

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

ELEV8 BALTIMORE, INC.,
844 Roundview Rd.
Baltimore, MD 21225

RED CLOUD INDIAN SCHOOL, INC./MAŃPIYA
LÚTA,
Historic Mission Building
100 Mission Dr.
Pine Ridge, SD 57770

BUR OAK LAND TRUST, *on behalf of themselves
and all others similarly situated*,
5 Sturgis Corner Dr.
Iowa City, IA 52246

PARTNERS FOR CAMPUS-COMMUNITY
ENGAGEMENT,
600 N. 2nd St., Suite 401
Harrisburg, PA 17101

NATIONAL COLLEGE ATTAINMENT
NETWORK,
800 17th St. NW
Washington, DC 20006

MICHIGAN COLLEGE ACCESS NETWORK,
200 N. Washington Square #420
Lansing, MI 48933

NORTH CAROLINA HOUSING COALITION,
3608 University Dr., Suite 201
Durham, NC 27707

HOUSING & COMMUNITY DEVELOPMENT
NETWORK OF NEW JERSEY,
145 W. Hanover St.
Trenton, NJ 08618

HANDSON SUBURBAN CHICAGO,
2121 S. Goebbert Rd.
Arlington Heights, IL 60005

Case No. 1:25-cv-01458-MJM

Amended Class Complaint

DEMOCRACY MAINE,
PO Box 18187
Portland, ME 04112

THE SERVICE COLLABORATIVE OF WNY,
INC.,
173 Elm St.
Buffalo, NY 14203

RAINBOW LABS,
1037 N. Gardner Ave., Apt. 1
Los Angeles, CA 90046

SEED COALITION,
2211 Riverside Ave. S, Campus Box 48
Minneapolis, MN 55454

ASPIRE AFTERSCHOOL LEARNING,
909 S. Dinwiddie St.
Arlington, VA 22204

EVELYN RUBENSTEIN JEWISH COMMUNITY
CENTER, *on behalf of themselves and all others
similarly situated*,
5601 S. Braeswood Blvd.
Houston, TX 77096

THE CORPS NETWORK, *on behalf of themselves
and all others similarly situated*,
1275 K St. NW, Suite 1050
Washington, DC 20005

AMERICORPS EMPLOYEES UNION, LOCAL
2027, AMERICAN FEDERATION OF STATE,
COUNTY & MUNICIPAL EMPLOYEES, AFL-
CIO

1140 3rd St. NE, Suite 202
Washington, DC 20002

J. DOE 1–3,¹

Plaintiffs,

v.

CORPORATION FOR NATIONAL AND
COMMUNITY SERVICE, *operating as*
AMERICORPS,

250 E St. SW
Washington, DC 20525

JENNIFER BASTRESS TAHMASEBI, *in her*
official capacity as Interim Agency Head of
AmeriCorps,

250 E St. SW
Washington, DC 20525

NATE CAVANAUGH, *in his official capacity as*
DOGE Team Lead for AmeriCorps,

250 E St. SW
Washington, DC 20525

OFFICE OF MANAGEMENT AND BUDGET,

725 17th St. NW
Washington, DC 20503

RUSSELL VOUGHT, *in his official capacity as*
Director of the Office of Management and Budget,

725 17th St. NW
Washington, DC 20503

Defendants.

¹ J. Does 1–3’s Motion to Proceed Under Pseudonyms, and to Omit Doe Plaintiffs’ Addresses from Caption was granted on July 7, 2025. ECF 47.

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INTRODUCTION

1. Congress designed AmeriCorps to “foster and expand voluntary citizen service in communities throughout the Nation in activities designed to help the poor, the disadvantaged, the vulnerable, and the elderly,” 42 U.S.C. § 4950(b). In the last thirty years, AmeriCorps (the “Agency”) has served hundreds of communities in all 50 states and U.S. territories, and has made a difference in countless lives. It has conserved land for use by farmers, hunters, and hikers, provided after-school care to help students from all backgrounds succeed in school, and afforded medical care to seniors and others who might otherwise not have had treatment. All of this progress now hangs in the balance as Defendants work to systematically stop AmeriCorps’ programs without regard to Congressional mandates.

2. Congress, which created AmeriCorps, has never authorized the executive branch to dramatically undermine or impair its functioning. Instead, time and time again, Congress has required that AmeriCorps and its various programs remain active and funded.

3. Not only that, but in the very statutory scheme that created AmeriCorps, Congress included language that requires Defendants to follow certain procedures before it may halt, suspend, or terminate AmeriCorps programs and grants.

4. Nor can Defendants lawfully dismantle these programs by halting or eliminating the work of permanent staff who administer these statutorily mandated programs.

5. But that is exactly what Defendants have tried to do. Since April 2025, Defendants have effectuated program closures, arbitrary funding withdrawals, and staff layoffs that crippled the Agency and its operations, leaving local civic service organizations, individual service corps members (hereafter, “Participants”), and AmeriCorps staff in disarray. Their actions were devastating to the AmeriCorps ecosystem, with more than 1,000 entities losing critical funding for

essential community services in education, disaster response, environmental conservation, and beyond, impacting millions of Americans; more than 2,000 young people being terminated from the National Civilian Community Corps (“NCCC”); and approximately 85% of AmeriCorps’ 650 full-time staff being put on administrative leave and notified of their impending layoffs.

6. These sweeping actions jeopardized critical support for communities nationwide, with particularly severe impacts on rural areas where AmeriCorps programs have traditionally enjoyed bipartisan support.

7. Without the preliminary injunctions in this case and *Maryland v. Corporation for National & Community Service*, No. 1:25-cv-1363, 2025 WL 1585051 (D. Md. June 5, 2025), this first wave of statutory violations and the harms they caused would be continuing today. On July 7, 2025, this Court entered a Preliminary Injunction, holding that AmeriCorps’ mass termination of grants, program participants, and employees—without notice-and-comment rulemaking—were “contrary to law, arbitrary and capricious, and without observance of procedures required by law.” ECF No. 45 at 52–53 (“PI Order”). This Court ordered Defendants to reinstate affected AmeriCorps employees, reinstate, and restore all NCCC projects, VISTA programs and AmeriCorps grants, subgrants, contracts, and funding to the 14 nonprofit plaintiffs, and restore all Individual Plaintiffs to active status. ECF No. 46. Notably, the Court also ordered that Defendants “SHALL COMPLY with all statutes and appropriations that require AmeriCorps to carry out programs and award grants.” ECF No. 46 at 2.

8. And yet, since the grant of this Court’s preliminary injunction, Defendants have flouted this Court’s order to “comply with all statutes and appropriations that require AmeriCorps to carry out programs and award grants” by withholding hundreds of millions of Congressionally appropriated funds from grantees, state service commissions, and their subgrantees. The Office of

Management and Budget has refused to apportion and release these funds in violation of their statutory obligations, and AmeriCorps is systematically withholding them from at least three of its grant programs.

9. Despite these blatant statutory violations, Defendants have filed no fewer than three separate status reports with this Court alleging that they are “in compliance with all statutes and appropriations that require AmeriCorps to carry out programs and award grants.” ECF Nos. 48, 52, 53.

10. Once again, the results of Defendants’ actions have been devastating—this time, for nonprofits that receive competitive grants or subgrants from the State and National grant program, like Plaintiff Bur Oak Land Trust in Iowa City, Iowa and Plaintiff The Corps Network in Washington, D.C., and nonprofits that receive AmeriCorps Seniors funding, like Plaintiff Evelyn Rubenstein Jewish Community Center in Houston, Texas.

11. These unlawful actions are harming hundreds of similarly situated grantees around the country, along with the communities and individuals who rely on their services. Without judicial intervention, countless critical programs will be forced to close. Accordingly, Plaintiffs seek to represent a class of all recipients of AmeriCorps grants or subgrants whose awards Defendants withhold, now or in the future, based on OMB’s refusal to apportion or release Congressionally appropriated funds, for programs within the following states or territories: Alabama, Alaska, Arizona, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming.

12. A little more than a month ago, this Court rejected Defendants’ efforts to dismantle the country’s foremost institution committed to fighting poverty and advancing civic engagement.

As Defendants pursue new strategies to cripple AmeriCorps, now by withholding funds for another set of programs, this Court should once again put a stop to it.

13. Plaintiffs ask the Court to award declaratory and injunctive relief holding Defendants' actions unlawful under the Administrative Procedure Act and unconstitutional.

JURISDICTION

14. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1343(a)(3) (action to redress deprivation of rights secured by the Constitution of the United States), 28 U.S.C. § 1361 (action to compel an officer or employee of the United States to perform their duty), and 5 U.S.C. § 702 (right of review for agency actions).

15. There is a controversy under 28 U.S.C. § 2201(a), and this Court may grant declaratory relief, injunctive relief, and other appropriate relief under 28 U.S.C. §§ 1361, 2201–2202, 5 U.S.C. §§ 704–706 and the Court's equitable powers.

16. Venue is proper in this district under 28 U.S.C. § 1391(e) because Plaintiff Elev8 Baltimore is located in this district.

PARTIES

I. Plaintiffs:

17. Plaintiff ELEV8 BALTIMORE, INC. ("Elev8") is a 501(c)(3) nonprofit organization based in Baltimore, Maryland. Elev8's mission is to partner with schools, families, and the community to ensure that every Baltimore student is prepared for high school, college, career, and life. The organization provides tutoring, after-school activities, and summer programming, among other resources, for families in Baltimore. Under the AmeriCorps Volunteer Generation Fund ("VGF"), Elev8 received an award of approximately \$145,000 annually over a 5-year period. Elev8 used these awards to increase internal capacity to recruit, manage, and support

60 individuals in providing tutoring and other out-of-school-time programming in approximately 20 Baltimore City Schools and Programs. AmeriCorps notified Elev8 that its VGF award was terminated on April 25, 2025. Pursuant to the PI Order, Defendants reinstated Elev8's grant.

18. Plaintiff RED CLOUD INDIAN SCHOOL, INC./ MAŃPIYA LÚTA ("Red Cloud") is a 501(c)(3) nonprofit located in Oglala Lakota County, South Dakota. The organization operates two elementary schools, one middle school, and one high school that serve the Lakota community and offer a Lakota language immersion program. For 26 years, Red Cloud has received direct State and National AmeriCorps awards, which have enabled the organization to train over 400 Lakota AmeriCorps Participants as teaching assistants and paraprofessional educators, offering vital career and job training opportunities and addressing a critical teacher shortage in one of the nation's poorest regions. On April 25, 2025, AmeriCorps notified Red Cloud that its award was terminated, a decision that immediately had a devastating impact on its schools, the Lakota AmeriCorps Participants, and the students they serve. Pursuant to the PI Order, Defendants reinstated Red Cloud's grant.

19. Plaintiff BUR OAK LAND TRUST ("Bur Oak") is a 501(c)(3) nonprofit organization based in Iowa City, Iowa. Since 1978, it has worked to advance biodiversity in eastern Iowa by protecting resilient landscapes and connecting people to nature. Bur Oak's eastern Iowa preserves are protected lands full of plants and wildlife, many of which are open to the public year-round. Through the AmeriCorps awards that it receives from the Iowa State Service Commission (or "Volunteer Iowa"), Bur Oak engages year-long AmeriCorps Participants to restore and improve Bur Oak's lands and ecosystems, deliver environmental education, and strengthen community ties to the outdoors. Since 2019, more than 50 AmeriCorps Participants have contributed over 55,000 hours of service to enhance more than 400 acres of land spanning across 19 counties. On April 28,

2025, Bur Oak received notification from Volunteer Iowa that its 2024-2025 State and National award had been terminated. Pursuant to the PI Order, Defendants reinstated Bur Oak's grant, allowing it to proceed until its expected completion on August 31, 2025. Bur Oak had been awarded a three-year recompetit award set to begin on September 1, 2025, to continue its AmeriCorps work. However, Volunteer Iowa notified the organization on June 19, 2025 that its award was being withheld "pending release of FY 2025 appropriated dollars."

20. Plaintiff PARTNERS FOR CAMPUS-COMMUNITY ENGAGEMENT ("PCCE") is a nonprofit organization based in Harrisburg, Pennsylvania. PCCE works to connect students at higher education institutions throughout Pennsylvania and New York with the communities around them, expanding students' learning experiences through civic engagement and strengthening communities in the process. To fulfill its mission, PCCE has partnered with AmeriCorps through the VISTA program as an AmeriCorps intermediary organization over two decades. With the help of VISTA Participants, PCCE connects the resources of higher education institutions to local community organizations, programs, and emerging efforts. PCCE's VISTA Participants are strategically placed in communities of need to take on various projects—tutoring and mentoring programs, food security programs at community-based organizations, and financial literacy educational programs, among others. The VISTA program covers 60 AmeriCorps VISTA Participants over three years. On April 25, 2025, PCCE was notified by AmeriCorps that its VISTA program was terminated. Pursuant to the PI Order, Defendants reinstated PCCE's grant.

21. Plaintiff NATIONAL COLLEGE ATTAINMENT NETWORK ("NCAN") is a 501(c)(3) membership organization based in Washington, DC. NCAN was founded in 1995 to support efforts to expand college access around the country. NCAN's member organizations include community-based and national nonprofits, scholarship providers, public school districts,

charter schools, and other youth-serving organizations. At least 24 NCAN members had State and National grants, State Service Commission subgrants, and/or VISTA grants abruptly terminated in April 2025, totaling more than \$4.5 million. Pursuant to the PI Order, Defendants reinstated NCAN members' grants.

22. Plaintiff MICHIGAN COLLEGE ACCESS NETWORK ("MCAN"), a member of NCAN, is a 501(c)(3) nonprofit organization based in Lansing, Michigan, that helps students in Michigan access and attain college certificates and degrees. MCAN's primary mission, which it achieves with the support of AmeriCorps Participants, is to increase the percentage of Michigan residents with degrees and postsecondary certificates, with a focus on providing support to low-income students, first-generation college-going students, and students of color. MCAN has received various types of AmeriCorps awards for the past ten years. In the past year, MCAN has hosted seven AmeriCorps VISTA Participants. On April 25, 2025, MCAN received an email notification from AmeriCorps that its VISTA program had been terminated. On April 28, 2025, MCAN received an email notification from the Michigan State Service Commission that three of its AmeriCorps awards had been terminated. Pursuant to the PI Order, Defendants reinstated MCAN's grants.

