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

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Civil Case No. 25-4316 (RJL)

Hh
MEMORANDUM ORDER

December 17, 2025 [Dkt. #2]

This matter comes before the Court on plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction [Dkt. #2]. For the reasons set forth below, I will **DENY** plaintiff’s motion for a temporary restraining order and **DEFER** judgment on plaintiff’s motion for a preliminary injunction until after the Court has held its hearing in January.

A temporary restraining order (“TRO”) is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). Its purpose is to “preserve the relative positions of the parties” pending a merits decision. *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395 (1981). To obtain a TRO, the plaintiff must show “(1) a substantial likelihood of success on the merits, (2) that it would suffer irreparable injury if the TRO

were not granted, (3) that the TRO would not substantially injure other interested parties, and (4) that the public interest would be furthered by the TRO.” *Am. Foreign Serv. Ass’n v. Trump*, 766 F. Supp. 3d 25, 28 (D.D.C. 2025) (cleaned up).

Here, plaintiff has not demonstrated “a clear and present need for equitable relief to prevent irreparable harm” before this Court can consider plaintiff’s motion for a preliminary injunction. *Wisconsin Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985) (internal quotation marks omitted). Plaintiff points to both the procedural harm of being denied participation in the review process for the proposed ballroom and the aesthetic (as well as historic and cultural) harm of an expansive ballroom overshadowing the White House. But bare procedural injury, standing alone, is insufficient to demonstrate irreparable harm. *See, e.g., Manzanita Band of Kumeyaay Nation v. Wolf*, 496 F. Supp. 3d 257, 268–69 (D.D.C. 2020); *Fisheries Survival Fund v. Jewell*, 236 F. Supp. 3d 332, 336 (D.D.C. 2017). Further, the Government has committed to commencing the consultation processes with the National Capital Planning Commission (“NCPC”) and the Commission of Fine Arts (“CFA”) by the end of the month. The Court will hold the Government to its word.

As for plaintiff’s claims of aesthetic harm, I find that plaintiff has not yet demonstrated that such harm is “certain, great, actual, imminent, and beyond remediation.” *Fisheries*, 236 F. Supp. 3d at 337. While below-grade demolition and excavation at the East Wing are ongoing, the Government has represented that below-grade structural work—*i.e.*, “footings and below-grade structural concrete”—will not begin until January 2026 for the colonnade and February 2026 for the ballroom. Decl. of John Stanwich [Dkt.

#14-6] ¶¶ 19–20. And at yesterday’s hearing, the Government represented that nothing about the ballroom has been finalized, including its size and scale. Based on those representations, there is no sufficiently imminent risk of irreparable aesthetic harm warranting a temporary restraining order halting construction over the next fourteen days. *See* Fed. R. Civ. P. 65(b)(2).

Indeed, because plaintiff has not made a sufficient showing of irreparable harm, I may deny “the motion for injunctive relief without considering the other factors.” *Fisheries*, 236 F. Supp. 3d at 336. Accordingly, I reserve judgment as to plaintiff’s likelihood of success on the merits and the balance of the equities. And I reserve judgment on whether plaintiff may be able to show irreparable harm at the preliminary injunction stage.

Finally, the Court takes seriously the Government’s representations that its plans are not yet final, that it will commence consultations with the NCPC and CFA by the end of this month, and that no above-grade construction will take place before April 2026. If there is any below-grade construction that dictates the size or scale of the proposed ballroom *before* the Court can act on plaintiff’s motion for a preliminary injunction, then the Government should be prepared to take it down depending on the Court’s resolution of the merits of this case.

Accordingly, it is hereby

ORDERED that plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction [Dkt. #2] is **DENIED** in part (insofar as it seeks a temporary

restraining order) and **DEFERRED** in part (insofar as it seeks a preliminary injunction); and it is further

ORDERED that a hearing on plaintiff's motion for a preliminary injunction is set for January 15, 2026 at 3:30 PM in Courtroom 18 (In Person); and it is further

ORDERED that plaintiff shall file a supplemental brief in support of its motion for a preliminary injunction by December 29, 2025; defendants shall file a response by January 8, 2026; and plaintiff shall file a reply brief by January 12, 2026; and it is further

ORDERED that the parties shall address the following questions in their briefs, along with any other issues the parties wish to raise:

- Whether and to what extent, past Presidents have obtained congressional authorization and/or regulatory approval for construction and modifications to the White House structure and grounds.
- Whether the President has independent constitutional and/or statutory authority to construct a ballroom on White House grounds.
- Whether the entities directing the ballroom construction, including the Office of the Executive Residence, are "agencies" within the meaning of the Administrative Procedure Act.

SO ORDERED.



RICHARD J. LEON
United States District Judge

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

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Civil Case No. 25-4316 (RJL)

^{*th*}
MEMORANDUM OPINION

February 26, 2026 [Dkt. #2]

The National Trust for Historic Preservation in the United States (“Plaintiff” or “the National Trust”) challenges the President’s authority to destruct and construct the East Wing of the White House without the prior approval of Congress and with private funds. Plaintiff bases its challenge on a ragtag group of theories under the Administrative Procedure Act (“APA”) and the Constitution. The President, not surprisingly, disagrees, claiming that the White House is not covered by the APA and that his authority is statutory in nature, not constitutional.

Unfortunately for Plaintiff, its challenge fails because the White House office in question is not an “agency” under the APA and because Plaintiff did not bring the *ultra vires* claim necessary to challenge the President’s statutory authority to complete his construction project with private funds and without congressional approval!

As such, unless and until Plaintiff amends its existing complaint to include the necessary *ultra vires* claim, the Court cannot address the merits of the novel and weighty issues raised by this statutory challenge, and Plaintiff's motion for a preliminary injunction must therefore be **DENIED**.

FACTUAL AND PROCEDURAL BACKGROUND

I. The White House Ballroom Project

The White House is the official residence of the President. Am. Compl. [Dkt. #19] ¶ 25. It is part of President's Park, which is a federal park administered by the National Park Service. *Id.* The White House is flanked by the East and West Wings. *Id.* ¶ 30. Before its demolition in October 2025, the East Wing housed the offices of the First Lady and contained a small theater. *Id.* ¶¶ 30–33, 64.

On July 31, 2025, the White House issued a press release announcing plans for a "White House State Ballroom." *Id.* ¶ 36; *see also* Ex. J to Mot. for TRO & Prelim. Inj. [Dkt. #2-14]. According to the press release, the ballroom would be "approximately 90,000 total square feet," "substantially separated from the main building of the White House," and located on the site of the "small, heavily changed, and reconstructed East Wing." Ex. J. The press release indicated that the President was "fully committed to working with the appropriate organizations to preserving [sic] the special history of the White House," and that the President had "held several meetings with members of the White House Staff, the National Park Service, the White House Military Office, and the United States Secret Service to discuss design features and planning." *Id.*

On October 20, 2025—without advance notice—President Trump posted on social media that “ground ha[d] been broken on the White House grounds to build the new, big, beautiful White House Ballroom.” Am. Compl. ¶ 51. On October 21, media outlets reported that heavy machinery was tearing down the East Wing. *Id.* ¶ 53. The entire East Wing was demolished over the next few days. *Id.* ¶ 64.

