claims* to have sustained a program, it was nevertheless gutted through non-payment and staffing cuts.

8. Every single payment that I tried unsuccessfully to process after January 27 was for an expense incurred before January 20. Most of the payments I have been trying to process were for expenses incurred in November or December of 2024. These included large payments to partners who bill us every month for the work performed in the previous month, as well as smaller administrative items like cell phone and other utility payments, travel reimbursements, and rental payments.

9. On February 3, the situation changed yet again. As of that date, every time I tried to hit the "certify" button to

begin a disbursement, I received an error message stating that I did not have authority to proceed. I contacted Phoenix Security to inquire if there was a technical problem in the system and was told "on Friday January 31, we were instructed to remove the ability to certify payments." They did not indicate who instructed them, only stating "Unfortunately I am unable to reverse this decision."

10. On February 5, all USAID controllers received another diplomatic cable indicating that USAID personnel could no longer process payments themselves but must request approval from a Senior Bureau Officer before forwarding the payment packages for processing. However, as of February 11, nobody can agree on who is the appropriate SBO for USAID payments and the State Department hasn't processed a single payment based on the new procedure.

11. As of February 9, when I try to log into Phoenix, I receive a new error message stating that my sign-in attempt has failed. I have even less access to Phoenix after the February 7 court order than I did before that date.

[snip]

13. I have not been able to process payments under any of the waivers included in the January 24 cable, including legitimate expenses incurred prior to January 24 under existing awards or those for employee operating expenses. Though the waivers exist on paper, in reality all USAID funds have remained frozen because of technological barriers added to the system, I don't know by whom. Phoenix will not let us disburse anything.

The people who pay the bills have all been forced out of payment systems. And it's not clear whether DOGE [sic] broke the system or simply disabled it (a Matt Bai report I find suspect, but which plaintiffs have now cited in court filings, says it's the latter).

The first of these USAID cases – on Judge Amir Ali's order to halt freezes of such funding – landed before SCOTUS last night; the government's request to vacate Ali's order presents a wildly misleading description of the posture of the case.

It also wails mightily about plaintiffs' request to conduct discovery, including by deposing Marco Rubio.

Worse, this order exposes the government to the risk of contempt proceedings and other sanctions. Agency leadership has determined that the ordered payments "cannot be accomplished in the time allotted by the" district court. App., infra, 97a. That risk is especially concerning because the district court appears poised to require mini-trials, discovery, and depositions of senior officials as to whether a host of foreign-aid decisions genuinely rested on the government's conceded discretionary authority to terminate contracts and grants, or were instead supposed pretexts for a blanket foreign-aid cut that the district court considers unlawful. See id. at 141a (respondents' proposed discovery plan) (requesting deposition of Secretary of State) Respondents are pressing even further, demanding discovery into personnel actions, payment-processing protocols, and other agency actions that have nothing to do with their original APA claims challenging a categorical funding pause. The threat of invasive discovery into senior officials' subjective motivations only exacerbates

the Article II harms inflicted by the court's order.

Or perhaps it wails mightily about being called on a claim made below: That Marco Rubio has been personally involved in all this.

After Judge Ali first issued a TRO, State offered a new claimed basis for the freeze: that State was in the process of canceling the contracts via clauses within the contracts, applied individually. It claimed that the reduced staff of State reviewed every contract and decided whether to keep or eliminate it.

And according to multiple declarations from Pete Marocco, Marco Rubio was personally involved in all of that.

5. USAID led a rigorous multi-level review process that began with spreadsheets including each contract, grant, or funding instrument where each line of the spreadsheet reflected one such agreement and included information about the recipient, the amount of the award, the subject matter, and a description of the project that often included the location of the project. Policy staff first performed a first line review to determine whether the individual agreement was in line with foreign policy priorities (and therefore could potentially be continued) or not (and presumptively could be terminated as inconsistent with Agency priorities and the national interest). Those recommendations were reviewed by a senior policy official to confirm that, for awards recommended for termination, that ending the program was consistent with the foreign policy of the United States and the operations and priorities of the Agency. The results of that review were routed to me for further review, including of institutional and diplomatic equities. As one example, a

presumptively terminated agreement might be continued for a variety of foreign policy reasons, such as the location of the project or the general subject matter, or the judgment and foreign policy perspectives of the second line reviewer. Termination recommendations approved by me ultimately received the Secretary of State's review. **The Secretary of State's personal involvement confirmed that termination decisions were taken with full visibility into the unique diplomatic, national security, and foreign policy interests at stake** vis-à-vis foreign assistance programs. [my emphasis]

Just in time to rush this to the Supreme Court, Morocco claimed that Rubio had finished his decision-making.