23. Plaintiff NORTH CAROLINA HOUSING COALITION ("NCHC") is a 501(c)(3) nonprofit based in Durham, North Carolina. NCHC works to ensure that every North Carolinian has a home where they can live with dignity and opportunity. In furtherance of that mission, it serves as a HUD-approved intermediary organization supporting a network of over twenty local housing counseling agencies, which provide education and guidance to low-income families seeking housing assistance and access to affordable housing. NCHC works to expand the reach of certified housing counseling agencies so that services are available across North Carolina, from

the mountains to the coast. The organization's AmeriCorps VISTA program was designed to place VISTA Participants at under-staffed local housing counseling agencies throughout the state. The VISTA program enables four Participants to deliver housing and home-buying education, counseling, credit rehabilitation, and related support to residents in areas of need. NCHC received an email notification on April 25, 2025, from AmeriCorps that its VISTA program was terminated. Pursuant to the PI Order, Defendants reinstated NCHC's grant.

24. Plaintiff HOUSING COMMUNITY DEVELOPMENT NETWORK OF NEW JERSEY ("HCDNNJ"), a 501(c)(3) organization based in Trenton, New Jersey, is a statewide association of over 250 nonprofit housing and community development corporations, individuals, and professional organizations dedicated to expanding economic opportunities for low- and moderate-income community residents across the state. Since 1989, HCDNNJ has worked to strengthen community development corporations and support neighborhood revitalization efforts throughout the state. As an AmeriCorps VISTA host organization for the past eight years, HCDNNJ has engaged Participants in initiatives focused on lead poisoning prevention, home remediation, emergency hotline intakes for utility assistance, providing emergency resources, and the creation of statewide mapping tools for food resources. In the past year, HCDNNJ has hosted three AmeriCorps VISTA Participants. On April 25, 2025, HCDNNJ received an email notification from AmeriCorps that its VISTA program had been terminated. Pursuant to the PI Order, Defendants reinstated HCDNNJ's grant.

25. Plaintiff HANDSON SUBURBAN CHICAGO ("HandsOn") is a 501(c)(3) organization based in Arlington Heights, Illinois. Since 1969, HandsOn has worked to strengthen communities by connecting individuals with meaningful community service opportunities, particularly those serving vulnerable groups such as victims of violence, the specially-abled,

veterans, older adults, youth, and people in need of food, shelter, mental health services, and other essential services. HandsOn's Volunteer Generation Fund award, which provided HandsOn with approximately \$375,000 annually over three years, enabled it to help 150 organizations enhance their volunteer management and build capacity. In addition to this work, HandsOn runs its own school-based programs aimed at serving low-income, high-risk elementary and middle school students, including after-school initiatives to help students succeed in school and lunch-time activities that support early literacy. On April 25, 2025, HandsOn received a notice from AmeriCorps that its Volunteer Generation Fund award was terminated. Pursuant to the PI Order, Defendants reinstated HandsOn's grant.

26. Plaintiff DEMOCRACY MAINE, a 501(c)(3) nonprofit organization based in Portland, Maine, is a collaboration of the League of Women Voters of Maine Education Fund, Maine Citizens for Clean Elections, and Maine Students Vote that formed in 2017 to make Maine government more equitable, inclusive, and accessible. Democracy Maine is in the middle of a one-year AmeriCorps award from the Maine State Service Commission, which has enabled it to begin developing civic education and engagement programs focused on reaching rural counties, where young people are especially disconnected from their communities and their government. On April 28, 2025, Democracy Maine received notice from the State Service Commission that its AmeriCorps award was terminated. Pursuant to the PI Order, Defendants reinstated Democracy Maine's grant.

27. Plaintiff THE SERVICE COLLABORATIVE OF WNY, INC. ("Service Collaborative") is a 501(c)(3) nonprofit organization located in Buffalo, New York. For over 20 years, Service Collaborative has partnered with nonprofits to create service opportunities focused on education, park and neighborhood revitalization, and workforce development, aiming to

address poverty and strengthen communities. In particular, Service Collaborative has strengthened the Buffalo community by providing critical capacity building services to the City of Buffalo. Service Collaborative places VISTA Participants at local and national nonprofits that it partners with to expand their capacity. These Participants have played key roles in volunteer management, marketing, strategic planning, and program development for partner organizations. In recent years, they have also worked to bridge the digital divide by leading digital education classes for youth and seniors and distributing devices to public housing residents. In the past year, Service Collaborative has hosted 25 AmeriCorps VISTA Participants. On April 25, 2025, Service Collaborative received a notice from AmeriCorps that its VISTA program was terminated. Pursuant to the PI Order, Defendants reinstated Service Collaborative's grant.

28. Plaintiff RAINBOW LABS is a 501(c)(3) nonprofit organization based in Los Angeles, California, that helps LGBTQ+ youth find community, peers, and safe spaces. Rainbow Labs connects LGBTQ+ volunteers with high-school-aged LGBTQ+ youth of color for mentoring services, both virtually and in person. Rainbow Labs has received a Volunteer Generation Fund award since 2022. Since then, it has been able to grow its program to serve more than 500 LGBTQ+ youth. On April 25, 2025, Rainbow Labs received a notice from AmeriCorps terminating its VGF award. Pursuant to the PI Order, Defendants reinstated Rainbow Labs' grant.

29. Plaintiff SEED COALITION ("Seed") is a 501(c)(3) nonprofit organization based in Minneapolis, Minnesota, that enhances students' lives at college and university campuses in Minnesota and Iowa by providing higher educational professionals who teach them about social and civic responsibility. In practice, this means that Seed connects professionals at rural and urban campuses, private and public colleges, and trade schools with partnership and professional development opportunities on higher education campuses. Seed has had a VISTA program since

2019, which has allowed it to recruit, train, and manage VISTA Participants who work on projects such as staffing food banks, mentoring first-generation and low-income college students, and providing classes in financial literacy. On April 25, 2025, Seed received a notice from AmeriCorps that its VISTA program was terminated. Pursuant to the PI Order, Defendant reinstated Seed's grant.

30. Plaintiff ASPIRE AFTERSCHOOL LEARNING ("Aspire") is a 501(c)(3) nonprofit organization based in Arlington, Virginia. For three decades, Aspire has provided third-through eighth-grade students in South Arlington with holistic afterschool and summer learning programs aimed at closing the opportunity gap at no cost to families. Students enrolled in Aspire's programs receive daily literacy support, math support, homework help, social-emotional lessons, and hot meals. Aspire is the only organization in South Arlington, a community marked by significant racial, economic, and educational disparities, providing these services to third- through eighth-grade students at no cost to their families. On April 28, 2025, Aspire received a notification by email that its State and National AmeriCorps award was terminated. Pursuant to the PI Order, Defendants reinstated Aspire's grant.

31. Plaintiff EVELYN RUBENSTEIN JEWISH COMMUNITY CENTER ("ERJCC") is a 501(c)(3) nonprofit organization located in Houston, Texas. ERJCC's mission is to develop and strengthen Jewish identity, foster Jewish values, and enrich the broader Houston community through educational, social, and cultural programming. For more than 25 years, ERJCC has received AmeriCorps funding for its work with low-income seniors. Currently, ERJCC sponsors three AmeriCorps Senior projects—a Foster Grandparent Program, a Senior Companions program, and a Retired and Senior Volunteer Program—all of which provide opportunities for adults aged 55 and older to serve vulnerable populations in the Houston community. ERJCC's FGP grant

brings together 35 volunteers who provide tutoring and mentoring to at-risk youth in Houston, and ERJCC's SCP brings together 32 volunteers to provide older adults and individuals with disabilities the support they need for them to remain independent. ERJCC's programs were not terminated in April of 2025. However, in June of 2025, ERJCC was informed that its FGP grant and its SCP grant, set to begin on July 1, 2025, and totaling more than \$650,000, were being withheld by the Office of Management and Budget.

32. THE CORPS NETWORK is a 501(c)(3) nonprofit organization located in Washington, D.C. The Corps Network is a membership organization made up of more than 150 Corps—local organizations that engage young adults and veterans in service projects that address conservation and community needs. By providing access to funding, project opportunities, and expertise in operations and programming, The Corps Network helps its member Corps engage in environmental, public lands improvement, and disaster response service projects across the country. The Corps Network has been an AmeriCorps National Direct Grantee for more than 20 years. The Corps Network's work is supported by two State and National grants that add up to nearly \$18 million and 3,400 service members. The Corps Network's programs were not terminated in April of 2025. However, on June 16, 2025, The Corps Network received notification that both of its State and National awards were "pending release of FY 2025 appropriated dollars."

33. Plaintiff AMERICORPS EMPLOYEES UNION, LOCAL 2027 of the American Federation of State, County, and Municipal Employees, AFL-CIO ("Local 2027" or "Union") represents a collective bargaining unit of approximately 400 employees of AmeriCorps, spanning the Agency's entire gamut of operations and including Grant Management Specialists, Logistics Assistants, Data and Analytics Officers, Portfolio Managers, and VISTA Training Specialists. Bargaining unit members work and live all over the country, including in Maryland, California,

Texas, Alaska, Colorado, Mississippi, Georgia, Ohio, and Delaware, among other states, as well as the District of Columbia and Puerto Rico. Local 2027 is the exclusive representative for a bargaining unit of nonsupervisory employees of AmeriCorps, and as such is statutorily authorized to represent the interests of all AmeriCorps employees in the bargaining unit including, but not limited to, by entering into collective bargaining agreements with AmeriCorps on their behalf. Local 2027 also provides support, guidance, and resources to its members, whose membership dues payments are entirely voluntary. Local 2027 sues on behalf of its members and itself.

34. Plaintiff J. DOE 1 is a 20-year-old from San Francisco who began their position as an NCCC Participant in November 2024. Doe 1 was working on a service project at Habitat for Humanity in Bennington, Vermont and preparing for their next service project in Hamilton, Ohio, where they would be building hiking trails and removing invasive species. Their service was cut short on April 15, 2025, when they received notice from their team leader (later confirmed via email from AmeriCorps) that their service project was terminated and that they should return home immediately. Pursuant to the PI Order in *Maryland v. Corporation for National & Community Service*, 2025 WL 1585051 (D. Md. June 5, 2025), J. Doe 1 was offered reinstatement.

35. Plaintiff J. DOE 2 is a 23-year-old recent college graduate originally from New Jersey. Doe 2 first served with AmeriCorps in 2020, between their freshman and sophomore years of college. On April 15, 2025, Doe 2 was leading a team of fellow NCCC Participants to help low-income individuals prepare their taxes in San Diego, California when they received notice on a mid-afternoon team leader call (later confirmed via email from AmeriCorps) that their service was terminated and that they should return home immediately. Pursuant to the PI Order in *Maryland v. Corporation for National & Community Service*, 2025 WL 1585051 (D. Md. June 5, 2025), J. Doe 2 was offered reinstatement.

36. Plaintiff J. DOE 3 is a VISTA Participant placed through Plaintiff NCHC to work at Kingdom Community Corporation, a nonprofit organization in Fayetteville, North Carolina, that helps first-time homebuyers with foreclosure prevention services and HUD-certified counseling. Doe 3 helps their nonprofit better interface with the community by conducting outreach for community events, drafting newsletters and other communications, and increasing the organization's online presence. They engage directly with community members on a daily basis, answering 25-75 calls per day and helping community members access resources. Doe 3 started their VISTA program in February 2025 on a one-year commitment, after moving from Philadelphia to North Carolina. Doe 3 received an email on April 28, 2025, stating that their VISTA program would be terminated after May 20, 2025 and that they should seek reassignment. They were not able to find any reassignment immediately after being terminated due to the widescale cuts announced.

II. Defendants:

37. Defendant CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, operating as AmeriCorps, is an executive agency of the United States pursuant to 5 U.S.C. § 105. As such, it engages in agency action and is named as a defendant in this action pursuant to 5 U.S.C. § 702.

38. Defendant JENNIFER BASTRESS TAHMASEBI is the Interim Agency Head of AmeriCorps. She is named in her official capacity.

39. Defendant NATE CAVANAUGH is, on information and belief, the "DOGE Team Lead" for AmeriCorps. He is named in his official capacity.²

² Together, AmeriCorps, Defendant Bastress Tahmasebi, and Defendant Cavanaugh are referred to as "AmeriCorps Defendants."

40. Defendant OFFICE OF MANAGEMENT AND BUDGET (“OMB”) is an executive agency of the United States under 5 U.S.C. § 105. As such, it engages in agency action and is named as a defendant in this action pursuant to 5 U.S.C. § 702.

41. Defendant RUSSELL VOUGHT is the Director of OMB. He is named in his official capacity.³

FACTUAL & LEGAL BACKGROUND

I. AMERICORPS IS THE NATION’S LEADING FEDERAL AGENCY DEDICATED TO DOMESTIC NATIONAL SERVICE

A. The History of AmeriCorps

42. AmeriCorps is the federal agency created by Congress to administer national service and volunteer programs. It is structured as a government corporation mandated by the Community Service Trust Act of 1993. 42 U.S.C. § 12541 et seq., Pub. L. No. 103-82, 107 Stat. (Sept. 21, 1993) (the “1993 Act”).

43. AmeriCorps is the outgrowth of a long history of lawmaking to “foster and expand voluntary citizen service in communities throughout the Nation in activities designed to help the poor, the disadvantaged, the vulnerable, and the elderly.” 42 U.S.C. § 4950(b); *see also id.* § 12501.⁴

44. In 1993, Congress consolidated the management of its various national service and volunteer programs under AmeriCorps. Some of the programs operate as independent initiatives

³ Together, OMB and Defendant Vought are referred to as “OMB Defendants.”

⁴ *See also* Economic Opportunity Act of 1964, Pub. L. No. 88-452, § 2, 78 Stat. 508 (Aug. 20, 1964); Domestic Volunteer Service Act of 1973, 42 U.S.C. § 4950 et seq., Pub. L. No. 93-113, §§ 103, 201, 87 Stat. 396, 401 (Oct. 1, 1973); National and Community Service Act of 1990, 42 U.S.C. § 12501 et seq., Pub. L. No. 101-610, §§ 2, 102, 104 Stat. 3129–32 (Nov. 16, 1990); Defense Authorization Act for Fiscal Year 1993, Pub. L. No. 102-484, §§ 195, 106 Stat. 2522–24 (Oct. 23, 1992); Edward Kennedy Serve America Act of 2009, 42 U.S.C. § 12501 et seq., Pub. L. No. 111-13, § 198S, 123 Stat. 1575–77 (Apr. 21, 2009).

while others are structured as grants to entities that carry out national service programs and/or sub-grant funds to other entities that undertake work authorized by the statute. 42 U.S.C. § 12571(a).

45. Each year, close to 200,000 people provide community service through AmeriCorps programs at more than 35,000 sites nationwide. AmeriCorps Participants serve with a diverse range of organizations, including nonprofits, faith-based groups, and governmental entities.