The site of the former East Wing is now “a bustling project site,” with “heavy construction machinery” and a “construction crane” present. *Id.* ¶¶ 78, 81. Defendants have indicated that “work on the footings and below-grade structural concrete” will commence “in the East Wing area in February.” Decl. of John Stanwich (“Stanwich Decl.”) [Dkt. #14-6] ¶ 20. “Above grade structural work is not anticipated to begin until April 2026, at the earliest.” *Id.*

II. The National Trust for Historic Preservation in the United States

The National Trust is a private, charitable, educational non-profit chartered by Congress. Am. Compl. ¶ 4. Its purpose “is to further the historic preservation policy of the United States and to promote the public’s awareness of and ability to comment on any activity that might damage or destroy our nation’s architectural heritage.” *Id.* The National Trust “stewards twenty-seven historic sites” and “takes legal action to protect threatened sites where necessary.” *Id.* ¶ 21. The National Trust “has thousands of members,” who “use, enjoy, derive personal and professional benefit from, and have a substantial interest in preserving and protecting historic and cultural resources in Washington, D.C.” *Id.* ¶ 22.

After the demolition of the East Wing, the National Trust contacted the National Park Service, the National Capital Planning Commission, and the Commission of Fine Arts

expressing concerns about the “massing and height of the proposed new construction.” *Id.* ¶¶ 54–55. The National Trust wrote that the ballroom could “permanently disrupt the carefully balanced classical design of the White House with its two smaller, and lower, East and West Wings.” *Id.* ¶ 55. The National Trust “urge[d] the Administration and the National Park Service to pause demolition until plans for the proposed ballroom [go] through the legally required public review process.” *Id.* ¶ 56. Curiously, the National Trust “received no response.” *Id.* ¶ 57.

III. This Lawsuit

On December 12, 2025, the National Trust sued the National Park Service and its Acting Director, the Superintendent of the White House and President’s Park, the Department of the Interior, the Secretary of the Interior, the General Services Administration, the Acting Administrator of the General Services Administration, and the President (“Defendants”). *See* Compl. [Dkt. #1]. The National Trust brought claims under the Administrative Procedure Act (“APA”) and the Constitution, alleging that Defendants had failed to consult with the National Capital Planning Commission and the Commission of Fine Arts, comply with the National Environmental Policy Act (“NEPA”), and obtain congressional authorization for the ballroom. *See id.* ¶¶ 105–69. The National Trust moved for a temporary restraining order and preliminary injunction halting construction of the ballroom. Mot. for TRO & Prelim. Inj. [Dkt. #2].

On December 15, 2025, Defendants filed their opposition brief. *See* Mem. in Opp’n to Mot. for TRO & Prelim. Inj. (“Defs.’ Opp’n”) [Dkt. #15-1]. Defendants argued that the “President possesses statutory authority to modify the structure of his residence, and that

authority is supported by background principles of Executive power.” *Id.* at 2. Defendants indicated that consultations with the National Capital Planning Commission and the Commission of Fine Arts would “soon be underway.” *Id.* Defendants attached a previously-unpublished Environmental Assessment and Finding of No Significant Impact and argued that these documents satisfied their procedural obligations under NEPA. *See* Defs.’ Opp’n at 20–21; Ex. 1A to Defs.’ Opp’n [Dkt. #14-2]; Ex. 1B to Defs.’ Opp’n [Dkt. #14-3]. And Defendants indicated that the ballroom construction was “now proceeding under the leadership of the Office of the Executive Residence.” Defs.’ Opp’n at 6.

On December 16, 2025, I held a hearing on the National Trust’s motion for a temporary restraining order. *See* Dec. 16, 2025 Hr’g Tr. [Dkt. #18]. The following day, I denied the National Trust’s motion for lack of “irreparable harm before this Court can consider plaintiff’s motion for a preliminary injunction.” *Nat’l Tr. for Historic Pres. v. Nat’l Park Serv.*, __ F. Supp. 3d __, 2025 WL 3672837, at *1 (D.D.C. Dec. 17, 2025) (internal quotation marks omitted). I deferred my decision on the National Trust’s motion for a preliminary injunction and ordered the parties to submit supplemental briefs addressing the following questions: “[1] Whether and to what extent, past Presidents have obtained congressional authorization and/or regulatory approval for construction and modifications to the White House structure and grounds. [2] Whether the President has independent constitutional and/or statutory authority to construct a ballroom on White House grounds. [3] Whether the entities directing the ballroom construction, including the Office of the Executive Residence, are ‘agencies’ within the meaning of the Administrative Procedure Act.” *Id.* at *2.

On December 29, 2025, the National Trust filed an amended complaint, *see* Am. Compl., and its supplemental brief in support of its motion for a preliminary injunction, *see* Suppl. Mem. in Supp. of Mot. for Prelim. Inj. (“Pl.’s Suppl. Br.”) [Dkt. #20]. The National Trust added the Executive Office of the President, the White House Chief of Staff, the Office of the Executive Residence, and the White House Chief Usher as Defendants, and added a new claim alleging that placing responsibility for the ballroom with the Office of the Executive Residence violated the separation of powers. *See* Am. Compl. ¶¶ 17–20, 188–96.

On January 15, 2026, Defendants filed their supplemental brief. Defs.’ Suppl. Resp. Br. in Opp’n to Pl.’s Mot. for a Prelim. Inj. (“Defs.’ Suppl. Br.”) [Dkt. #30]. In it, Defendants for the first time *disclaimed* the President’s constitutional authority to build the ballroom and instead rested entirely on certain statutory authority! *Id.* at 12, 30. On January 20, the National Trust filed its reply brief (“Pl.’s Reply”) [Dkt. #33], and on January 22, I held a hearing on the National Trust’s motion for a preliminary injunction. *See* Jan. 22, 2026 Hr’g Tr. [Dkt. #38].

LEGAL STANDARD

A preliminary injunction is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). To obtain a preliminary injunction, the movant “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Id.* at 20.

ANALYSIS

I. Subject-Matter Jurisdiction

“[A] federal court generally may not rule on the merits of a case without first determining that it has” “subject-matter jurisdiction.” *Sinochem Int’l Co. v. Malaysia Int’l Shipping Corp.*, 549 U.S. 422, 430–31 (2007) (citing *Steel Co. v. Citizens for Better Env’t*, 523 U.S. 83, 93–102 (1998)). Before reaching the parties’ substantive arguments about the APA and the Constitution, therefore, this Court must decide whether the National Trust has established a “substantial likelihood of standing.” *Food & Water Watch, Inc. v. Vilsack*, 808 F.3d 905, 913 (D.C. Cir. 2015). For the following reasons, I conclude that it has done so.

To establish standing to sue, a plaintiff must show (1) it has “suffered an injury in fact” that is “concrete and particularized” and “actual or imminent”; (2) the injury is “fairly traceable to the challenged action of the defendant”; and (3) the injury is “likely” to “be redressed by a favorable decision.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992) (cleaned up). As an organization, the National Trust “can assert standing on its own behalf, on behalf of its members or both.” *Equal Rights Ctr. v. Post Props., Inc.*, 633 F.3d 1136, 1138 (D.C. Cir. 2011).

The standing inquiry here begins and ends with associational standing.¹ “[A]n association has standing to bring suit on behalf of its members when: (a) its members would

¹ The National Trust also argues for organizational standing. See Mem. in Supp. of Mot. for TRO & Prelim. Inj. [Dkt. #2-1] at 36; Pl.’s Reply at 2–4; see also *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 n.19 (1982). Because I conclude that the National Trust has adequately demonstrated associational standing, I need not address the parties’ organizational standing arguments at this time.

otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *WildEarth Guardians v. Jewell*, 738 F.3d 298, 305 (D.C. Cir. 2013) (quoting *Hunt v. Wash. State Apple Adver. Comm'n*, 432 U.S. 333, 343 (1977)).