Since last night when I executed a declaration, the process for individually reviewing each outstanding State Department grant and federal assistance award obligation has concluded. Secretary Rubio has now made a final decision with respect to each such award, affirmatively electing to either retain the award or terminate as inconsistent with the national interests and foreign policy of the United States. State is processing termination letters with the goal to reach substantial completion within the next 24-48 hours. Notification letters will be distributed for retained awards within 2 weeks to take account of the overseas lag. In total, approximately 4,100 awards were terminated, and approximately 2,700 awards were retained. Of approximately 711 contracts originally paused, approximately 297 still need to be reviewed; the remainder have either been terminated or resumed. Defendants are committed to fully moving forward with

the remaining awards and programs that Secretary Rubio has determined to retain.

A Contracting Officer submitted a declaration yesterday explaining how “implausible” the claim of personal involvement from Rubio is.

36. As a CO who manages a portfolio of less than 50 awards, the claims of “individual reviews” by Secretary Rubio are completely implausible. Contracts and awards are lengthy, technical, and complicated documents. They often include technical specifications that are dozens of pages long, as well as lengthy technical appendices. It would take a single person weeks and weeks of work to substantively review hundreds of contracts and awards, especially if that person was not already familiar with the programs at issue. For example, when the Agency asked COs to review the Scopes of Work and Program Descriptions contained in our awards to determine whether provisions regarding Diversity, Equity, and Inclusion were incorporated, it took me and my team a week to review fewer than 50 awards. Not only did we have a team of people doing this work, but these were awards which I manage and have significant foundational knowledge about.

37. Beyond that, without consulting the COs and CORs/OARs who manage a specific contract or award, it would be impossible in most cases to understand whether a specific award could be terminated, effective immediately, without incurring even greater termination costs or causing even greater harms to the national interest or Agency priorities. For example, the COs and CORs/OARs have specific information about the status of ongoing work, whether immediate termination

would incur sunk costs (for example, by allowing already-purchased food and medicine to expire), whether immediate termination would risk the health or safety of Agency personnel or implementing partners, among many other award-specific factors.

Rubio's recent schedule makes that all the more implausible. For six days after the original stay, Rubio was traveling.

Secretary Rubio is on travel to Germany, Israel, Saudi Arabia, and the United Arab Emirates from February 13-19, 2025.

He had nothing but briefings on his schedule on February 20. But then he had two high level meetings on February 21. More high level meetings, including with President Macron, on Monday. A meeting with the Saudi Defense Minister Tuesday. And the aforementioned Cabinet Meeting yesterday, where Rubio didn't speak up to correct Elon's false claim about Ebola. Rubio did, however, blow off EU foreign policy minister Kaja Kallas yesterday, avoiding a discussion about Ukraine. Today, Keir Starmer visits.

Even with the canceled Kallas meeting, though, Rubio simply had no time – especially not blocks of time that fell into the periods when Pete Marocco claims these decisions were made – to review the contracts in depth.

State needs to claim Rubio had personal involvement in rescinding these contracts. But it is virtually impossible that he did, much less that he had meaningful input on it.

What is far more likely is that Elon's AI reviewed these contracts, and State is claiming that the work of that AI is instead the considered conclusion of the Senate-confirmed Secretary of State.

No wonder DOJ panicked when plaintiffs said they

wanted to depose the people who made the decisions (a request Judge Ali has not endorsed).

Someone just shut down the bulk of foreign aid, purportedly with the personal involvement of the Secretary of the State. But that very same Secretary of State sat silent when Elon Musk falsely claimed that State was still funding Ebola prevention.