B. The Structure of AmeriCorps

46. AmeriCorps is run by a Board of Directors and a Chief Executive Officer. AmeriCorps' Board members and its CEO are all appointed by the President with the advice and consent of the Senate. 42 U.S.C. §§ 12651a(a)(1), 12651c(a).

47. The Board has extensive responsibilities regarding oversight and administration of the Corporation. 42 U.S.C. § 12651b. The Board is responsible for “setting overall policy for the Corporation.” *Id.* § 12651b(g). The Board is also responsible for “review[ing] and advis[ing] the Chief Executive Officer regarding, the actions of the Chief Executive Officer with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out the national service laws.” *Id.* § 12651b(g)(5)(A). And the Board must review and approve the CEO's proposals regarding grants and designations of service positions, among other things. 42 U.S.C. §§ 12651b(g)(3), 12651d(b)(2)(A).

48. The CEO is “responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board,” and “ha[s] authority and control over all personnel of the Corporation.” 42 U.S.C. § 12651d(a). The CEO's responsibilities include the hiring of employees to assist in “carrying out the activities described in the national service laws.”

42 U.S.C. § 12651f(c). The CEO must ensure AmeriCorps maintains at least one office for each state, or in reasonable proximity thereto, that provides state-specific program support. *Id.* § 12651h.

49. The CEO also has rulemaking authority. *Id.* § 12651c(c).

50. AmeriCorps Participants are not considered federal employees and are “not [] subject to the provisions of law relating to Federal employment.” 42 U.S.C. § 12651g(a)(1)(B); 42 U.S.C. § 12620(a) (NCCC Participants); 42 U.S.C. § 5055(a) (VISTA Participants).

C. AmeriCorps’ Programs

51. AmeriCorps comprises multiple programs—some of which are operated by AmeriCorps directly and some of which are funded by AmeriCorps but operated by state and local governments, nonprofit organizations, and universities.

52. AmeriCorps supplies these programs with funds through grants awarded competitively, formula and competitive grants to state service commissions (which are then distributed to subgrantees), and education awards. All AmeriCorps grant programs require grantees to receive “appropriate training” and “technical assistance” from AmeriCorps. 42 U.S.C. § 12657.

53. Most AmeriCorps grants are structured as multi-year grants, with funding awarded annually pursuant to pro forma annual recompetes applications. For State and National grantees and subgrantees and AmeriCorps Seniors grantees, there are three types of applicants: grantees within their first or second year of operation within a three-year grant cycle (known as “continuation applicants”), grantees in their third year of a three-year grant cycle (known as “recompete applicants”), and new grant applicants (all other applicants).

54. Many AmeriCorps grant programs operate on yearly cycles, which may or may not line up with the federal fiscal year. Typically, a grant is funded from the congressional

appropriation that is in effect when the grant begins. For example, a grant awarded for July 1, 2025, through June 30, 2026, will typically be funded from FY 2025 appropriations.

i. National Civilian Community Corps (NCCC)

55. NCCC was established as a demonstration program in 1992 and then became a mandatory permanent program in 2009.⁵

56. NCCC is a nine-to-twelve month “national service program” for youth between ages 18 and 26 from “economically, geographically, and ethnically diverse backgrounds.” 42 U.S.C. § 12613(a)–(d). It also operates a shorter summer program for youth aged 14 through 18 years to work on projects across the country. *Id.* § 12614(a) – (c).

57. Service projects carried out by NCCC Participants must “meet an identifiable public need, with specific emphasis on projects in support of infrastructure improvement, energy conservation, and urban and rural development.” 42 U.S.C. § 12617(a)(1). As an example, the FEMA Corps, an NCCC project, places a specific emphasis on addressing natural disasters, deploying Participants across the country to assist in FEMA-mission-critical functions.⁶

58. NCCC Participants are not paid salaries. They receive modest subsistence funding and, upon completion of their agreed-upon period of service, they are entitled to a national educational award or a cash benefit. 42 U.S.C. § 12618(a), (b), (e); *see also* 45 C.F.R. §§ 2525.270, 2525.100(a) (outlining Segal AmeriCorps Education Award, which allocates over \$7,000 for Participants to use on future educational expenses or to pay back qualified student loans).

59. The CEO of AmeriCorps directs the NCCC, 42 U.S.C. §§ 12615, 12619; selects its Participants, 42 U.S.C. §§ 12613(a), (c); and hires permanent staff to run the program, 42 U.S.C.

⁵ National Defense Authorization Act for Fiscal Year 1993, Pub. L. No. 102-484, § 195, 106 Stat. 2315 (Oct. 23, 1992); Serve America Act of 2009, Pub. L. No. 111-13, § 1505, 123 Stat. 1522 (Apr. 21, 2009).

⁶ AmeriCorps NCCC 2024 Annual Report, <https://americorps.gov/sites/default/files/document/2025-01/AmeriCorps-NCCC-2024-Annual-Report.pdf>. (last visited May 4, 2025).

§ 12619(a); *see also* 42 U.S.C. § 12619(c)(2) (directing the CEO to “establish a permanent cadre that includes the Director and other appointed supervisors and training instructors” to carry out NCCC programs).

60. NCCC Participants are trained and housed in four campuses run by AmeriCorps staff in Vicksburg, Mississippi; Aurora, Colorado; Sacramento, California; and Vinton, Iowa, before being dispatched to serve on projects in nearby communities. 42 U.S.C. § 12615(d), (e). These campuses are strategically “distributed in urban and rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.” *Id.* § 12615(e).

61. The campuses also operate under a clear management framework. Each campus is run by a campus director whose role it is to “establish and enforce standards of conduct to promote proper moral and disciplinary conditions in the campus.” *Id.* §§ 12615(d), (f)(1). And each Corps Participant is assigned to a unit led by a supervisor with prior service or supervisory experience to lead teams of Corps Participants. *Id.* § 12615(b)(4). The units are grouped together in one of the four campuses, which provide operational support and boarding. *Id.* § 12615(d). These facilities are in central locations and serve as the headquarters for units. *Id.*

ii. *Volunteers in Service to America (VISTA)*

62. AmeriCorps VISTA was created under the Domestic Volunteer Service Act of 1973 to “strengthen and supplement efforts to eliminate and alleviate poverty and poverty-related problems in the United States,” including by “encouraging and enabling persons from all walks of life . . . to perform meaningful and constructive volunteer service.” 42 U.S.C. § 4951.

63. AmeriCorps administers VISTA directly. 42 U.S.C. §§ 4952, 4955, 4960; 45 C.F.R. § 2556.100. To that end, the Agency is required to establish and fully staff a national headquarters

to recruit and place VISTA Participants; advertise and recruit for the VISTA program; establish procedures to place Participants in local and national sponsoring organizations; and pave the way for low-income Participants to find jobs post-service. 42 U.S.C. § 4953.

64. In selecting recipients for VISTA services, the Agency must act only “on the basis of merit and to accomplish the goals of the VISTA program.” 42 U.S.C. § 4960.

65. In practice, recruitment for and selection of VISTA Participants happens at the sponsor level with local, state, and national sponsors applying to AmeriCorps for a certain number of VISTA Participants for their programs. 45 C.F.R. §§ 2556.600, 2556.625. VISTA sponsors also “provide supervision, workspace, service-related transportation, and any other materials necessary to operate and complete the VISTA project and support the VISTA.” 45 CFR § 2556.115(b).

66. Like NCCC Participants, VISTA Participants are not paid wages for their work, but upon completion of their service, they may elect to receive the Segal AmeriCorps Education Award or an end-of-service stipend. 45 C.F.R. §§ 2556.320(a), (g)–(h).

67. AmeriCorps’ implementing regulations allow it to terminate VISTA Participants early or suspend projects before their end date only in limited circumstances and through prescribed procedures.

68. AmeriCorps may terminate VISTA Participants for cause “due to [] deficiencies[] in conduct or performance.” 45 CFR § 2556.400(a). A Participant terminated for cause has appeal rights vis-à-vis the termination. *Id.* § 2556.425.

69. AmeriCorps may also terminate a Participant from their project early without cause, but only for the following reasons: the Participant (a) voluntarily resigned before a decision was made on their for-cause termination, (b) “did not secure a suitable reassignment to another project,” or (c) required a “medical termination.” 45 C.F.R. § 2556.430.

70. AmeriCorps may suspend projects only for a “material failure” or “threatened material failure” to comply with the applicable terms of the statute and regulations, VISTA program policy, or a Memorandum of Agreement between the sponsor and AmeriCorps. *See* 45 CFR § 2556.135; *see also* 42 U.S.C. § 12636(a). Procedural protections, *e.g.*, notice and opportunity to be heard, attach to such suspensions. 45 CFR § 2556.135(a)–(d).

iii. State and National Grants and State Service Commission Subgrants

71. The AmeriCorps statute contemplates a diverse group of stakeholders to carry out the mission of the Agency. States and State Service Commissions can receive AmeriCorps funds either to carry out their own programs or to provide their own grant awards to organizations and community partners. 42 U.S.C. § 12571(a).

72. Approximately one third of State and National Grants are awarded to State Service Commissions on a formula basis. 42 U.S.C. § 12581(e)(2). Most of the remaining funds are awarded “on a competitive basis” to States as well as “to nonprofit organizations seeking to operate a national service program in 2 or more of those States, and to Indian tribes.” 42 U.S.C. § 12581(d)(1); *see also id.* §§ 12571(a), 12521 (emphasizing school-based programs). The Corporation must allot at least 1% of its State and National Grants to Indian Tribes. 42 U.S.C. § 12581(b).

73. To receive AmeriCorps funding, states must either operate a State Service Commission or obtain approval from AmeriCorps “to use an alternative administrative entity to carry out the duties otherwise entrusted to a State Commission.” 42 U.S.C. § 12638(a)(1)–(2). In certain states, the state has designated a private nonprofit group to serve as their State Service Commission under 42 U.S.C. § 12638(a)(2).

74. State Service Commissions also receive grants, which these commissions then subgrant to service programs, including to Plaintiffs Bur Oak, Democracy Maine, Seed, MCAN, and some of Plaintiff NCAN's member organizations. 42 U.S.C. § 12638(a).

75. These grants cannot be revoked without providing grantees, including the states and the states' subgrantees, proper notice and opportunity to be heard. 42 U.S.C. § 12636(a)–(b).

iv. Volunteer Generation Fund

76. The Volunteer Generation Fund (VGF) program was created under the Serve America Act in 2009. *See* Pub. L. No. 111-13, § 198p, 123 Stat. 1573 (Apr. 21, 2009). It invests in volunteer management practices that strengthen nonprofit organizations and other entities' ability to increase recruitment and retention of volunteers to meet critical community needs through service. 42 U.S.C. § 12653p.

77. Under this program, the Agency has the authority to make grants from VGF to state service commissions, nonprofits, schools, government agencies, and tribal or faith-based community organizations. 42 U.S.C. § 12653p(a). Plaintiffs Elev8 Baltimore, HandsOn, and Rainbow Labs are VGF recipients.

78. Similar to the termination procedures for other grants, VGF grants may not be revoked without providing grantees, proper notice and opportunity to be heard. 42 U.S.C. § 12636(a)–(b).

v. National Older American Volunteer Programs

79. The National Older American Volunteer Programs, now known as AmeriCorps Seniors, were created under the Domestic Volunteer Service Act of 1973 to “meet unmet local, State, and national needs” in areas such as education, public safety, and health and human needs.

42 U.S.C. § 5000. These programs—including the Foster Grandparent Program (“FGP”) and the Senior Companion Program (“SCP”)—engage adults 55 and older in community service work.

80. The FGP provides funding to projects that encourage low-income people age 55 or over to “provide supportive person-to-person services” in health, education, and welfare to children who have special or exceptional needs or circumstances that limit their academic, social or emotional development. 42 U.S.C. § 5011.

81. The SCP provides funding to projects that encourage low-income people age 55 or over to “serve as ‘senior companions’ to persons with exceptional needs,” including those who need long-term care and those deinstitutionalized from nursing homes and other institutions. 42 U.S.C. § 5013.

D. Mandatory Steps the Agency Must Take Before Terminating Programs and Grants

82. The *only* basis identified by statute for which AmeriCorps may cancel grants or contracts providing assistance to a designee is if it determines “there is a material failure to comply with this subchapter or the applicable terms and conditions of any such grant or contract issued pursuant to this subchapter.” 42 U.S.C. § 12636(a).

83. The subchapter referred to in the provision covers all relevant programs in this action, i.e., the NCCC and VISTA programs, State and National Grants, State Service Commission Subgrants, and the Volunteer Generation Fund.

84. Grants or contracts may not be terminated absent “reasonable notice and opportunity for a full and fair hearing.” *Id.* § 12636(a)–(b).

85. Under the regulations, grantees must receive 7 days’ notice of proposed cuts, during which the grantee has the opportunity to submit “written material in opposition to the proposed

action” that shows “good cause why such assistance should not be terminated or revoked.” 45 C.F.R. § 2540.400.

E. Congress’ Funding of AmeriCorps

86. On March 23, 2024, Congress appropriated \$975,525,000 for the Corporation’s operating expenses. Further Consolidated Appropriations Act of 2024, Pub. L. No. 118-47, § 312, 138 Stat. 694–95 (Mar. 23, 2024) (“2024 Appropriations Act”). Of that amount, Congress earmarked \$37,735,000 for NCCC; \$103,285,000 for VISTA; \$557,094,000 for State and National Grants; \$236,917,000 for National Older American Volunteer Programs (including \$125,363,000 for FGP and \$56,449,000 for SCP); \$19,538,000 for State Commission Grants; and \$14,706,000 for Innovation Assistance and Other Activities. 170 Cong. Rec. H2060–61 (Mar. 22, 2024).

87. In its appropriations bill, Congress also required that AmeriCorps “shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking.” 2024 Appropriations Act at 695.

88. On March 15, 2025, Congress reappropriated the amounts from the 2024 Appropriations Act, “under the authority and conditions provided in” that Act. Full-Year Continuing Appropriations and Extensions Act of 2025, Pub. L. 119-4, § 1101(a)(8), 139 Stat. 9, 11 (Mar. 15, 2025) (“2025 Continuing Resolution”). The 2025 Continuing Resolution thus preserved the requirement that AmeriCorps make significant changes to program requirements, service delivery or policy “only through public notice and comment rulemaking.” *Id.*

89. In passing these appropriations bills, Congress made funds available for obligation and expenditure by AmeriCorps. *See* 2 U.S.C. § 622(2)(A)(i).