To satisfy the first element, the National Trust must show that "at least one of its members" has suffered an "actual or imminent" "injury-in-fact" that is "fairly traceable to the challenged action" and "likely" to "be redressed by a favorable decision." *Sierra Club v. FERC*, 827 F.3d 59, 65 (D.C. Cir. 2016) (internal quotation marks omitted) (quoting *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 180–81 (2000)).

To do so, the National Trust relies on a declaration from Alison K. Hoagland, a Washington, D.C.-based professor of history and historic preservation and member of the National Trust. *See* Decl. of Alison K. Hoagland ("Hoagland Decl.") [Dkt. #2-3] ¶¶ 2–4. Hoagland has lived in Washington, D.C. for a total of over thirty years and currently lives two miles from the White House in Capitol Hill. *Id.* ¶ 9. She "travel[s] to the White House neighborhood frequently" and "regularly walk[s] through portions of President's Park, including Lafayette Square, in order to enjoy the historic buildings" and "the beauty of the L'Enfant Plan." *Id.* She also "regularly view[s] the White House from the south side, whether driving by on Constitution Avenue or walking on the Mall." *Id.* She has given "walking tours . . . on various aspects of Washington's historic architecture" and has "published scholarly articles on the topic." *Id.* ¶ 8. The White House is relevant to her

“research on more locally focused architecture” because the White House “drove development around it” and was “on the leading edge of all improvements” in Washington. *Id.* ¶ 11.

Hoagland intends to continue visiting President’s Park roughly once a month. *Id.* ¶ 12. She asserts that construction of a ballroom of the form and scale proposed by the President would disrupt her enjoyment and use of President’s Park and cause her to “suffer both professional and personal injuries, including to [her] aesthetic, cultural, and historical interests.” *Id.* ¶ 13–14. The President’s proposed ballroom would, in Hoagland’s words, “overshadow[]” the White House and “diminish [its] primacy,” thereby disrupting the message that “our president lives in a *house*.” *Id.* ¶ 13.

Based on her claims of aesthetic injury, Hoagland could sue in her own right. It is well-settled that the “desire to use or observe” something, “even for purely [a]esthetic purposes, is undeniably a cognizable interest for purpose of standing.” *Lujan*, 504 U.S. at 562–63. Hoagland, who is a longtime D.C. resident and scholar of history and historic preservation, “use[s] the affected area” around the White House and is the type of person “for whom the aesthetic and recreational values of the area will be lessened by” the ballroom. *Friends of the Earth*, 528 U.S. at 183 (quoting *Sierra Club v. Morton*, 405 U.S. 727, 735 (1972)). She alleges that Defendants’ construction of “a ballroom of the proposed form and scale” would “cause permanent and irreparable harm to the White House and President’s Park,” thereby damaging her own “aesthetic, cultural, and historical interests” in the property. Hoagland Decl. ¶¶ 13–14.

Moreover, Hoagland asserts more than a “vague desire” to visit the affected space sometime in the future. *Summers v. Earth Island Inst.*, 555 U.S. 488, 496 (2009). She instead provides “specific facts and concrete plans,” *Ctr. for Biological Diversity v. U.S. Fish & Wildlife Serv.*, 146 F.4th 1144, 1157–58 (D.C. Cir. 2025), namely that she will continue to visit President’s Park “about once a month” to enjoy the historic character of the setting and attend upcoming meetings in the neighboring Decatur House, *see* Hoagland Decl. ¶ 12. The construction of the planned ballroom would, as Hoagland alleges, diminish the “architectural statement” of the White House, thereby undermining her enjoyment and appreciation of the grounds. *Id.* ¶ 13. These are “here-and-now injuries” that will undoubtedly come to pass if construction proceeds as planned. *Ctr. for Biological Diversity*, 146 F.4th at 1157–58. Accordingly, Hoagland has demonstrated an “imminent” injury-in-fact. *Lujan*, 504 U.S. at 560.

Indeed, Hoagland’s declaration goes much further than the declaration relied upon unsuccessfully by the plaintiff in *Environmental Defense Fund v. FERC*, 2 F.4th 953 (D.C. Cir. 2021), which Defendants cite in their supplemental brief. Hoagland is not a mere bystander who “incidentally views something unpleasant.” *Id.* at 970. To the contrary, Hoagland expressly articulates her “particularized connection to the land.” *Id.* She describes how she “derived aesthetic value” from the White House as it existed before the construction and explains that her “future uses,” including research and aesthetic enjoyment, would be diminished by the President’s proposed ballroom. *Id.* at 969. Further, in Hoagland’s personal view, the White House is “one of the most historically significant buildings in the country” and “was designed to be a symbol of the new nation.” Hoagland

Decl. ¶ 10. To say the least, this is a far cry from an “eyesore” on the side of a road. *Env’t l Def. Fund*, 2 F.4th at 969–70.

Our Circuit has routinely found Article III injury in similar circumstances. *See Sierra Club*, 827 F.3d at 66 (standing based on allegations of aesthetic and recreational harms from “greater tanker traffic” in waterway); *Sierra Club v. U.S. Dep’t of Transp.*, 125 F.4th 1170, 1180–81 (D.C. Cir. 2025) (standing where train traffic caused “increased disruption” to members’ “homes and in nearby scenic areas”); *Ctr. for Sustainable Econ. v. Jewell*, 779 F.3d 588, 596–97 (D.C. Cir. 2015) (members who used waterways for recreational purposes would suffer harm to “aesthetic interests” by “additional leasing” in those waterways); *WildEarth*, 738 F.3d at 305–06 (members’ “aesthetic interests in the land” and “specific plans to visit the area regularly for recreational purposes” sufficient for standing).²

Hoagland’s alleged harms are also “fairly traceable to the challenged action” and likely to “be redressed by a favorable decision.” *Sierra Club*, 827 F.3d at 65. Defendants do not address these elements. *See* Defs.’ Suppl. Br. at 8–12. Indeed, there can be no dispute that Hoagland’s alleged aesthetic harm stems directly from construction of a ballroom in the manner proposed by the President. And a decision from this Court halting

² Defendants quibble with the intensity and frequency of Hoagland’s alleged aesthetic interests because she lives “2 miles from the White House,” “several times further away than the [*Environmental Defense Fund*] plaintiff” lived from the metering station, and because Hoagland only intends to visit the White House area “once a month” instead of “several times a week.” Defs.’ Suppl. Br. at 10. Neither our Circuit nor the Supreme Court have parsed alleged aesthetic harms so finely for purposes of standing, and it would be incongruous for this Court to do so now. Defendants’ objection that Hoagland’s injury is not “sufficiently imminent” because “the East Wing plans are not finalized” is similarly meritless. *Id.* at 11. Construction is well underway, *see* Stanwich Decl. ¶ 20, and Defendants identify no authority for the proposition that an aesthetic injury must fully materialize before it may be cognizable.

that project for lack of statutory authority would redress Hoagland's alleged harm. In sum, Hoagland has standing to sue on her own.

Having established that one of its members has standing, the National Trust must also demonstrate that the interests it seeks to protect are "germane to the organization's purpose." *Ctr. for Sustainable Econ.*, 779 F.3d at 596 (quoting *Hunt*, 432 U.S. at 343). It has done so! The National Trust was established by Congress "to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest." 54 U.S.C. § 312102(a). It exists to "protect[] America's historic sites through stewardship, advocacy, and direct assistance" and to "take[] legal action to protect threatened sites where necessary." Am. Compl. ¶ 21. As such, the National Trust has an "obvious interest" in challenging the construction of a massive new ballroom on White House grounds that could likely alter the aesthetic, cultural, and historical integrity of one of the most historic sites in the country. *Cf. Ctr. for Biological Diversity v. EPA*, 861 F.3d 174, 182 (D.C. Cir. 2017) (quoting *Am. Trucking Ass'ns v. Fed. Motor Carrier Safety Admin.*, 724 F.3d 243, 247 (D.C. Cir. 2013)) (concluding that an organization "dedicated to the protection and enjoyment of the environment" had an "obvious interest in challenging" the authorization of a pesticide).

Finally, as Defendants do not dispute, this lawsuit does not "require[] the participation of" Professor Hoagland. *Ctr. for Sustainable Econ.*, 779 F.3d at 596 (quoting *Hunt*, 432 U.S. at 343). Indeed, "neither the claim asserted . . . nor the relief requested . . . requires any [National Trust] member to participate as a named plaintiff in the lawsuit." *Ctr. for Biological Diversity*, 861 F.3d at 182.

Accordingly, the National Trust has established a substantial likelihood of Article III standing.

II. Availability of Judicial Review

Having concluded that the National Trust has standing, I may now consider whether judicial review is available for the National Trust's claims. Defendants advance two arguments to the contrary. First, Defendants argue that the Office of the Executive Residence ("EXR") is not an "agency," so there is no "agency action" to enjoin under the APA. Second, Defendants argue that the National Trust cannot bring freestanding constitutional claims because its claims in the final analysis are statutory in nature. Unfortunately for the National Trust, and based on the claims presently before the Court, I agree with Defendants on these two points and conclude that I lack authority to reach the merits of the National Trust's claims.

A. Administrative Procedure Act Claims

To find a likelihood of success on the National Trust's APA claims, the National Trust must show that the relevant defendant is an "agency," such that there could be "final agency action" or "agency action unlawfully withheld." 5 U.S.C. §§ 704, 706(1). According to Defendants, EXR, which is part of the Executive Office of the President, is now "the entity managing the East Wing project." Defs.' Suppl. Br. at 13. I agree that EXR is likely not an "agency" under the APA.

Our Circuit held in *Sweetland v. Walters*, 60 F.3d 852 (D.C. Cir. 1995), that the "staff of the Executive Residence is not an agency as defined in" the Freedom of Information

Act. *Id.* at 855.³ Whether an entity that has been determined to be a “non-agency” can subsequently become an agency by taking on agency responsibilities has not been resolved by our Circuit. *Compare Ryan v. Dep’t of Just.*, 617 F.2d 781, 788 (D.C. Cir. 1980) (“Once a unit is found to be an agency, this determination will not vary according to its specific function in each individual case.”), with *Rushforth v. Council of Econ. Advisers*, 762 F.2d 1038, 1042 n.5 (D.C. Cir. 1985) (suggesting that “[i]f the President adds duties to an entity which bring it outside the sole-function test, Congress would want the entity to be covered” by FOIA). But even if EXR could be considered an agency due to the change in its responsibilities, the current record does not support finding EXR an “agency.” How so?

As a general matter, the Executive Office of the President is not an “agency” under the APA. *Am. Oversight v. Biden*, 2021 WL 4355576, at *6 (D.D.C. Sept. 24, 2021) (citing *United States v. Espy*, 145 F.3d 1369, 1373 (D.C. Cir. 1998)). But certain entities within the Executive Office of the President may be considered “agencies” if they “exercise[] ‘substantial independent authority.’” *Competitive Enter. Inst. v. Podesta*, 643 F. Supp. 3d 121, 126–27 (D.D.C. 2022) (quoting *Armstrong v. Exec. Off. of President*, 90 F.3d 553, 557–58 (D.C. Cir. 1996)). Courts consider “how close operationally the group is to the President,” “whether it has a self-contained structure,” and “the nature of its delegat[ed] authority.” *Id.* (alteration in original) (quoting *Citizens for Resp. & Ethics in Wash. v. Off. of Admin.*, 566 F.3d 219, 222 (D.C. Cir. 2009)).

³ The Freedom of Information Act (“FOIA”) “incorporates and expands on the APA’s definition of agency,” *Am. Oversight v. Biden*, 2021 WL 4355576, at *6 n.6 (D.D.C. Sept. 24, 2021), so if EXR is not an agency under FOIA then it is not an agency under the APA.

Here, the limited record suggests that EXR has an “intimate organizational and operating relationship” with the President himself. *Armstrong*, 90 F.3d at 560. Indeed, the President directed EXR to manage the ballroom construction, *see* Decl. of Joshua Fisher [Dkt. #30-1] ¶¶ 7–8, and the National Trust has alleged that the President “is planning and directing the construction of the Ballroom,” Am. Compl. ¶ 16; *see also id.* ¶ 79 (“it was reported that President Trump had been ‘holding frequent meetings about [the Ballroom’s] design and materials’” and “personally select[ed] the project’s contractors” (first alteration in original)). And while there are insufficient facts in the record to determine whether EXR has a “self-contained structure,” *Competitive Enter. Inst.*, 643 F. Supp. 3d at 127, this factor alone is not dispositive, *see Armstrong*, 90 F.3d at 559 (National Security Council had a “firm structure, a staff, and a separate budget” but was not an agency (internal quotation marks omitted)). Finally, EXR’s responsibilities—“handling project management” for the ballroom and “coordinating with NPS staff,” Suppl. Decl. of Jessica Bowron [Dkt. #30-3] ¶ 11—are distinguishable from the “delegat[ed] authority” that has made certain entities agencies, *see Competitive Enter. Inst.*, 643 F. Supp. 3d at 127 (alteration in original); *see also Meyer v. Bush*, 981 F.2d 1288, 1292 (D.C. Cir. 1993) (Council on Environmental Quality was an agency because it had authority to “coordinate federal environmental programs,” “issue guidelines to federal agencies,” and “promulgate regulations”); *Soucie v. David*, 448 F.2d 1067, 1075 (D.C. Cir. 1971) (Office of Science and Technology was an agency because it took on the “function of evaluating federal programs”).

For these reasons, EXR is likely not an agency under the APA, and the National Trust therefore may not challenge EXR's actions under the APA. As a result, the National Trust's APA claims are unlikely to succeed on the merits.⁴

B. Constitutional Claims

Next, the parties dispute whether the National Trust's constitutional claims are reviewable by this Court in equity—in other words, they dispute whether the National Trust has a “cause of action” to enjoin allegedly unconstitutional actions by Defendants. As the case now stands, under *Dalton v. Specter*, 511 U.S. 462 (1994) and *Global Health Council v. Trump*, 153 F.4th 1 (D.C. Cir. 2025), I have concluded that the National Trust lacks a cause of action to assert its constitutional claims as presented. Therefore, I lack authority to reach the merits of its statutory arguments.

The National Trust's principal constitutional argument is that Defendants' construction of the ballroom usurps Congress's authority under the Property Clause. Am. Compl. ¶¶ 179–87. The National Trust also alleges that Defendants' reorganization of the executive branch violates Congress's Article I power to “establish[] . . . offices.” *Id.* ¶¶ 188–96.