II. OMB’S STATUTORY OBLIGATION TO APPORTION CONGRESSIONALLY APPROPRIATED FUNDS

90. After Congress appropriates funding, OMB is responsible for “apportion[ing] in writing an appropriation available to an executive agency.” 31 U.S.C. § 1513. Apportionment is the process by which OMB sets a schedule to determine when an appropriation will become available to the relevant executive agency—here, AmeriCorps. *See* GAO, A Glossary of Terms used in the Federal Budget Process, GAO-05-734SP, at 12–13 (Sept. 1, 2005).

91. Pursuant to this process, agencies submit apportionment requests to OMB, which OMB then approves. OMB Circular No. A-11, *Preparation, Submission, and Execution of the Budget*, §§ 120.16, 120.30, 120.39 (July 2024), <https://www.whitehouse.gov/wp-content/uploads/2018/06/a11.pdf>.

92. OMB (acting pursuant to a delegation from the President)⁷ must apportion appropriated funds to the agency to which Congress appropriated the funds. 31 U.S.C. § 1512. In other words, “[a]n apportionment is legally binding.” OMB Circular No. A-11, § 120.1.

93. OMB is required to apportion the funds it apportions “20 days before the beginning of the fiscal year for which the appropriation is available” or “30 days after the date of enactment of the law by which appropriation is made available.” 31 U.S.C. § 1513(b)(2). When an appropriations bill is enacted after the beginning of the fiscal year in which it will be expended, as the 2025 Continuing Resolution was, the former option is inapplicable and OMB must apportion the funds no later than 30 days after the bill’s enactment. *Id.*

94. OMB may only depart from these apportionment duties in statutorily specified situations.

⁷ The President is responsible for apportionment by statute but has delegated this authority to OMB. Executive Order 11541 (July 1, 1970), *available at* <https://www.archives.gov/federalregister/codification/executive-order/11541.html>.

95. First, under the Anti-Deficiency Act, OMB is permitted to hold back appropriations from its apportionments to “prevent obligation or expenditure at a rate that would indicate a necessity for a deficiency or a supplemental appropriations for the period.” 31 U.S.C. § 1512(a). Specifically, OMB is permitted to establish a reserve of funds in apportionment decisions, but only “to provide for contingencies,” “to achieve savings made possible by or through changes in requirements or greater efficiency of operations,” or “as specifically provided by law.” 31 U.S.C. § 1512(c)(1).

96. If OMB “decides that an amount reserved will not be required to carry out the objectives and scope of the appropriation concerned,” then OMB “shall recommend the rescission of the amount.” 31 U.S.C. § 1512(c)(2).

97. Such reserves must be reported to Congress as outlined in the Impoundment Control Act. *Id.*; *see also* 2 U.S.C. § 681 *et seq.*

98. Second, under the Impoundment Control Act, there are limited ways the executive may “withhold[] or delay[] the obligation or expenditure of budget authority . . . provided for projects or activities.” 2 U.S.C. § 682(1). There are two types of impoundment actions: deferrals and rescission proposals. *Id.* §§ 683, 684.

99. Deferrals occur when an agency temporarily withholds or delays funds from obligation or expenditure. *Id.* § 684. “Deferrals are authorized only to provide for contingencies, to achieve savings made possible by changes in requirements or greater efficiency of operations, or as otherwise specifically provided by law.” U.S. GAO, Principles of Federal Appropriations Law 2-47-48 (4th ed. 2016) (“*GAO Redbook*”), available at <https://www.gao.gov/legal/appropriations-law/red-book>. Deferrals under the Impoundment Control Act are authorized only in the three situations that reserves are authorized under the Anti-

Deficiency Act. *Id.* at 2-48 n.56 (citing 31 U.S.C. § 1512(c)). “Deferrals for policy reasons are not authorized.” *Id.* (citing 2 U.S.C. 684(b)).

100. To execute a deferral, the President or OMB must “transmit to the House of Representatives and the Senate a special message” laying out the details of the proposed deferral. 2 U.S.C. § 684(a). This message must include, among other things, the amount of the deferral, the timeline for the deferral, the reasons for the deferral, and “all facts, circumstances, and considerations relating to or bearing upon” the proposed deferral. *Id.* A copy of the message must also be transmitted to the Comptroller General. 2 U.S.C. § 685(b).

101. Rescissions involve “the cancellation of budget authority previously provided by Congress (before that authority would otherwise expire), and can be accomplished only through legislation.” *GAO Redbook*. at 2-48.

102. To execute a rescission, the President or OMB must “advise Congress of any proposed rescissions, again in a special message.” *Id.* The President is authorized “to withhold budget authority that is the subject of a rescission proposal for a period of 45 days of continuous session following receipt of the proposal.” *Id.* But if Congress does not approve the proposed rescission within that time, “the budget authority must be made available for obligation.” *Id.* at 2-48–49.

III. THE ADMINISTRATION’S ATTEMPTS TO SYSTEMATICALLY DISMANTLE AMERICORPS PRIOR TO THE PRELIMINARY INJUNCTION

103. In April of 2025, the Administration took rapid and aggressive actions to dismantle AmeriCorps programs and eliminate its staff.

104. Defendants cancelled \$400,000,000 in AmeriCorps grants—41% of its budget—cutting funding to thousands of organizations and to State Service Commissions, including the Commissions for Iowa and Maine.

105. In addition, Defendants outright cancelled AmeriCorps programs like NCCC, and placed on administrative leave and issued layoff notices to 85% of AmeriCorps staff, including over 90% of Local 2027’s bargaining unit.

106. The overall result was detrimental to thousands of grantees and AmeriCorps Participants—and the communities they serve—across the country.

A. Defendants Terminated NCCC

107. On April 15, 2025, without warning, AmeriCorps announced to NCCC Participants, through template letters sent via email, that all NCCC projects were terminated and all Participants would be sent home, effective immediately.

108. NCCC “sponsors,” i.e., organizations that host NCCC Participants and otherwise provide resources to support the success of NCCC projects administered by the Agency, received emails explaining that “AmeriCorps is demobilizing all currently serving NCCC Members and returning them to their Homes of Record.” NCCC Participants (sometimes also referred to, as in the template termination letter, as NCCC “Members”) received emails with almost identical language.

109. As a result of these project terminations, approximately 2,000 NCCC Participants, who provide disaster relief, infrastructure improvement, environmental conservation, community development, and support for impoverished communities across the country, were sent home, their projects left unfinished.⁸

110. Because NCCC is a congressionally mandated program, the agency did not have the authority to unilaterally terminate it.

⁸ Sophia Cai, *DOGE Comes for AmeriCorps Staff in Washington and Across the Country*, Politico (Apr. 16, 2025, at 9:58 PM), <https://www.politico.com/news/2025/04/16/doge-comes-for-ameri-corps-staff-in-washington-and-across-the-country-00295377>.

111. Terminating NCCC constituted a “significant change” in AmeriCorps policy and programming. The agency failed to follow proper rulemaking procedures before terminating the program and its Participants as required under the 2024 Appropriations Act at 695. Nor, on information and belief, were these changes to AmeriCorps policy made by the Board, as required by 42 U.S.C. § 12651b(g).

112. The agency also failed to provide a reasoned explanation or demonstrate that it considered substantial reliance interests in ending the program.

B. Defendants Abruptly Terminated More Than 1,000 Grants, Forcing Additional AmeriCorps Participants to Leave Their Service Early

113. In addition to terminating NCCC, Defendants terminated or decimated their other statutorily mandated grant programs.

114. Over the course of April 2025, sponsors of VISTA programs, direct recipients of State and National Grants, recipients of subgrants from State Service Commissions, and recipients of VGF received emails directly from AmeriCorps terminating their grants without any prior notice or individualized explanation.

115. These emails generally stated that the recipient’s award was “being terminated per 2 CFR 200.340(a)(4) because it has been determined that your award no longer effectuates agency priorities.”

116. The emails directed recipients to “cease all award activities” and stated that “[t]his is a final agency action and is not administratively appealable.” They further directed recipients to “notify subrecipients and/or community partners, if applicable, and initiate your internal termination and closeout procedures.”

117. Recipients of State Service Commission subgrants also received emails from their respective State Service Commissions that AmeriCorps terminated the States' grants pursuant to 2 C.F.R. § 200.340(a)(4). The subgrant recipients were similarly directed to close out their programs.

118. These terminations failed to identify a "material failure" on the part of grant recipients or sponsors and therefore violated 42 U.S.C. § 12636. They also failed to provide adequate notice and opportunity to be heard and therefore violated 42 U.S.C. § 12636.

119. These terminations also violated the Agency's regulations requiring that the Agency identify the recipients' "material failure" to comply with the terms of the program or the grant and provide recipients notice or opportunity for hearing as required under 45 C.F.R. § 2540.400 and 45 CFR § 2556.135(a)–(b) (pertaining to VISTA sponsors).

120. VISTA Participants received emails that their programs were terminated and ordered to stop work. They were not terminated for cause, i.e., "due to [] deficiencies[] in conduct or performance," 45 CFR § 2556.400(a), and not provided notice or hearing under 45 C.F.R. § 2556.430. The Agency additionally failed to meet the requirements of 45 C.F.R. § 2556.430.

121. All of these actions constitute "significant changes" to AmeriCorps policy and grants. The Agency failed to follow proper rulemaking procedures before decimating the program and its Participants. 2024 Appropriations Act at 695. Nor, on information and belief, were the changes to AmeriCorps policy made by the Board, as required by 42 U.S.C. § 12651b(g).

122. The Agency also failed to provide a reasoned explanation or demonstrate that it considered substantial reliance interests in ending the program.

C. Defendants Eliminated the Staff Needed to Carry Out AmeriCorps' Statutory Obligations

123. On April 16, 2025, many AmeriCorps employees received a notice purporting to come from Defendant Bastress Tahmasebi, informing them that they were placed on administrative leave, effective immediately.

124. Approximately 85% of AmeriCorps employees—over 600 AmeriCorps staff members, including about 400 of 429 employees (approximately 93%) represented by Local 2027—had to stop working because they were placed on administrative leave. By approximately 5:00 p.m. the same day, bargaining unit members lost access to all AmeriCorps systems, including email.

125. AmeriCorps staff on administrative leave were not permitted to enter AmeriCorps' offices or access their AmeriCorps email or computer networks. No additional information or explanation was provided beyond the brief notice.

126. On April 24, 2025, virtually all AmeriCorps employees on administrative leave began receiving Reduction in Force ("RIF") notices. Many employees first received RIF notices addressed to a different AmeriCorps employee, revealing that other employee's personal information to all who received the erroneous notice. This caused mass confusion, as employees were unsure whether they were in fact receiving a RIF notice themselves or had been sent someone else's notice in error. Both ultimately proved true.

127. Later that day, the Agency sent emails to those employees who had received the erroneous RIF notices, explaining they were "inadvertently sent," and advising recipients to delete the previous RIF notice.

128. Shortly thereafter, those who were sent erroneous RIF notices were sent a new “Specific Notice of Reduction in Force.” These notices informed recipients that they would be “separated from the Federal Service effective Tuesday, June 24, 2025.”

129. Prior to these RIF actions, AmeriCorps actively employed approximately 720 people across the country. Over the course of April, about 85% of the Agency was placed on administrative leave and stopped working. Approximately 93% of Local 2027’s bargaining unit was placed on administrative leave and stopped working. And almost all of these employees received RIF notices scheduling their terminations for June 24, 2025.

130. The few remaining staff members left at AmeriCorps were unable to complete the day-to-day work required to keep the Agency running. The normal management of the full portfolio of AmeriCorps programs and grants requires hundreds of staff. For example, a team of 17 AmeriCorps staff is responsible for managing and disbursing funds from the National Service Trust, a fund established to support AmeriCorps Participants through Segal AmeriCorps Education Awards, which may be used to pay for Participants’ future education costs or to repay qualified student loans. In the wake of the mass sidelining of staff of the agency, there was only one “Trust Officer” left at AmeriCorps, responsible for processing up to 29,801 AmeriCorps Participants’ awards.

131. At the reduced staffing levels (*i.e.*, with 85% of staff on administrative leave), the remaining AmeriCorps grant and project recipients could not receive the necessary technical assistance or program oversight provided by AmeriCorps employees, and many had difficulties receiving funds from AmeriCorps due to low staffing. Worse still, in addition to the normal day-to-day management of those thousands of projects, the very small number of remaining staff had to process the over 1,000 grant termination actions required after those AmeriCorps grants were

abruptly ended on April 25 *en masse*—at a time when AmeriCorps staff who normally handle grant terminations had almost all been on administrative leave for over a week. The grant termination process is quite involved—a difficult and time-consuming task for the remaining ten Portfolio Managers or seven Senior Portfolio Managers supervising them, a small fraction of the previous staff assigned to that work.

132. Additionally, the Agency was left unable to process new grant or grant continuation applications in a timely manner, if at all, given its self-imposed staffing constraints.

133. Many of the AmeriCorps employees put on leave work directly with AmeriCorps Participants, such as the individual service corps Participants with the NCCC or VISTA. These AmeriCorps employees undertake a wide range of necessary NCCC and VISTA tasks including reviewing and processing grant applications, onboarding and offboarding Participants, processing the stipend that Participants receive for their service, and processing education awards. Those activities could not be completed on time, if at all, with the number of unaffected staff.

D. Neither the CEO Nor the Board of AmeriCorps Executed the Dismantling of AmeriCorps Programs and Termination of Staff

134. Congress directed that the CEO and Board of AmeriCorps be collectively “responsible for the exercise of the powers and the discharge of the duties of the Corporation,” and that the CEO “have authority and control over all personnel over the Corporation,” other than the Office of the Inspector General. 42 U.S.C. § 12651d(a).

135. However, on information and belief, the actions discussed in the foregoing paragraphs were not taken by a confirmed or Acting CEO, nor by the Board.

136. AmeriCorps did not have a CEO or Acting CEO during this period, nor does it have a CEO or Acting CEO now. Defendant Bastress Tahmasebi has been serving as “Interim Agency Head,” a position with no statutory authority.

137. Even if Defendant Bastress Tahmasebi were serving as Acting CEO, critical actions described above were taken by Defendant Cavanaugh or other “DOGE Team” personnel acting at his direction,⁹ rather than by Defendant Bastress Tahmasebi herself.

138. On April 16, 2025, an email was sent placing nearly the entire staff on administrative leave. Although the email stated that it was sent “[o]n behalf of AmeriCorps CEO Jennifer Bastress Tahmasebi” (a position that she did not hold on a confirmed or acting basis, and which she had never before identified herself as holding), on information and belief, Defendant Bastress Tahmasebi neither saw nor approved the email before it was sent.