To obtain judicial review of their claims, the National Trust must have some basis “to invoke the power of the courts,” often referred to as having a “cause of action.” *See Davis v. Passman*, 442 U.S. 228, 239 (1979). For statutory claims, “private rights of action

⁴ Even if EXR were an agency, the National Trust's APA claims face additional hurdles. Defendants have represented that consultations with the National Capital Planning Commission and Commission of Fine Arts are ongoing, so those claims will likely become moot. And the National Trust's remaining procedural claim must overcome the “substantial deference” afforded to agencies in NEPA cases. *Seven Cnty. Infrastructure Coal. v. Eagle Cnty.*, 605 U.S. 168, 180 (2025).

to enforce federal law must be created by Congress.” *Alexander v. Sandoval*, 532 U.S. 275, 286 (2001). Though the National Trust invokes several statutes that it claims the President is violating—including 40 U.S.C. § 8106, which prohibits the construction of buildings on public grounds in the District of Columbia without congressional authorization, and 3 U.S.C. § 105(d)(1), which authorizes appropriation of funds for White House maintenance—the National Trust has not argued that any of these statutes grant it a right to sue to “judicially enforce” the statutes’ requirements. *Davis*, 442 U.S. at 239.

Instead, the National Trust relies on a freestanding constitutional claim for injunctive relief. But courts permit this kind of claim only when the claim is, in fact, *constitutional*. To assess whether the National Trust may bring such a claim here, I must determine whether “the underlying claim is properly characterized as statutory or constitutional.” *Glob. Health Council*, 153 F.4th at 14. If the claim is “properly characterized as statutory,” then it may not be “refram[ed]” as constitutional “to avoid statutory limits on review.” *Id.* (citing *Dalton*, 511 U.S. at 474).

Courts have recognized freestanding constitutional claims when the plaintiff “challenge[s] the constitutionality of the statute itself,” such as by arguing that there is some structural constitutional defect. *Id.*; *see also, e.g., Collins v. Yellen*, 594 U.S. 220, 250 (2021) (reviewing separation-of-powers claim challenging statute’s “for-cause restriction on the President’s removal authority”); *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 491 n.2, 492 (2010) (reviewing separation-of-powers claim

challenging statute with “dual for-cause limitations on the removal of Board members”). The National Trust does *not* challenge the constitutionality of any of the statutes!

That forces the National Trust to confront the Supreme Court’s decision in *Dalton*. *Dalton* held that a plaintiff’s claim that the President “violated the terms of [a statute] by accepting procedurally flawed recommendations” could not be brought as a freestanding separation-of-powers constitutional claim. 511 U.S. at 474. The Supreme Court clearly explained that a “claim that the President exceeded his authority under [a statute] is not a constitutional claim, but a statutory one.” *Id.* at 476–77. “Our cases do not support the proposition that every action by the President . . . in excess of his statutory authority is *ipso facto* in violation of the Constitution.” *Id.* at 472.

Indeed, our Circuit recently applied *Dalton* to foreclose judicial review of a “freestanding constitutional claim” alleging that “the government violated the Constitution by infringing on the Congress’s spending power through alleged violations of the 2024 Appropriations Act, the [Impoundment Control Act,] and the Anti-Deficiency Act.” *Glob. Health Council*, 153 F.4th at 17, 21. The *Global Health* plaintiffs’ “alleged statutory violations” were “the predicate acts for the constitutional claims because without an appropriations statute there could be no improper impoundment.” *Id.* at 15. These “statutory claims c[ould not] be transformed into constitutional ones.” *Id.* at 16.

Here, the National Trust’s constitutional claims are more “properly characterized” as statutory! *Id.* at 14. The National Trust argues that the President “is wholly without constitutional authority to build or demolish anything on federal grounds” and that “[t]here is no statute that provides the President with the authority to demolish the White House or

construct a ballroom.” Am. Compl. ¶¶ 181, 184. Defendants themselves have *disclaimed* any inherent constitutional authority and have instead argued that the President’s authority to construct the ballroom comes from a series of statutes. *See* Defs.’ Suppl. Br. at 12 (“Nor is the President relying here on constitutional authority[.]”), 28–35 (arguing that 3 U.S.C. § 105(d), 54 U.S.C. § 101101(2), 31 U.S.C. § 1321, and 31 U.S.C. § 1535 supply the President’s authority). Whether those statutes give the President authority to build the ballroom is thus a statutory dispute! *See Glob. Health Council*, 153 F.4th at 14. The parties dispute the scope of 3 U.S.C. § 105(d), *see* Pl.’s Suppl. Br. at 12–15; Defs.’ Suppl. Br. at 32–35, and whether 40 U.S.C. § 8106 may be read to constrain the President, *see* Defs.’ Suppl. Br. at 28–32; Pl.’s Reply at 8–11. Unfortunately for the National Trust, the Court’s equitable power to enjoin constitutional violations does not extend to this kind of statutory dispute! *See Dalton*, 511 U.S. at 476–77; *Glob. Health Council*, 153 F.4th at 13; *see also Trump v. Sierra Club*, 588 U.S. 930, 930 (2019) (staying injunction because “the Government has made a sufficient showing at this stage that the plaintiffs have no cause of action to obtain review of the Acting Secretary’s compliance with Section 8005”).⁵

The National Trust’s reliance on *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), *see* Pl.’s Reply at 23, is misplaced. “In *Youngstown*, the Government disclaimed any statutory authority for the President’s seizure of steel mills,” so the “case necessarily turned on whether the Constitution authorized the President’s actions.” *Dalton*,

⁵ The same goes for Plaintiff’s unlawful reorganization claim. This claim is statutory because it is predicated on the statute “vesting [Congress’s] authority over the management and regulation of the National Park System in the National Park Service.” Am. Compl. ¶ 190 (citing 54 U.S.C. § 100101).

511 U.S. at 473. Here, the situation is the exact opposite—Defendants have disclaimed inherent constitutional authority to construct the ballroom. *See* Defs.’ Suppl. Br. at 12, 30; *see also, e.g., League of United Latin Am. Citizens v. Exec. Off. of President*, ___ F. Supp. 3d ___, 2025 WL 3042704, at *25 (D.D.C. Oct. 31, 2025) (*Dalton* did not preclude implied equitable constitutional claims where the defendants “invok[ed] the Article II Vesting Clause, arguing that the President has inherent constitutional authority”), *appeal filed*, No. 25-5476 (D.C. Cir. Dec. 31, 2025).

To be fair, the President’s source of legal authority to construct the ballroom was *not* apparent before the National Trust brought its motion. *See, e.g., Am. Compl.* ¶ 45 (alleging that “President Trump said that he had been told by two men that, as President, he could do anything he wanted to the White House” (cleaned up)). And to make things murkier, Defendants initially suggested that there *was* a dispute about the President’s constitutional authority. *See* Defs.’ Opp’n at 1 (“The Constitution makes the President of the United States the head of the Executive Branch and the sole organ of American foreign policy, and it requires the President to ‘receive Ambassadors and other public Ministers.’”), 15 n.6 (discussing the Reception Clause). But Defendants’ subsequent abandonment of any constitutional claims of authority places this case—as it now stands—squarely in *Dalton* territory. *See* Jan. 22, 2026 Hr’g Tr. at 24:25–25:2; *Dalton*, 511 U.S. at 474 n.6.

The National Trust argues that Defendants’ “reading of *Dalton* would insulate a wide swath of genuinely constitutional claims from review simply because the executive has claimed some statutory authority for the challenged action.” Pl.’s Reply at 23. Indeed, it strikes me as incongruous that Defendants’ choice to make “expansive” statutory

arguments, *see* Jan. 22, 2026 Hr’g Tr. at 37:7, forecloses judicial review of those arguments in the context of constitutional claims!