139. On information and belief, Defendant Cavanaugh or persons acting at his direction made the decision to terminate and in fact terminated AmeriCorps’ grants and contracts, not Defendant Bastress Tahmasebi or the AmeriCorps staff responsible for grant terminations.

IV. DEFENDANTS WITHHOLD FUNDS AFTER THE PRELIMINARY INJUNCTION

140. On May 19, 2025, Plaintiffs filed a Motion for Preliminary Injunction, requesting that the Court block the dismantling of AmeriCorps by Defendants. ECF No. 25. On July 7, 2025, this Court issued a Memorandum Opinion and an Order granting in part Plaintiffs’ request. ECF No. 45, 46. In its Opinion, the Court held that Defendants’ “mass termination of AmeriCorps grants, program participants, and employees” were “contrary to law, arbitrary and capricious, and without observance of procedures required by law” because they had been done without the notice and comment process required under governing appropriations law. ECF No. 45 at 52–53 (quotation marks omitted). In its implementing Order, the Court:

⁹ Pursuant to Executive Order 14,158, each agency was required to establish “a DOGE Team of at least four employees, which may include Special Government Employees ... in consultation with the [U.S. DOGE Service] Administrator,” which would “coordinate their work with [U.S. DOGE Service] and advise their respective Agency Heads on implementing the President’s DOGE Agenda.” Exec. Order 14,158, 90 Fed. Reg. 8,441, 8,441 (Jan. 20, 2025).

- a. Ordered Defendants to reinstate all AmeriCorps employees who are members of AmeriCorps Employees Union, Local 2027 and enjoined Defendants from placing any other members on administrative leave, issuing RIF notices to them, or terminating their employment;
- b. Ordered Defendants to reinstate and restore all NCCC projects, VISTA programs, and AmeriCorps grants, subgrants, contracts, and funding that were awarded to the thirteen Individual Nonprofit Plaintiffs and the members of NCAN prior to April 15, 2025 and enjoined Defendants from pausing, canceling, stopping payment on, or otherwise terminating such projects other than for individual instances of non-compliance;
- c. Ordered Defendants to restore Individual Plaintiffs J. Doe 1, J. Doe 2, and J. Doe 3 to active service and to credit them for their break in service since April 15, 2025; and
- d. Ordered that Defendants “SHALL COMPLY with all statutes and appropriations that require AmeriCorps to carry out programs and award grants.” ECF No. 46.

141. In doing so, this Court agreed with the decision of another court in this District, which had concluded several weeks prior that Defendants’ failure to engage in a notice-and-comment process before executing a mass termination of programs and members violated the agency’s governing appropriations law and the APA. *See Maryland v. AmeriCorps*, 2025 WL 1585051, at *32. In that case, the court ordered that Defendants reinstate all NCCC members and the terminated programs in all 24 states that had sued. Order, *Maryland v. Corp. for Nat’l & Comm. Serv.*, No. 1:25-cv-1363, at 3 (D. Md. June 5, 2025). The court also ordered that Defendants comply with the notice-and-comment requirements in the 2024 Appropriations Act and 2025 Continuing

Resolution and make no significant change to service delivery in those 24 states without proceeding through the requisite notice and comment process moving forward. *Id.*

142. Despite these decisions—and this Court’s explicit order that Defendants “SHALL COMPLY with all statutes and appropriations that require AmeriCorps to carry out programs and award grants”—Defendants have begun new efforts to obstruct AmeriCorps’ work, now focused on the mass withholding of funds already appropriated to AmeriCorps.

143. Without following the steps described above required by the Anti-Deficiency Act and the Impoundment Control Act, OMB has refused to release a substantial portion of the funds Congress decided to appropriate to AmeriCorps in the 2025 Continuing Resolution.

144. OMB has failed to provide any public notice or explanation of its actions as required by law. Additionally, it is now under court order to restore the Public Apportionments Database pursuant to the 2022 and 2023 Appropriations Acts, *CREW v. OMB*, Nos. 1:25-cv-01111 and 1:25-cv-1051, 2025 WL 2025114 (D.D.C. July 21, 2025), *government’s stay denied*, No. 25-5266 (D.C. Cir. Aug. 9, 2025). However, it has stated in the Appendix to the Technical Supplement to the 2026 Budget that it intends to leave \$196 million of AmeriCorps FY 2025 appropriations “Undistributed.” OMB, Appendix, Technical Supplement to the 2026 Budget at 1054.

145. It appears that the OMB Defendants, in collaboration with the AmeriCorps Defendants, have unilaterally decided to reduce AmeriCorps’s FY 2025 appropriations to the size they prefer, despite Congress’s express direction to the contrary in the 2025 Continuing Resolution.

146. In mid-June, AmeriCorps notified multiple plaintiffs that their grants were “pending release of FY 2025 appropriated dollars.” Bur Oak, for example, received word through Volunteer Iowa that its three-year recompete grant slated to begin on September 1, 2025, was selected for funding, but that the funding was currently being withheld by OMB. ERJCC learned

in June 2025 that its Foster Grandparents Program and Senior Companions Program renewal grants—set to begin on July 1, 2025—were “approved, pending FY 2025 appropriations.” The Corps Network learned in mid-June that its two State and National grants, set to start October 1, 2025, were “pending release of FY 2025 appropriated dollars.”

147. Plaintiffs whose grants are marked with “funding pending release of FY25 appropriated dollars,” “approved, pending FY 2025 appropriations,” or “pending release of FY 2025 appropriated dollars”¹⁰ have not received funding from AmeriCorps because of OMB’s actions.

148. Altogether, upon information and belief, OMB is now withholding approximately \$200 million in FY25 federal funds for at least two types of AmeriCorps grants: (1) AmeriCorps State and National new and recompetete grants receiving competitive funding, and (2) National Older American Volunteer Program grants, including Foster Grandparent Program and Senior Companion Program grants. Many of these grants had a July 1, 2025 start date, leaving affected programs without funding or direction as to how to move forward after their grant cycle had already begun.

149. The decision to stop funding for AmeriCorps State and National new and recompetete competitive grants and Foster Grandparent Program and Senior Companion Program grants is a significant change for AmeriCorps, which has funded and supported these programs for many years and announced it would do so in 2025 as well. *See, e.g.*, FY 2025 AmeriCorps State and National Grants, AMERICORPS, <https://www.americorps.gov/funding-opportunity/fy-2025->

¹⁰ The phrase “approved, pending FY ____ appropriations” is often included in grant awards that occur prior to the relevant Congressional appropriation, to account for the possibility that Congress will not provide the expected appropriation. This Complaint is not referring to grants that included that phrase in the context of future appropriations. Rather, it is referring to grantees like ERJCC, whose grants were held up “pending FY 2025 appropriations” *after* those appropriations were enacted.

americorps-state-national-grants; Fiscal Year FY 2025 AmeriCorps Seniors Q4 Foster Grandparent Program Continuation or Renewal, AMERICORPS, <https://www.americorps.gov/sites/default/files/document/2024-12/FY2025AmeriCorpsSeniorsQuarter4FGPNotice.pdf>.

150. Pursuant to the statutes described *supra* page 24–27, OMB was required to apportion AmeriCorps funds by April 14, 2025. As of August 18, 2025, upon information and belief, OMB still has not apportioned or released all of AmeriCorps’ FY2025 appropriated funds and currently has no plans to do so.

151. Neither OMB nor AmeriCorps has provided any timeline regarding if, or when, the funds will be released.

152. Although OMB is permitted to hold back appropriations from its apportionments in order to “prevent obligation or expenditure at a rate that would indicate a necessity for a deficiency or a supplemental appropriations for the period,” 31 U.S.C. § 1512(a), there is no evidence to suggest AmeriCorps is at risk of expending apportioned funds in excess of its current appropriations.

153. And although OMB is permitted to establish a reserve of funds in apportionment decisions, it can only do so in specific circumstances outlined in the Anti-Deficiency Act: “to provide for contingencies,” “to achieve savings made possible by or through changes in requirements or greater efficiency of operations,” or “as specifically provided by law.” 31 U.S.C. § 1512(c)(1). Upon information and belief, no such circumstances exist here.

154. Even if such circumstances did exist, neither OMB nor the President has “reported” as much to Congress, as required by the Impoundment Control Act. 2 U.S.C. §§ 683(a), 684(a); *see also* 31 U.S.C. § 1512(c)(2).

155. If the President or OMB “proposes to defer any budget authority provided for a specific purpose or project,” they must “transmit to the House of Representative and the Senate a special message” laying out the details of the proposed deferral. 2 U.S.C. § 684(a). This message must include, among other things, the amount of the deferral, the timeline for the deferral, the reasons for the deferral, and “all facts, circumstances, and considerations relating to or bearing upon” the deferral. *Id.* A copy of the message must also be transmitted to the Comptroller General. 2 U.S.C. § 685(b). Defendants have undertaken none of these procedures.

V. THE IMPACT OF THE ADMINISTRATION’S ACTIONS ON PLAINTIFFS

156. Defendants’ actions to obstruct AmeriCorps’ work through their statutory and constitutional violations—first by way of the mass termination of programs, staff, and the NCCC, then through the mass withholding of appropriated funds—have already caused harm and will continue to cause harm, including irreparable harm, to Plaintiffs and others similarly situated, including but not limited to the following:

A. Irreparable Harm to Nonprofit Organizations

157. Elev8’s AmeriCorps VGF award enabled the organization to build an internal staff that recruited, managed, and supported 60 local volunteers who, over the past two years, provided tutoring and after-school programming at approximately 20 Baltimore City schools and programs, serving more than 800 students each week. When it received a termination notice on April 25, 2025, Elev8 had just entered the third year of its five-year award, which provided about \$145,000 annually. But for the preliminary injunction, Elev8 would have had to cut its human resources and grants teams, funded by VGF, by half, knowing it would severely limit its ability to recruit, train, and monitor tutors. Elev8 anticipated it would have to cut its tutoring and out-of-school-time programming by 30 percent, significantly reducing the number of students served and harming its

reputation for consistent support in Baltimore City schools. Pursuant to the PI Order, Defendants reinstated Elev8's 2024–25 grant.

158. Red Cloud was in its final year of a three-year AmeriCorps State and National direct grant it had maintained for 26 years. In the past three years, it received approximately \$400,000 a year to support Lakota immersion programs across its elementary schools, one middle school, and one high school serving the Lakota community. The grant enabled Red Cloud to recruit local Lakota youth as AmeriCorps Participants to serve as teaching assistants for a duration of one to three years. These Participants joined in groups of four or five to assist a Red Cloud staff teacher to teach classes of approximately twenty students. The Participants provided students with individualized support in math, literacy, and social-emotional development, while also gaining valuable teaching skills. Students benefit from one-on-one attention and see these Participants as role models, inspiring them to envision future possibilities. Many AmeriCorps Participants pursued degrees at local colleges concurrently, with some leveraging the Segal Education Award after completing their service. Notably, ten of Red Cloud's current and permanent teachers began as AmeriCorps Participants. The program's success is evident in its improved student outcomes and strengthened community empowerment through a career pipeline into education.

159. On April 25, 2025, Red Cloud received an email from AmeriCorpsAwardAction@americorps.gov notifying it that its grant was terminated and to immediately cease all award activities. The letter informed Red Cloud that the action was not administratively appealable. At that time, Red Cloud had 11 AmeriCorps Participants serving in its teaching assistant program. As a result of this termination, Red Cloud felt a moral obligation to retain the former AmeriCorps Participants through the end of the school year (May 16). Doing so placed an unexpected financial strain on Red Cloud. But for the preliminary injunction, Red Cloud

would not have been able to retain these Participants through July 31, the end of the AmeriCorps award. Without the PI, this curtailment of services would have had a detrimental effect on the students who rely on these supports to succeed and on their families. In addition, Red Cloud's management team, who regularly communicated with AmeriCorps program officers, noticed that a few weeks before receiving the termination notice, AmeriCorps staff had stopped responding to their calls. Red Cloud had submitted a \$1.3 million grant application to continue funding for another three-year cycle after the current grant expired, but, unusually, no one at AmeriCorps headquarters answered their calls or replied to emails. But for the PI, Red Cloud schools, their programs, and the prospects of their students and of Lakota youth who participate in AmeriCorps would have been at serious risk. Pursuant to the PI Order, Defendants reinstated Red Cloud's 2024–25 grant..

160. Bur Oak is currently finishing the third year of its three-year AmeriCorps award from Volunteer Iowa, the Iowa State Service Commission, which provides \$250,000 annually to support 11 AmeriCorps Participants engaged in active land management, disaster response, and the coordination of roughly 200 volunteers. This program enables Bur Oak to tackle critical issues such as prairie and woodland habitat loss—which drives species decline and accelerates climate change—and the spread of invasive species that degrade local ecosystems. Bur Oak received a termination notice on April 28, 2025, for its 2024–25 AmeriCorps grant. The notice arrived during burn season, a crucial period when AmeriCorps Participants conduct manage burns to control invasive species; without these efforts, the health of ecosystems across the state is jeopardized. The loss of its award harmed Bur Oak's land and wildlife management and severely impacted its small staff, as AmeriCorps awards partially cover the salaries of two out of six permanent employees. Bur Oak anticipated eliminating at least one full-time staff position and struggled to

find alternative resources to sustain its land management work. This reduction in workforce quickly limited Bur Oak's ability to fulfill its mission and effectively serve eastern Iowa's natural areas. Pursuant to the PI Order, Defendants reinstated Bur Oak's 2024–25 grant.

161. However, Bur Oak's 2025–26 grant is now being withheld by OMB. Bur Oak had applied as a recompetite applicant for a State and National grant. This funding, which totals approximately \$250,000, will allow Bur Oak to continue with its existing land management efforts, including direct stewardship and educational programming. On June 19, 2025, Volunteer Iowa notified Bur Oak that its recompetite grant had been conditionally approved “pending release of FY 2025 appropriated dollars.” Now, as Bur Oak prepares to transition into a new three-year grant cycle, it faces renewed instability. Once again, Bur Oak must consider reducing its staff, limiting the number of volunteers it can supervise and its reach. Bur Oak is also unable to enter new land management agreements, and if the FY2025 funds are not released, it will have to terminate existing partnerships. Beyond the resulting loss of fee-for-service income, OMB's withholding of these funds will further damage relationships with partners already wary of inconsistency in Bur Oak's funding following the previous AmeriCorps grant termination.