But as several courts have recognized, where the question becomes one of the President’s statutory authority to act, *ultra vires* review is the proper vehicle to bring such a challenge. *See Dalton*, 511 U.S. at 472 (“If all executive actions in excess of statutory authority were *ipso facto* unconstitutional . . . , there would have been little need in [*Larson v. Domestic & Foreign Com. Corp.*, 337 U.S. 682 (1949)] for our specifying unconstitutional and *ultra vires* conduct as separate categories.”); *Chamber of Com. of U.S. v. Reich*, 74 F.3d 1322, 1332 (D.C. Cir. 1996) (reviewing claim that “presidential action—not one, it should be added, even contemplated by Congress—independently violates [another] statute” under *ultra vires* theory).⁶

The National Trust unfortunately did not bring an *ultra vires* claim, and the parties as a result have not briefed whether *ultra vires* review is available or whether Defendants’ conduct rises to the level of acting *ultra vires*. *See Nuclear Regul. Comm’n v. Texas*, 605 U.S. 665, 681 (2025) (noting the Court has “strictly limited nonstatutory *ultra vires* review to the painstakingly delineated procedural boundaries of [*Leedom v. Kyne*, 358 U.S. 184 (1958)]” (internal quotation marks omitted)); *Changji Esquel Textile Co. v. Raimondo*, 40 F.4th 716, 722 (D.C. Cir. 2022) (describing “demanding” standard for successful *ultra vires*

⁶ Recent cases challenging executive action have proceeded under *ultra vires* theories. *See, e.g., Illinois v. Trump*, 2025 WL 2886645, at *21 (N.D. Ill. Oct. 10, 2025) (granting temporary restraining order on *ultra vires* claim), *stay denied in part and granted in part by, Illinois v. Trump*, 155 F.4th 929, 933 (7th Cir. 2025), *stay denied by, Trump v. Illinois*, 146 S. Ct. 432, 434 (2025); *V.O.S. Selections, Inc. v. United States*, 772 F. Supp. 3d 1350, 1369–70 (Ct. Int’l Trade) (granting summary judgment on *ultra vires* claim), *aff’d in part, vacated in part, remanded sub nom., V.O.S. Selections, Inc. v. Trump*, 149 F.4th 1312 (Fed. Cir. 2025), *aff’d sub nom., Learning Res., Inc. v. Trump*, 2026 WL 477534 (U.S. Feb. 20, 2026).

claims). Thus, absent an amended complaint raising *ultra vires* claims, I cannot reach the merits of the National Trust's novel and weighty statutory arguments.

CONCLUSION

The parties have jockeyed for the most legally advantageous position to either support, or oppose, the injunction that is the object of this suit.

Unfortunately, because both sides initially focused on the President's constitutional authority to deconstruct and construct the East Wing of the White House, Plaintiff didn't bring the necessary cause of action to test the statutory authority the President claims is the basis to do this construction project without the blessing of Congress and with private funds.

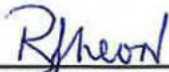
If Plaintiff is inclined to amend its complaint with the necessary *ultra vires* cause of action to test the President's statutory authority, the Court will expeditiously consider it and, if viable, address the merits of the novel and weighty issues presented.

Until then, however, I have no choice but to deny Plaintiff's motion for a preliminary injunction for lack of likelihood of success on the merits.

For all the reasons stated above, it is hereby **ORDERED** that the National Trust's Motion for a Preliminary Injunction [Dkt. #2] is **DENIED**.

An Order consistent with the above will issue with this Memorandum Opinion.

SO ORDERED.



RICHARD J. LEON
United States District Judge

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

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Civil Case No. 25-4316 (RJL)

MEMORANDUM OPINION

March 31, 2026 [Dkt. #51]

The President of the United States is the steward of the White House for future generations of First Families. He is not, however, the owner! President Trump (“the President”) claims that Congress has given him authority in existing statutes to construct his East Wing ballroom project and to do it with private funds. The plaintiff, the National Trust for Historic Preservation in the United States (“National Trust”), claims the President has no such authority under existing statutes and that a preliminary injunction is necessary to avoid irreparable harm. I have concluded that the National Trust is likely to succeed on the merits because no statute comes close to giving the President the authority he claims to have. As such, I must therefore **GRANT** the National Trust’s Motion for a Preliminary Injunction, and the ballroom construction project must stop until Congress authorizes its completion.

BACKGROUND**I. The White House**

Shortly after the founding, Congress passed the Residence Act of 1790, which authorized three commissioners to “provide suitable buildings for the accommodation of . . . the President.” *See* An Act for Establishing the Temporary and Permanent Seat of the Government of the United States, ch. 28, 1 Stat. 130 (1790).¹ The three commissioners, empowered by Congress and appointed by the President, selected James Hoban as the architect of the President’s residence through a design competition. *See* Pl.’s Suppl. Br., Annex 1 (“Annex”) [Dkt. #20-1] at 2. Congress funded construction of the White House through several statutes. *See id.* In 1800, President John Adams moved into the still-unfinished White House, and every President has resided in the White House since then. Second Am. Compl. [Dkt. #50] ¶ 27.

Congress has continued to authorize and fund construction and maintenance at the White House up until the present day. *See generally* Annex. For example, Congress authorized repairs to the White House after it suffered extensive damage during the War of 1812, *see* Annex at 2–3; Act of Feb. 13, 1815, ch. 41, 3 Stat. 205; Act of Feb. 10, 1820, ch. 10, 3 Stat. 541, and received regular updates on progress, *see* H. R. Doc. No. 15-8, at 14–

¹ Relevant filings are abbreviated as follows: Pl.’s Mem. in Supp. of Mot. for TRO & Prelim. Inj. (“Pl.’s TRO Br.”) [Dkt. #2-1]; Defs.’ Mem. in Opp’n to Mot. for TRO & Prelim. Inj. (“Defs.’ TRO Opp’n”) [Dkt. #15-1]; Pls.’ Suppl. Mem. in Supp. of Mot. for Prelim. Inj. (“Pl.’s Suppl. Br.”) [Dkt. #20]; Defs.’ Suppl. Resp. Br. in Opp’n to Pl.’s Mot. for a Prelim. Inj. (“Defs.’ Suppl. Br.”) [Dkt. #30]; Pl.’s Reply Br. in Supp. of Mot. for Prelim. Inj. (“Pl.’s Reply Br.”) [Dkt. #33]; Pl.’s Mem. in Supp. of Mot. for Prelim. Inj. (“Pl.’s Renewed PI Br.”) [Dkt. #51-1]; Defs.’ Mem. in Opp’n to Pl.’s Second Mot. for Prelim. Inj. (“Defs.’ Renewed Opp’n”) [Dkt. #52]; Pl.’s Reply in Supp. of Mot. for Prelim. Inj. (“Pl.’s Renewed Reply Br.”) [Dkt. #54].

16 (1818). Congress appropriated funds for construction of the South Portico in 1823, the North Portico in 1829, and the East and West Wings in 1902. *See* An Act Making Appropriations for the Public Buildings, ch. 62, 3 Stat. 784 (1823); An Act Making Appropriations for the Public Buildings, and for Other Purposes, ch. 51, 4 Stat. 362 (1829); Act of June 28, 1902, ch. 1301, 32 Stat. 419, 460.

In the late 1940s, after the discovery of major structural issues, Congress appropriated funds for “the renovation, repair, and modernization” of the White House but prohibited any “change of [the] present architectural appearance of the exterior of the mansion or the interior of its main floor.” Act of June 23, 1949, ch. 236, 63 Stat. 231, 235; *see also* Annex at 10–11. More recently, Congress funded the replacement of the White House perimeter fence in 2019 through a series of appropriations. *See* Annex at 13–14; Consolidated Appropriations Act, 2017, Pub. L. No. 115-31, 131 Stat. 135, 435; Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, 129 Stat. 2242, 2503.

Today, the White House remains the official residence of the President. Second Am. Compl. ¶ 25. It sits in President’s Park, a federal park administered by the National Park Service in Washington, D.C. *Id.*

II. The East Wing Ballroom Project

On July 31, 2025, the White House issued a press release announcing plans to build a “State Ballroom” on White House grounds. Second Am. Compl. ¶ 36; *see also* Mot. for TRO & Prelim. Inj., Ex. J [Dkt. #2-14]. The press release stated the ballroom would be constructed at the site of the “small, heavily changed, and reconstructed East Wing” and would encompass “approximately 90,000 total square feet.” Ex. J. The press release also

stated that “President Trump, and other patriot donors, have generously committed to donating the funds to build” the ballroom. *Id.*; *see also* Mot. for TRO & Prelim. Inj., Ex. X (“Ex. X”) [Dkt. #2-28] (ballroom will have “zero cost to the American Taxpayer!”).

On October 20, 2025—without advance notice or apparent approval—President Trump announced on social media that “ground ha[d] been broken on the White House grounds to build the new, big, beautiful White House Ballroom.” Second Am. Compl. ¶ 51. On October 21, 2025, media outlets confirmed that heavy machinery was demolishing the East Wing. *Id.* ¶ 53. The next day, President Trump showed new renderings of the proposed ballroom to the press, noting that “many presidents have made changes” at the White House but “[t]his . . . obviously would be the biggest change.” *Id.* ¶¶ 59–60. By October 23, 2025, the East Wing had been demolished in its entirety. *Id.* ¶ 64.

After the demolition of the East Wing, the National Trust—a nonprofit with “thousands of members” who “have a substantial interest in preserving and protecting historic and cultural resources in Washington, D.C.”—contacted various federal entities to express concerns. Mem. Op. [Dkt. #47] at 3–4; *see also* Second Am. Compl. ¶ 22. The National Trust warned that the “massing and height of the proposed new construction would overwhelm the White House itself and might also permanently disrupt the carefully balanced classical design of the White House.” Second Am. Compl. ¶ 55 (cleaned up).

Receiving no response, the National Trust brought this lawsuit in December 2025. *See* Compl. [Dkt. #1]. Since then, there has been significant progress on construction of the ballroom. The site of the former East Wing is a “bustling project site” with “heavy construction machinery,” “pile drivers,” and a “construction crane.” Second Am. Compl.

¶¶ 78, 81. Demolition work has been largely completed, and work on “footings and below-grade structural concrete” began in February 2026. Decl. of John Stanwich (“Stanwich Decl.”) [Dkt. #14-6] ¶ 20. “Above[-]grade structural work” is “anticipated to begin” in April 2026. *Id.* Indeed, President Trump has stated that ballroom construction is “ahead of schedule.” Pl.’s Renewed PI Br. at 23 (quoting Donald J. Trump (@realDonaldTrump), Truth Social (Feb. 10, 2026, at 1:41 PM ET), <https://truthsocial.com/@realDonaldTrump/posts/116047799547098230>).

According to the parties’ filings, the ballroom plans are in the final stages of the design approval process. The Commission of Fine Arts approved designs on February 27, 2026. *See* T. Luebke to J. Fisher, CFA 19/FEB/26-1, <https://perma.cc/CV2F-VE6M> (cited in Suppl. Decl. of Heather Martin (“Martin Suppl. Decl.”) [Dkt. #52-2] ¶ 6). The National Capital Planning Commission has reviewed detailed “final” plans for the ballroom and is scheduled to vote on the design on April 2, 2026. *See* Martin Suppl. Decl. ¶ 7. The plans presented to these entities show a planned size of 89,000 square feet and a seated capacity of 1,000 guests. Exec. Director’s Recommendation, Nat’l Cap. Planning Comm’n (Mar. 5, 2026), <https://perma.cc/4LFC-YDEJ> (cited in Martin Suppl. Decl. ¶ 7). The ballroom is now projected to cost around \$400 million, and the President has represented that private donations will foot the bill. *See* Jan. 22, 2026 Hr’g Tr. [Dkt. #38] at 33:2–3; Ex. X.

III. Procedural History

I recounted the procedural history of this case in my previous opinions, which I incorporate by reference here. *See* Mem. Order [Dkt. #17] at 2; *Nat’l Tr. for Historic Pres. v. Nat’l Park Serv.*, ___ F. Supp. 3d ___, 2025 WL 3672837 (D.D.C. Dec. 17, 2025); Mem.

Op. [Dkt. #47]; *Nat'l Tr. for Historic Pres. v. Nat'l Park Serv.*, __ F. Supp. 3d __, 2026 WL 533420 (D.D.C. Feb. 26, 2026). To summarize, I previously denied the National Trust's motion for a temporary restraining order for lack of irreparable harm before the Court could decide the motion for a preliminary injunction. *See* Mem. Order. On February 26, 2026, I denied the National Trust's request for a preliminary injunction. *See* Mem. Op. While I concluded that the National Trust had shown a "substantial likelihood" of Article III standing, *see id.* at 7–12, I found that the National Trust's motion suffered from two fatal flaws. As to its Administrative Procedure Act ("APA") claims, I concluded that "the Office of the Executive Residence . . . is not an 'agency,' so there is no 'agency action' to enjoin under the APA." *Id.* at 13. As to the National Trust's constitutional claims, I concluded that those claims were foreclosed by *Dalton v. Specter*, 511 U.S. 462 (1994) because they were "statutory in nature." Mem. Op. at 13, 16–22.

On February 27, 2026, the National Trust sought leave to file a second amended complaint, *see* Mot. for Leave to File Second Am. Compl. [Dkt. #49], which I granted, *see* Minute Order (Mar. 1, 2026). The National Trust's second amended complaint adds four new *ultra vires* claims challenging the Defendants' statutory authority to construct a ballroom on White House grounds and to do it with private funds. Second Am. Compl. ¶¶ 197–224.² On March 5, the National Trust filed a renewed motion for a preliminary injunction based on its *ultra vires* claims. *See* Second. Mot. for Prelim. Inj. [Dkt. #51].

² Defendants named in the Second Amended Complaint include: the National Park Service; Jessica Bowron, in her official capacity as Acting Director of the National Park Service; John Stanwich, in his official capacity as Superintendent of the White House and President's Park; the Department of the Interior; Douglas Burgum, in his official capacity as Secretary of the Interior; the General Services Administration;

Defendants filed their opposition on March 12, *see* Defs.’ Renewed Opp’n, and the National Trust filed its reply on March 16, *see* Pl.’s Renewed PI Reply Br. I held a hearing on March 17, 2026. The National Trust’s motion is now ripe for decision.

IV. Statutory Background

The National Trust’s claims require consideration of three main statutes.