162. PCCE's three-year, \$2,500,752 AmeriCorps VISTA grant award spans 2023 to 2026 and covers 60 VISTA Participants. During the first year of the grant, PCCE's VISTA Participants provided services to more than 10,000 people, including providing anti-poverty programming to more than 5,800 youth. When PCCE received notice of termination of its award on April 25, 2025, it shut down its 19 VISTA projects immediately. VISTA Participants were required to leave their projects mid-stream, and the majority of those projects did not continue in their absence. Community members benefiting from these VISTA projects—including students accessing STEM education, adults taking functional literacy classes, community members who

receive food deliveries to their homes—abruptly lost access to these critical resources. But for the PI, PCCE anticipated terminating two of its four staff members whose salaries came partially or completely from AmeriCorps. Pursuant to the PI Order, Defendants reinstated PCCE’s 2024–25 grant.

163. NCAN has more than 50 member organizations that receive State and National grants and/or State Service Commission subgrants. Beginning April 25, 2025, at least 24 of those organizations received grant termination notices from AmeriCorps or stop work orders from State Service Commissions that required them to immediately cease providing stipends. For some of NCAN’s members, these grants provided as much as 70% of their budgets. All told, the cuts eliminated more than \$4.5 million, which funded more than 400 AmeriCorps Participants supporting more than 50,000 students. The loss of this funding forced NCAN’s members to lay off staff and cut services. For example, NCAN member College Success Foundation, which coaches and supports students from low socioeconomic backgrounds to prepare for and graduate college, lost funding for eight AmeriCorps Participants serving 1,700 students.

164. The timing of Defendants’ actions made the harm to NCAN’s members and the students they serve particularly devastating. Many of NCAN’s members assist students in completing financial aid paperwork, applying to and choosing between colleges, and interpreting financial aid offers. The deadline for most students to accept offers of admission and financial aid and confirm their enrollment was May 1. NCAN’s members thus lost funding and had to close or reduce programs at the precise time their services were most needed. The harm to NCAN’s members’ ability to provide services and fulfill their organizational missions, as well as to their reputation for reliability with their partners and the students they serve, was significant, to say nothing of the harm to the students themselves. AmeriCorps Participants lost jobs, education

stipends, work experience, and their ability to keep their commitments to their students and substantial harm was done to Congress's aim of "meeting community needs with demonstrable results, while enhancing students' academic and civil learning." 42 U.S.C. § 12521(1). Pursuant to the PI Order, Defendants reinstated NCAN's members' 2024–25 grants.

165. MCAN, one of NCAN's member organizations, currently receives four AmeriCorps awards: a VISTA grant and three awards through the Michigan Community Service Commission. On April 28, 2025, MCAN received an email titled "Stop Work Order" from the Commission. The email directed all recipients to cease work because the Commission's grant had been terminated. MCAN's awards from the Commission—a Pathways Planning grant, an AdviseMI grant, and a College Completion Corps grant—amount to \$2.1 million annually, providing for the salaries of 9 of MCAN's 32 full-time employees. Each grant is critical to MCAN's mission. For example, the AdviseMI grant provides for 86 AmeriCorps Participants to work in underserved Michigan high schools and to assist approximately 4,750 students with submitting college applications, taking college entrance exams, and enrolling in college. But for the PI, MCAN would have had to cancel all of these programs in their entirety and let go of most of the affected staff.

166. On April 25, 2025, MCAN received a notice of termination for its VISTA grant—worth approximately \$35,000 annually, enough to fund 7 VISTA Participants. MCAN was in the midst of interviewing for a full-time employee to run its FAFSA program and manage the 7 VISTA Participants. These VISTA Participants would have worked in high-need school districts across Michigan to increase completion of the Free Application for Federal Student Aid ("FAFSA"), reaching approximately 3,850 students. Upon receipt of the termination notice, MCAN pulled down the application posting for an employee and informed interviewees they would not be

moving forward with hiring. MCAN also informed its school district partners that it would not be able to continue this work as planned. The cancellation of MCAN's AmeriCorps awards injured its reputation as a partner to high schools and institutions of higher education and severely hampered its ability to fulfill its mission. Pursuant to the PI Order, Defendants reinstated MCAN's 2024–25 grants.

167. NCHC is in the second year of its AmeriCorps VISTA grant, which funds four VISTA Participants' one-year commitment. In January 2025, it began placing VISTA Participants at local housing counseling agencies in need of additional capacity. Upon receipt of the April 25, 2025, email terminating NCHC's AmeriCorps award, NCHC directed its VISTA Participants to stop work immediately. Without the AmeriCorps VISTA grant, NCHC anticipated that it would not be able to send support to these or any other local housing counseling agencies for the foreseeable future, damaging NCHC's reputation and rapport with critical partners who relied on the promise of VISTA Participant capacity. Pursuant to the PI Order, Defendants reinstated NCHC's 2024–25 grant.

168. HCDNNJ is in its ninth year as an AmeriCorps VISTA grantee. It hosts three VISTA Participants pursuant to a grant of approximately \$70,000. The VISTA Participants provide critical capacity for HCDNNJ's programs—supporting the organization's work as an intake office for New Jersey residents in need of housing support during times of crisis, compiling and disseminating resource guides for the public on food insecurity, safe and healthy homes, and foreclosure and homelessness prevention, and working directly with community members to develop strategies for areas with safety concerns. But for the PI, HCDNNJ would not have been able to provide these services. Upon receiving a termination letter on April 25, 2025, HCDNNJ alerted its VISTA Participants it could no longer support their work. HCDNNJ struggled to fill the gaps in coverage

for its crisis hotline and its other VISTA-supported projects until the PI was put into place. Its retreat from these commitments damaged its reputation, its members, and its projects. Pursuant to the PI Order, Defendants reinstated HCDNNJ's 2024–25 grant.

169. HandsOn was in its third year of a three-year VGF grant. Pursuant to this VGF award, HandsOn receives approximately \$375,000 per year to administer two types of programming. First, HandsOn provides support for community volunteering by recruiting and mobilizing community members to serve as volunteers, connecting volunteers with nonprofits, and training nonprofits on volunteer management. Through this work, HandsOn serves 44 cities and villages in the greater Chicago area and empowers over 100 nonprofits, schools, government entities, and community organizations with the service of nearly 3,000 volunteers. Second, HandsOn runs its own educational programs, including a lunch buddies program to connect students with trusted non-family mentors and an afterschool wraparound program for students facing attendance and academic challenges. These programs provide academic, social-emotional, behavioral health, and basic needs support for 200 students. The VGF grant also helps to pay part of the salary of eight of HandsOn's nine staff members. But for the PI, HandsOn anticipated having to terminate several employees. Pursuant to the PI Order, Defendants reinstated HandsOn's 2024–25 grant.

170. Democracy Maine's planning grant from the Maine State Service Commission provided it with \$60,000 to develop its rural civic engagement program. The goal of the program is to connect young people in rural Maine with leadership development, civic education, and civic engagement opportunities, showing them their voices matter. For the first four months of the year, Democracy Maine developed the program structure to host AmeriCorps Participants, who would eventually oversee a cohort of high school students engaging their peers in civic work. Democracy

Maine has hosted 5–10 high schoolers per semester three times a year for several years and turned to AmeriCorps funding because the demand for the program exceeded their capacity. When it learned its AmeriCorps funding would be terminated on April 25, 2025, Democracy Maine immediately ceased planning for an expansion of its civic engagement program. They were not able to identify any other funding to support the roles of AmeriCorps Participants. But for the PI, Democracy Maine expected its program expansion would be delayed for several years, if not indefinitely. Pursuant to the PI Order, Defendants reinstated Democracy Maine’s 2024–25 grant.

171. Service Collaborative is in year two of a three-year AmeriCorps VISTA grant award worth \$120,000 per year. The grant allows Service Collaborative to help nonprofit organizations increase their impact in communities by providing them with resources, increasing their community volunteers, and raising financial resources. With its current VISTA award, Service Collaborative was on track to benefit 20 local and national nonprofits, with 25 VISTA Participants contributing to this work. In its first year under this grant, Service Collaborative and its VISTA Participants recruited more than 2,000 volunteers, who have served more than 17,000 hours in priority projects. When Service Collaborative learned its funding was being terminated on April 25, 2025, it quickly informed its VISTA Participants the program was shutting down and worked to determine whether it could assist them in finding new placements. But no Service Collaborative VISTA Participants were able to find an alternative placement at that time—they all exited the program. Without the PI, Service Collaborative anticipated the projects being supported by the VISTA grant would be significantly hampered, and Service Collaborative’s reputation as a reliable community partner was damaged. Pursuant to the PI Order, Defendants reinstated Service Collaborative’s 2024–25 grant.

172. Rainbow Labs is currently in the second year of its AmeriCorps VGF award, which provides approximately \$165,000 annually for the organization to sustain and expand its mentoring programs for LGBTQ+ youth. This award allowed Rainbow Labs to hire a manager for its mentoring program, tasked with creating a volunteer mentor process and procedures manual, recruiting 50 new volunteers, and conducting training for new volunteers. Over the first year and a half of the grant, Rainbow Labs was able to increase its impact, expanding from one high school to five high schools in the Los Angeles area and expanding volunteer engagement from approximately 30 volunteers to 150 volunteers. When the termination notice arrived, Rainbow Labs was restructuring its staffing model to hire a program manager funded entirely by AmeriCorps to focus on volunteer recruitment and deeper community collaboration. Without filling that position, the organization anticipated that it would not be able to recruit as many new volunteers, its volunteer retention would suffer, and its engagement of external partners would decline. As a result, fewer LGBTQ+ youth would have access to Rainbow Labs' services. The organization's hard-earned reputation among local school partners, who depend on the consistency and quality support provided by these mentoring programs, also suffered. Pursuant to the PI Order, Defendants reinstated Rainbow Labs' 2024–25 grant.

173. Seed is in its third year of a VISTA grant subject to annual review and renewal, which provides approximately \$180,000 and up to 19 VISTA Participants annually. The VISTA Participants engage in different projects aimed at meeting basic student needs on local campuses, mentoring with at-risk youth, creating financially literate communities, and improving health outcomes. Upon receiving the April 25, 2025 termination email, Seed immediately ended its VISTA activities. Seed also received an award from the Iowa Commission on Volunteer Service providing approximately \$385,000 annually—more than half of Seed's annual budget—for 76

AmeriCorps Participants to work as part of Iowa's College Corps. These AmeriCorps Participants address low retention rates of first-generation and low-income students at higher education institutions in Iowa through individualized coaching and mentoring to increase student persistence and graduation rates, among other activities. Upon receiving another termination email on April 28, 2025, Seed moved to wind down program activities and suspended recruitment of Iowa College Corps Participants for planned service in the summer of 2025. Without these AmeriCorps awards, Seed was unable to move forward with any of these commitments and surviving day by day. During this period, its relationships with affected member institutions—which are based on a core value of dependability—suffered. But for the PI, Seed would have had to terminate multiple staff members. Pursuant to the PI Order, Defendants reinstated Seed's 2024–25 grant.

174. Aspire was in its third year of a three-year subgrant from the Virginia Service Commission when it received the email from the Commission terminating its award. Aspire has received AmeriCorps funding for approximately 14 years. Over that time, AmeriCorps has helped to build the organization into what it is today: five of Aspire's 12 full-time staff are former AmeriCorps Participants. Aspire's current grant—worth \$468,000 annually—amounts to 25 percent of its current operating budget. The grant supports 28 AmeriCorps Participants who provide tutoring, mentoring, and supervision of 150 third- through eighth-grade students in South Arlington. Aspire has worked for 30 years to establish itself as a reliable, trustworthy partner in the South Arlington community. The cuts to its AmeriCorps funding—and the loss of technical support—were felt immediately. Without this funding and these AmeriCorps Participants, Aspire anticipated it would have to cut its services by approximately 30 percent next school year. Without the PI, Aspire would have been forced to go back on promises to its students and their families,

hurting its reputation and its future success as a community partner. Pursuant to the PI Order, Defendants reinstated Aspire's 2024–25 grant.

175. ERJCC was in the final days of its three-year Foster Grandparent and Senior Companion grants and preparing to start new three-year grants on July 1, 2025, when it learned its funding was being withheld. ERJCC's Foster Grandparent grant (worth about \$360,000 annually) and Senior Companion grant (worth about \$289,000 annually) together provide overhead costs for 10 staffers who spend all of their time on AmeriCorps Seniors programming. ERJCC has scraped together funds to continue its Seniors programming for now, but those funds will be exhausted soon. Without its FY2025 funding, ERJCC will be unable to support its Foster Grandparents program, which pairs low-income seniors with at-risk children for tutoring and mentoring. ERJCC will also have to shutter or seriously reduce its Senior Companions program, through which low-income seniors provide assistance like errands, meal prep, medication reminders, and transportation to doctor appointments to older adults and individuals with disabilities. The populations these volunteers serve will suffer, as will the volunteers, who will lose the modest stipends they receive for their service.

176. The Corps Network's two State and National grants allow the organization to support service projects for 1,685 members across 45 states, including disaster response, environmental, and public lands projects. Beyond their service element, these projects also provide educational programming, mentoring, and conservation service experience to young people and veterans. The Corps Network received notification from AmeriCorps that funding for its 2024-25 grants was being withheld on June 16, 2025. These grants are slated to begin on October 1, 2025. If this funding is not released, The Corps Network's 150+ Corps across the country will be severely limited in the types of service projects they can engage in, and some will not be able to continue

their service work. This funding is also an existential threat to The Corps Network itself—without its AmeriCorps grants, the organization expects to terminate about 75% of its current staff, leaving its Corps and service projects across the country without technical assistance, programming and operations expertise, or project management help.

177. Each of the individual grantees also depends upon a fully functional AmeriCorps to timely process grant applications, disbursements, and participants, as well as to provide ongoing technical support. The Agency's efforts to remove 85% of AmeriCorps staff stood to irreparably harm the individual grantees, prior to this Court's preliminary injunction.

B. Irreparable Harm to Individual Program Participants

178. Doe 1 left their job in January 2025 for a service term as an NCCC Participant that was supposed to run through November 2025. Doe 1 suffered severe emotional distress due to the abrupt and unexpected nature of their termination. Their team was given an artificial deadline to return in a 15-passenger van from their service project in Bennington County, Vermont to their regional NCCC campus in Vinton, Iowa to make their flights home. Doe 1 and their team were forced to violate NCCC travel safety guidelines and travel in an exhausted state to meet this deadline. Doe 1 was devastated when they realized their team's abrupt departure would detrimentally impact individuals waiting for Habitat for Humanity housing.

179. Before returning to AmeriCorps, Doe 2 had graduated and planned to launch their career in the theater industry immediately after graduating from college, knowing this was the optimal time to secure a job in their field. They chose, however, to postpone their career to serve as a team leader for NCCC because they strongly believed in AmeriCorps' mission. While serving on a project assisting low-income individuals with tax preparation in San Diego, California, Doe 2 and their team anticipated April 15—Tax Day—to be their busiest. Instead, they were abruptly

instructed to pack up and return to their regional NCCC campus in Sacramento at 1 p.m., leaving many individuals without the help they needed on the final day to file taxes. Doe 2 suffered severe emotional distress due to the abrupt and unexpected nature of their termination, the unsafe nature in which they were forced to race back to the regional campus to meet an artificial deadline, and the knowledge that their team would not be able to assist those in need.

180. Doe 3 became an AmeriCorps VISTA Participant in February of 2025. They chose to leave their job at the North Carolina A. Phillip Randolph Institute, where they focused on voter registration and engagement, in favor of the opportunities for skill-building and leadership training AmeriCorps could provide. They moved to a new city, Fayetteville, North Carolina, believing AmeriCorps could help them figure out how they could best be of service in their career. They accepted a one-year position with VISTA but quickly decided they would renew for a second year. Once they completed their AmeriCorps stint, Doe 3 planned to go back to school and earn their Master of Arts in history, using their AmeriCorps education award to help pay for it. The sudden cancellation of Doe 3's AmeriCorps position left them in a new city, without a job, lacking the experience, skill building, and community they signed up for. Pursuant to the PI Order, Doe 3 returned to their VISTA placement on July 7, 2025.

181. Every AmeriCorps Participant relies upon a fully functional agency, including fully constituted staff, to facilitate their program experience. Absent AmeriCorps staff to administer programs and provide training, AmeriCorps Participants like J. Does 1, 2, and 3 are irreparably harmed.

C. Irreparable Harm to Local 2027 and Its Members

182. Local 2027 is the exclusive representative of nonsupervisory AmeriCorps employees. As such, Local 2027 negotiates with AmeriCorps management about a wide range of

terms and conditions of employment for AmeriCorps employees. Local 2027's core functions include providing support, guidance, and resources to bargaining unit employees about their working conditions and their rights on the job.

183. Ever since Defendants began dismantling the Agency, Local 2027 was inundated with inquiries from affected employees who were blindsided by the changes in their employment and very concerned about their livelihoods and the mission of the Agency. Members contacted Local 2027 seeking information, guidance, explanations of their rights, and legal advice. Members were also concerned about the loss of health insurance upon their terminations. Local 2027 had to divert significant resources to responding to the confusion and concrete needs wrought by Defendants' behavior.

184. The Agency's actions obstructed Local 2027's ability to carry out its core function of advising employees about their employment terms and rights and advocating for their working conditions. In particular, the lack of advance notice to Local 2027 regarding the plan to place nearly all staff on administrative leave and to terminate 90% of its bargaining unit left the Union scrambling to gather information to fill in the gaps created by Defendants. Moreover, because employees were put on administrative leave and locked out of systems without warning, Local 2027 was unable to download important documents, such as information about the composition of the bargaining unit, needed to contact and assist its members upon issuance of the RIF notices.

185. If Defendants had been permitted to terminate close to 90% of Local 2027's bargaining unit, as proposed before the preliminary injunction was entered, it would have threatened Local 2027's continued existence, making it nearly impossible for the Union to provide core services and protection to its members. Because Local 2027 funds its representational activity through voluntary membership dues, the near-complete elimination of its entire membership

would deprive the union of nearly all its revenue, not to mention its very purpose. And because collective bargaining relies on strength in numbers, the decimation of its bargaining unit would not only deprive the Union of the resources it needs to function, it would also shrink the bargaining unit to an echo of its former self and thereby weaken the Union's leverage to advocate for dignified working conditions on behalf of employees in the bargaining unit.

186. Local 2027's members also faced irreparable harm prior to the preliminary injunction. Local 2027's members are dedicated public servants who have devoted their careers to furthering volunteerism and service in this country. By dismantling this unique agency, Defendants were destroying Local 2027's members' ability to carry out the mission to which they have dedicated their careers. Moreover, the 90% of Local 2027's bargaining unit who were slated for termination were unlikely to find comparable employment. Many of these employees themselves were once AmeriCorps Participants. For AmeriCorps employees, including Local 2027 president Kelly Daly, who was slated for termination along with the majority of the bargaining unit, promoting national service through their public service employment is a calling that cannot be replaced by any other job—because there is no other entity in America to promote domestic public service in this country that even remotely compares to AmeriCorps. Local 2027 members are public servants above all, but Defendants intended to take the ability to provide that public service from them.

187. Absent this Court's intervention, Local 2027's members stood to lose their jobs, including all their wages and benefits, and see the future of their careers decimated. Among the most harmful impending loss of benefits was their employer-provided health insurance. Local 2027 members include individuals with acute medical conditions who rely on their employer-sponsored health insurance to afford their medical care, and these members include pregnant

employees and others with serious health conditions who rely on that coverage as a need, not a desire. Without their current coverage, they would be forced to forgo care, placing their health in jeopardy.

188. The harm to Local 2027 members is not limited to those who would lose their jobs. The small percentage of Local 2027 members who were not slated for termination and were not put on administrative leave would face virtually impossible working conditions—a much higher workload with far less support—as they would necessarily be tasked with filling the gaping holes left by the mass firings of their colleagues, leading to emotional distress and other challenges for members of the Local 2027 bargaining unit.

CLASS ALLEGATIONS

189. Plaintiffs Bur Oak, ERJCC, and The Corps Network (the “Proposed Class Representatives”) bring this action under Federal Rules of Civil Procedure 23(a) and 23(b)(2) on behalf of themselves and all other persons similarly situated.

190. Plaintiffs seek to represent the following class: All recipients of AmeriCorps grants or subgrants whose awards Defendants withhold, now or in the future, based on OMB’s refusal to apportion or release congressionally appropriate funds, for programs within the following states or territories: Alabama, Alaska, Arizona, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming (the “Proposed Class”).

191. In light of the preliminary injunctions issued in *Maryland v. Corporation for National and Community Service*, No. 25-cv-2363, 2025 WL 1585051 (D. Md. June 5, 2025), Plaintiffs propose excluding programs within the following jurisdictions: Arizona, California,

Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin.

192. The Proposed Class is so numerous that joinder of all members is impracticable. *See* Fed. R. Civ. P. 23(a)(1). On information and belief, Defendants have unlawfully refused to apportion and release appropriations that would otherwise flow to more than two hundred grantees and subgrantees across the country. Even after excluding grantees and subgrantees in jurisdictions covered by the *Maryland* injunction, dozens or hundreds of organizations fall within the Proposed Class.

193. The Proposed Class's claims turn on common questions of fact or law that are capable of class wide resolution. *See* Fed. R. Civ. P. 23(a)(2). Defendants' refusal to apportion and release congressional appropriations poses questions under the Administrative Procedure Act, AmeriCorps's and OMB's statutes and regulations, and the Constitution that are the same for all Class members.

194. The Proposed Class Representatives' claims are typical of the claims of the Proposed Class. *See* Fed. R. Civ. P. 23(a)(3). Each Class member's claim arises from the same course of events (Defendants' refusal to apportion and release nearly \$200 million in funds appropriated by Congress) and each class member will experience the same injury (the inability to carry out the programs for which they were awarded grants) if relief is denied.

195. The Proposed Class Representatives will fairly and adequately represent the Proposed Class. *See* Fed. R. Civ. P. 23(a)(4). The Proposed Class Representatives are committed to seeking a declaration and injunction that will benefit all members of the Proposed Class equally, reinstating each one to their grant status prior to the unlawful terminations. They are aware of their

obligations as Proposed Class Representatives and willing to dedicate time and effort to pursuing the interests of the Proposed Class.

196. The Proposed Class Representatives are represented by counsel with extensive experience in administrative law and class actions, who are committed to zealously representing the Proposed Class. *See* Fed. R. Civ. P. 23(a)(4), 23(g).

197. Defendants have acted or refused to act on grounds that apply generally to the Proposed Class, making a single decision to terminate grants on the same unlawful basis. Final injunctive relief and corresponding declaratory relief regarding the legality and enforceability of that decision is therefore appropriate with respect to the Proposed Class as a whole. *See* Fed. R. Civ. P. 23(b)(2).

NON-CLASS CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

(against AmeriCorps Defendants)

Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A): Defendants' Actions Are Arbitrary and Capricious

198. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

199. Individually and collectively, AmeriCorps Defendants' actions constitute "final agency action for which there is no other adequate remedy." 5 U.S.C. § 704.

200. AmeriCorps is an agency subject to the APA. 5 U.S.C. §§ 551(1), 701.

201. AmeriCorps Defendants' actions are arbitrary and capricious. *See* 5 U.S.C. § 706(2)(A). AmeriCorps Defendants' conduct—including their actions to terminate more than a thousand AmeriCorps grants, place nearly all AmeriCorps staff on administrative leave pending termination, and shutter the NCCC—constitute changes in agency policy. AmeriCorps Defendants have given no reasoned explanation for their conduct, entirely failed to consider important aspects

of the problem Congress created AmeriCorps and its programs to address, failed to consider alternatives, and ignored reliance interests affected by their actions. *See Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016); *FCC v. Fox Tel. Stations, Inc.*, 556 U.S. 502, 515 (2009); *Motor Vehicle Mfrs. Ass’n v. State Farm Mutual Auto. Ins. Co.*, 463 U.S. 29, 42 (1983).

202. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

SECOND CAUSE OF ACTION
(against AmeriCorps Defendants)

**Violation of Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A), (B), and (C):
Defendants’ Actions Are Not in Accordance with Law, Contrary to Constitutional Power,
and in Excess of Statutory Authority**

203. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

204. Individually and collectively, AmeriCorps Defendants’ actions constitute “final agency action for which there is no other adequate remedy.” 5 U.S.C. § 704.

205. AmeriCorps is an agency subject to the APA. 5 U.S.C. §§ 551(1), 701.

206. AmeriCorps Defendants’ actions—including their termination of more than a thousand AmeriCorps grants, their placing of nearly all AmeriCorps staff on administrative leave pending termination, and their shuttering of the NCCC—are “not in accordance with law,” “contrary to constitutional right, power” and “in excess of statutory jurisdiction, authority, or limitations.” 5 U.S.C. §§ 706(2)(A), (B), (C).

207. By unilaterally ceasing statutorily mandated functions, effectively shuttering an agency that Congress has created by statute, Defendants are violating, among other things:

- a. the separation of powers, including the legislature's exclusive authority to make law, U.S. Const. art. I, § 1, and appropriate and spend funds, U.S. Const. art. I, §§ 8–9;
- b. the 2025 Continuing Resolution and 2024 Appropriations Act;
- c. numerous provisions in AmeriCorps' governing statutes, including provisions controlling its governance, *e.g.*, 42 U.S.C. §§ 12651b(g), 12651d(a)-(c), 12651f(c), 12651h; NCCC, *id.* § 12612 *et seq.*; VISTA, *id.* § 4951 *et seq.*; State and National Grants, *id.* §§ 12571 *et seq.*, 12581 *et seq.*, 12638; the VGF, *id.* § 12653p; and its notice, hearing, and grievance procedures, *id.* § 12636; and
- d. numerous provisions in AmeriCorps' implementing regulations, including 45 C.F.R. Part 2525 (National Service Trust), § 2540.400 (grant terminations or suspensions), and Part 2556 (Volunteers in Service to America), as well as 2 C.F.R. § 200.340(a)(4) (termination of Federal Awards).

208. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

THIRD CAUSE OF ACTION
(against AmeriCorps Defendants)

**Violation of the Administrative Procedure Act, 5 U.S.C. § 706(1):
Defendants Have Unlawfully Withheld or Unreasonably Delayed Agency Action**

209. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

210. Individually and collectively, AmeriCorps Defendants' actions constitute "final agency action for which there is no other adequate remedy." 5 U.S.C. § 704.

211. AmeriCorps is an agency subject to the APA.

212. The APA provides that a reviewing court “shall” “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1).

213. By terminating more than a thousand AmeriCorps grants, placing nearly all AmeriCorps staff on administrative leave pending termination, and shuttering the NCCC, AmeriCorps Defendants have unlawfully withheld mandatory agency action.

214. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

FOURTH CAUSE OF ACTION
(against AmeriCorps Defendants)
Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(D):
Failure to Observe Procedures Required by Law

215. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

216. Individually and collectively, AmeriCorps Defendants’ actions constitute “final agency action for which there is no other adequate remedy.” 5 U.S.C. § 704.

217. AmeriCorps is an agency subject to the APA.

218. The APA requires that a reviewing court “hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

219. In its appropriation for fiscal year 2024, Congress explicitly required that Defendants “shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking.” 2024 Appropriations Act at 695.

220. In its appropriation for fiscal year 2025, Congress reappropriated the amounts and conditions from the FY 2024 appropriations act, “under the authority and conditions provided in” that Act. 2025 Continuing Resolution at 11.

221. AmeriCorps Defendants made “significant changes to program requirements, service delivery or policy” when they effectuated their decisions to terminate more than a thousand AmeriCorps grants, place nearly all AmeriCorps staff on administrative leave pending termination, and shutter the NCCC. AmeriCorps Defendants may not cut or decimate entire grant programs or AmeriCorps services, including but not limited to NCCC, or change the criteria by which they judge grants or programs without APA notice and comment rulemaking.

222. Defendants are required to provide notice, hearing, and grievance procedures to cancelled grantees and sponsors. *See* 42 U.S.C. § 12636; 45 C.F.R. §§ 2540.400, 2556.135. They failed to do so. Defendants may only terminate NCCC and VISTA Participants for cause and must conduct cause proceedings and provide an opportunity to appeal. *See* 45 C.F.R. §§ 2556.400, 2556.420, 2556.425, 2556.430. They terminated NCCC and VISTA Participants without even purporting to do so for cause and without even purporting to follow the necessary procedures.

223. AmeriCorps Defendants’ actions are procedurally invalid under the APA because they did not follow required notice-and-comment procedures.

224. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

FIFTH CAUSE OF ACTION
(against AmeriCorps Defendants)
Violation of the Separation of Powers/*Ultra Vires*

225. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

226. Plaintiffs have an implied right of action under the Constitution to challenge governmental action that violates the separation of powers. *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 561 U.S. 477, 491 n.2 (2010); *Strickland v. United States*, 32 F.4th 311, 365 (4th Cir. 2022).

227. The power to make law resides exclusively with the legislative branch. U.S. Const. art. I, § 1. The Constitution grants the power of the purse to Congress, not the President. U.S. Const. art. I, § 9, cl. 7; § 8, cl. 1.

228. The Constitution vests executive power in the President, U.S. Const., art. II, and imposes on the President a duty to “take Care that the Laws be faithfully executed,” U.S. Const. art. II, § 3.

229. The President and Executive Branch have no constitutional power to unilaterally enact, amend, or repeal parts of duly enacted statutes. *See Clinton v. City of New York*, 524 U.S. 417, 438–39 (1998).

230. Congress exercised its Article I legislative authority to create and fund AmeriCorps as an independent executive agency. Congress has also exercised its Article I legislative authority to mandate that AmeriCorps carry out specific functions and to appropriate funds that AmeriCorps must spend to carry out those functions.

231. No statute, constitutional provision, or other source of law authorizes the President or the Executive Branch to terminate AmeriCorps’ statutorily mandated programs, or render it unable to implement them by eliminating the necessary staff.

232. AmeriCorps Defendants' actions unlawfully usurp Congress's legislative authority and are therefore ultra vires. AmeriCorps Defendants' actions override direct congressional mandates.

233. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

SIXTH CAUSE OF ACTION
(against Defendants Bastress Tahmasebi and Cavanaugh)
Violation of the Appointments Clause

234. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

235. Plaintiffs have an implied right of action under the Constitution to challenge governmental action that violates the Appointments Clause. *Free Enter. Fund*, 561 U.S. at 491 n.2; *Strickland*, 32 F.4th at 365.

236. "The Appointments Clause prescribes the exclusive means of appointing 'Officers.'" *Lucia v. Sec. & Exch. Comm'n*, 585 U.S. 237, 244 (2018); U.S. Const. art. II § 2, cl. 2.

237. The Chief Executive Officer of AmeriCorps is a principal officer of the United States requiring Senate confirmation. 42 U.S.C. § 12651c(a).

238. The voting members of the Board of AmeriCorps are principal officers of the United States requiring Senate confirmation. *Id.* § 12651a(a)(1).

239. Defendant Bastress Tahmasebi is purporting to exercise the authority of the AmeriCorps Chief Executive Officer and/or Board without Presidential appointment, Senate

confirmation, or designation as Acting Chief Executive Officer under the Federal Vacancies Reform Act, 5 U.S.C. § 3345.

240. On information and belief, Defendant Cavanaugh, and/or others directed by him who are not the CEO of AmeriCorps or voting members of the AmeriCorps Board, is exercising the authority of the AmeriCorps Chief Executive Officer and/or Board without Presidential appointment or Senate confirmation.

241. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

CLASS CLAIMS FOR RELIEF

SEVENTH CAUSE OF ACTION

(against All Defendants)

Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A): Defendants' Actions Are Arbitrary and Capricious

242. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

243. Individually and collectively, Defendants' actions constitute "final agency action for which there is no other adequate remedy." 5 U.S.C. § 704.

244. AmeriCorps and OMB are agencies subject to the APA. 5 U.S.C. §§ 551(1), 701.

245. Defendants' withholding of funds appropriated by Congress is arbitrary and capricious. 5 U.S.C. § 706(2)(A). Defendants have given no reasoned explanation for their conduct, entirely failed to consider important aspects of the problem Congress funded AmeriCorps and its programs to address, failed to consider alternatives, and ignored reliance interests affected

by their actions. *See Encino Motorcars*, 579 U.S. at 221; *Fox Tel. Stations*, 556 U.S. at 515; *Motor Vehicle Mfrs. Ass’n*, 463 U.S. at 42.

246. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

EIGHTH CAUSE OF ACTION

(against All Defendants)

**Violation of Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A), (B), and (C):
Defendants’ Actions Are Not in Accordance with Law, Contrary to Constitutional Power,
and in Excess of Statutory Authority**

247. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

248. Individually and collectively, Defendants’ actions constitute “final agency action for which there is no other adequate remedy.” 5 U.S.C. § 704.

249. Defendants are agencies subject to the APA. 5 U.S.C. § 701.

250. Defendants’ actions to unilaterally withhold funding for AmeriCorps State and National grants and AmeriCorps Seniors grants constitute “final agency action for which there is no other adequate remedy.” 5 U.S.C. § 704.

251. Defendants’ actions are “not in accordance with law,” “contrary to constitutional right, power” and “in excess of statutory jurisdiction, authority, or limitations.” 5 U.S.C. §§ 706(2)(A), (B), (C).

252. By unilaterally withholding appropriated funds, Defendants are violating, among other things:

- a. the separation of powers, including the legislature's exclusive authority to make law, U.S. Const. art. I, § 1, and appropriate and spend funds, U.S. Const. art. I, §§ 8–9;
- b. the 2025 Continuing Resolution and 2024 Appropriations Act, which require AmeriCorps to spend the allotted funds;
- c. the Impoundment Control Act, 2 U.S.C. § 681 *et seq.*, which provides exclusive circumstances by which an agency is permitted to refrain from spending appropriations not met here;
- d. the Anti-Deficiency Act, 31 U.S.C. § 1511 *et seq.*, which requires OMB to apportion AmeriCorps appropriations no later than 30 days after the enactment of the appropriations law in question and to create a “reserve of funds” in specific circumstances not met here;
- e. numerous provisions in AmeriCorps' governing statutes, including provisions controlling its governance, 42 U.S.C. §§ 12651b(g), 12651d(a)-(c); State and National Grants, *id.* §§ 12571 *et seq.*, 12581 *et seq.*, 12638; and its notice, hearing, and grievance procedures, *id.* § 12636; and
- f. 45 C.F.R. § 2540.400, which governs grant terminations or suspensions, and 2 C.F.R. § 200.340(a)(4), which governs termination of federal awards.

253. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

NINTH CAUSE OF ACTION

(against All Defendants)

**Violation of the Administrative Procedure Act, 5 U.S.C. § 706(1):
Defendants Have Unlawfully Withheld or Unreasonably Delayed Agency Action**

254. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

255. Individually and collectively, Defendants' actions constitute "final agency action for which there is no other adequate remedy." 5 U.S.C. § 704.

256. Defendants are agencies subject to the APA.

257. The APA provides that a reviewing court "shall" "compel agency action unlawfully withheld or unreasonably delayed." 5 U.S.C. § 706(1).

258. By unilaterally withholding appropriated funds whose expenditure was mandated by Congress, Defendants have unlawfully withheld mandatory agency action.

259. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

TENTH CAUSE OF ACTION

(against OMB Defendants)

Violation of the Separation of Powers

260. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

261. Plaintiffs have an implied right of action under the Constitution to challenge governmental action that violates the separation of powers. *Free Enter. Fund*, 561 U.S. at 491 n.2; *Strickland*, 32 F.4th at 365.

262. The power to make law resides exclusively with the legislative branch. U.S. Const. art. I, § 1. The Constitution grants the power of the purse to Congress, not the President. U.S. Const. art. I, § 9, cl. 7; § 8, cl. 1.

263. The Constitution vests executive power in the President, U.S. Const., art. II, and imposes on the President a duty to “take Care that the Laws be faithfully executed,” U.S. Const. art. II, § 3.

264. The President and Executive Branch have no constitutional power to unilaterally enact, amend, or repeal parts of duly enacted statutes. *Clinton*, 524 U.S. at 438–39.

265. Congress has also exercised its Article I legislative authority to mandate that OMB carry out specific functions, including the appropriation of funds to AmeriCorps.

266. No statute, constitutional provision, or other source of law authorizes OMB Defendants to unilaterally prevent the disbursement of congressionally appropriated funds without proper process.

267. OMB Defendants’ actions unlawfully usurp Congress’s legislative authority and are therefore violative of the separation of powers. OMB Defendants’ actions override direct congressional mandates.

268. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

ELEVENTH CAUSE OF ACTION
(against OMB Defendants)
Violation of *Ultra Vires*

269. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

270. Neither the President nor any agency can take any action that exceeds the scope of their constitutional and/or statutory authority.

271. The power to make law resides exclusively with the legislative branch. U.S. Const. art. I, § 1. The Constitution grants the power of the purse to Congress, not the President. U.S. Const. art. I, § 9, cl. 7; § 8, cl. 1.

272. The Constitution vests executive power in the President, U.S. Const., art. II, and imposes on the President a duty to “take Care that the Laws be faithfully executed,” U.S. Const. art. II, § 3.

273. The President and Executive Branch have no constitutional power to unilaterally enact, amend, or repeal parts of duly enacted statutes. *Clinton*, 524 U.S. at 438–39.

274. Congress has also exercised its Article I legislative authority to mandate that OMB carry out specific functions, including the appropriation of funds to AmeriCorps.

275. No statute, constitutional provision, or other source of law authorizes OMB Defendants to unilaterally prevent the disbursement of congressionally appropriated funds without proper process.

276. Defendants’ actions unlawfully usurp Congress’s legislative authority and are therefore *ultra vires*. Defendants’ actions override direct congressional mandates.

277. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

TWELFTH CAUSE OF ACTION
(against Defendants Bastress Tahmasebi and Cavanaugh)
Violation of the Appointments Clause

278. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

279. Plaintiffs have an implied right of action under the Constitution to challenge governmental action that violates the Appointments Clause. *Free Enter. Fund*, 561 U.S. at 491 n.2; *Strickland*, 32 F.4th at 365.

280. “The Appointments Clause prescribes the exclusive means of appointing ‘Officers.’” *Lucia*, 585 U.S. at 244; U.S. Const. art. II § 2, cl. 2.

281. The Chief Executive Officer of AmeriCorps is a principal officer of the United States requiring Senate confirmation. 42 U.S.C. § 12651c(a).

282. The voting members of the Board of AmeriCorps are principal officers of the United States requiring Senate confirmation. *Id.* § 12651a(a)(1).

283. By withholding awards to grantees and subgrantees, AmeriCorps is exercising a significant authority of the United States.

284. On information and belief, either Defendant Bastress Tahmasebi or Defendant Cavanaugh made the decision to withhold awards to grantees and subgrantees. Whichever made the decision would be purporting to exercise the authority of the AmeriCorps Chief Executive Officer and/or Board without appointment pursuant to the Appointments Clause.

285. Accordingly, Plaintiffs are entitled to an order and judgment, and to a preliminary and permanent injunction, holding unlawful and setting aside these decisions and enjoining any action taken to enforce or implement them.

THIRTEENTH CAUSE OF ACTION
(against All Defendants)
Writ of Mandamus

286. Plaintiffs repeat, reallege, and incorporate the allegations in the paragraphs above as though fully set forth herein.

287. The Mandamus Act, 28 U.S.C. § 1361, vests this Court with original jurisdiction over “any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”

288. The All Writs Act, 28 U.S.C. § 1651, authorizes this Court to issue all writs “necessary or appropriate” in aid of its jurisdiction.

289. AmeriCorps Defendants are violating their clear duties under AmeriCorps’ governing statutes, AmeriCorps’ implementing regulations, and the 2025 Continuing Resolution and 2024 Appropriations Act by withholding funds for AmeriCorps programs.

290. OMB Defendants are violating their clear duties under the Impoundment Control Act, the Anti-Deficiency Act, and the 2025 Continuing Resolution and 2024 Appropriations Act by withholding funds for AmeriCorps programs.

291. It is therefore necessary and appropriate for this Court to issue a writ of mandamus pursuant to 28 U.S.C. §§ 1361 and 1651 and under this Court’s equitable authority to compel Defendants to act.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter each of the following forms of relief:

- i. Declare unlawful and set aside the decisions to mass terminate AmeriCorps grants, schedule for termination and place nearly all staff on administrative leave, shutter the

- NCCC, and withhold funding for AmeriCorps as arbitrary, capricious, and an abuse of discretion under 5 U.S.C. § 706(2)(A);
- ii. Declare unlawful the decisions to mass terminate AmeriCorps grants, schedule for termination and place nearly all staff on administrative leave, shutter the NCCC, and withhold funds from AmeriCorps as not in accordance with law under 5 U.S.C. § 706(2)(A); contrary to constitutional right, power, privilege, or immunity under 5 U.S.C. § 706(2)(B); and in excess of statutory jurisdiction, authority, or limitations, or short of statutory right under 5 U.S.C. § 706(2)(C);
 - iii. Declare that All Defendants violated the APA by unlawfully withholding or unreasonably delaying agency action, 5 U.S.C. § 706(1);
 - iv. Declare that AmeriCorps Defendants violated the APA by acting without observance of procedure required by law, 5 U.S.C. § 706(2)(D);
 - v. Declare that All Defendants violated the separation of powers and are acting *ultra vires*;
 - vi. Declare that Defendants Bastress Tahmasebi and Cavanaugh are acting in violation of the Appointments Clause;
 - vii. Certify a class of all recipients of AmeriCorps grants or subgrants whose awards Defendants withhold, now or in the future, based on OMB's refusal to apportion or release congressionally appropriated funds, for programs within the following states or territories: Alabama, Alaska, Arizona, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming;

- viii. Appoint Bur Oak, ERJCC, and The Corps Network as Class Representatives, and appoint the undersigned counsel as Class Counsel;
- ix. Permanently enjoin AmeriCorps Defendants from effectuating the decision to dismantle AmeriCorps and order Defendants to permanently restore all AmeriCorps programs, grants, contracts, Participants, and staff to their status as of April 14, 2025;
- x. Permanently enjoin AmeriCorps Defendants from cutting AmeriCorps services, programs, and staff to such an extent that AmeriCorps is unable to fulfill its statutory duties;
- xi. Preliminarily and permanently enjoin All Defendants from effectuating the decision to withhold AmeriCorps funds;
- xii. Enter an order pursuant to 5 U.S.C. § 706(1) compelling OMB Defendants to apportion the funds appropriated for AmeriCorps programs and make such funds available for obligation;
- xiii. Issue a writ of mandamus compelling All Defendants to apportion the funds appropriated for AmeriCorps programs and make such funds available for obligation;
- xiv. Order All Defendants to file a status report with the Court within 24 hours of entry of a preliminary injunction, and at regular intervals thereafter, confirming compliance with these orders;
- xv. Award Plaintiffs their costs, reasonable attorney's fees, and other disbursements as appropriate; and
- xvi. Grant such other relief as the Court deems necessary, just, and proper.

/s/ Norman L. Eisen

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* Application for admission or admission pro hac vice forthcoming.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 18th day of August 2025, a copy of the foregoing Amended Complaint and accompanying document have been served on all parties receiving service via CM/ECF in this case.

/s/ Abbe David Lowell
Abbe David Lowell [Bar No. 11863]