3 U.S.C. § 105(d). Section 105, titled “Assistance and Services for the President,” provides for the employment of staff members to assist the President and authorizes appropriations for expenses related to White House administration. Most relevant here, § 105(d) provides: “There are authorized to be appropriated each fiscal year to the President such sums as may be necessary for[] (1) the care, maintenance, repair, alteration, refurnishing, improvement, air-conditioning, heating, and lighting (including electric power and fixtures) of the Executive Residence at the White House.” 3 U.S.C. § 105(d). The statute continues: “Sums appropriated under this subsection for expenses described in paragraph[] (1) . . . may be expended as the President may determine, notwithstanding the provisions of any other law.” *Id.* This statute was enacted in 1948, *see* Act of June 25, 1948, ch. 644, §§ 109, 110, 62 Stat. 672, 679, and Congress added the language about “care, maintenance, repair . . .” in 1978, *see* Act of Nov. 2, 1978, Pub. L. No. 95-570, § 105, 92 Stat. 2445, 2446.

Michael J. Rigas, in his official capacity as Acting Administrator of the General Services Administration; Donald J. Trump, in his official capacity as President of the United States; the Executive Office of the President; Susie Wiles, in her official capacity as White House Chief of Staff; the Office of the Executive Residence; and Robert B. Downing, in his official capacity as White House Chief Usher. They are referred to collectively in this opinion as “Defendants.”

40 U.S.C. § 8106. This statute provides that “[a] building or structure shall not be erected on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress.” 40 U.S.C. § 8106. This provision was originally enacted in 1912, *see* Act of Aug. 24, 1912, ch. 355, 37 Stat. 417, 444 (codified at 40 U.S.C. § 68 (1912)), and was recodified in 2002, *see* Act of Aug. 21, 2002, Pub. L. No. 107-217, 116 Stat. 1062, 1206.

54 U.S.C. § 100101. The National Park Service (“NPS”) Organic Act provides that the Secretary of the Interior, acting through the director of the NPS,

shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

54 U.S.C. § 100101(a). Congress later reaffirmed these purposes through a 1978 amendment known as the “Redwood Amendment.” *See* Act of Mar. 27, 1978, Pub. L. No. 95-250, sec. 101(b), 92 Stat. 163, 166 (codified at 54 U.S.C. § 100101(b)(2)). The Redwood Amendment provides that the “management” and “administration” of NPS units “shall not be exercised in derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress.” 54 U.S.C. § 100101(b)(2).

LEGAL STANDARD

A preliminary injunction is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. NRDC, Inc.*, 555

U.S. 7, 22 (2008). To obtain a preliminary injunction, the movant “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Id.* at 20.

ANALYSIS

I. Likelihood of Success on the Merits

This case, in essence, is about whether the President has the authority to build a ballroom on White House grounds with private funds without seeking authorization from Congress. The National Trust asserts that Defendants’ actions are *ultra vires* of statutory authority and violate the APA. But why do Defendants even need statutory authority in the first place? The Constitution shows why.

The Property Clause vests Congress with complete authority over public lands. *See* U.S. Const. Art. IV, § 3, cl. 2 (“The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”). “Congress exercises the powers both of a proprietor and of a legislature over the public domain,” *Kleppe v. New Mexico*, 426 U.S. 529, 540 (1976), and those powers are “without limitations,” *id.* at 539 (quoting *United States v. City & Cnty. of San Francisco*, 310 U.S. 16, 29 (1940)). This “broad” grant of authority “extend[s] to . . . personal and real property rightfully belonging to the United States.” *Ashwander v. Tennessee Valley Auth.*, 297 U.S. 288, 331 (1936) (quoting Joseph Story, Commentaries on the Constitution of the United States §§ 1325, 1326 (1833)).

The Appropriations Clause “provides that money may be ‘drawn from the Treasury’ only ‘in Consequence of Appropriations made by Law.’” *Consumer Fin. Prot. Bureau v. Cmty. Fin. Servs. Ass’n of Am., Ltd.*, 601 U.S. 416, 426 (2024) (quoting U.S. Const. Art. I, § 9, cl. 7). “Since the earliest days of our Republic, Congress’s ‘power over the purse’ has been its ‘most complete and effectual weapon’ to ensure that the other branches do not exceed or abuse their authority.” *Id.* at 447–48 (Alito, J., dissenting) (quoting *The Federalist* No. 58, at 359 (Clinton Rossiter ed., 1961) (James Madison)).

The District Clause gives Congress legislative authority over the District of Columbia. *See* U.S. Const. Art. I, § 8, cl. 17. The Constitution “confer[red]” this power on Congress “in broad terms.” *Nat’l Mut. Ins. Co. of Dist. of Col. v. Tidewater Transfer Co.*, 337 U.S. 582, 589 (1949).

Together, the Property Clause, the Appropriations Clause, and the District Clause establish Congress’s primacy over federal property, spending, and the District of Columbia. Indeed, Defendants have declined to argue that they have any inherent constitutional authority to build the ballroom. *See* Defs.’ Suppl. Br. at 12, 30. So the President must identify some law that allows him to demolish the East Wing and construct his planned ballroom with private funds. For the following reasons, I conclude that the National Trust is likely to succeed on the merits on its *ultra vires* claims because no law comes close to giving the President this authority.³

³ Defendants argue that successive preliminary injunction motions are improper. *See* Defs.’ Renewed Opp’n at 5–6. But there is no per se bar. And here, “change[s] in circumstances” counsel in favor of considering the motion. *U.S. Sec. & Exch. Comm’n v. Young*, 121 F.4th 70, 78 (10th Cir. 2024); *see also Gill v. Monroe Cnty. Dep’t of Soc. Servs.*, 873 F.2d 647, 648–49 (2d Cir. 1989). It was only *after* the National Trust

A. *Ultra Vires*

The National Trust argues that Defendants’ construction of the ballroom is *ultra vires*. “Literally translated, the Latin phrase ‘ultra vires’ means ‘beyond the powers (of),’ and as a legal term, the phrase means ‘unauthorized’ or ‘beyond the scope of power allowed or granted by law.’” *Adamski v. McHugh*, 304 F. Supp. 3d 227, 236 (D.D.C. 2015) (cleaned up) (quoting Black’s Law Dictionary 1755 (10th ed. 2014)).

To succeed on a nonstatutory *ultra vires* claim, the plaintiff must show that “(i) there is no express statutory preclusion of all judicial review; (ii) there is no alternative procedure for review of the statutory claim; and (iii) the agency plainly act[ed] in excess of its delegated powers and contrary to a specific prohibition in the statute that is clear and mandatory.” *Fed. Express Corp. v. U.S. Dep’t of Com.* (“*FedEx*”), 39 F.4th 756, 763 (D.C. Cir. 2022) (internal quotation marks omitted). Defendants have not disputed the first two factors, so the principal question before the Court is whether the President has “‘stepped so plainly beyond the bounds of [his statutory authority], or acted so clearly in defiance of it, as to warrant the immediate intervention of an equity court.’” *Id.* at 764 (quoting *Griffith v. FLRA*, 842 F.2d 487, 493 (D.C. Cir. 1988)). Unfortunately, he has!

Ultra vires review is a high bar—the Supreme Court has described it as “a Hail Mary pass.” *Nuclear Regul. Comm’n v. Texas*, 605 U.S. 665, 681 (2025) (internal quotation

amended its complaint that “Defendants for the first time disclaimed the President’s constitutional authority to build the ballroom.” Mem. Op. at 6 (emphasis omitted). Defendants’ late-breaking abandonment of any constitutional arguments, as well as Defendants’ factual representations about the Office of the Executive Residence, were crucial to my decision to deny the National Trust’s first motion. See *id.* at 13. I find these circumstances “[s]ufficient reason why the grounds were not urged in the earlier application.” 43A C.J.S. *Injunctions* § 365.

marks omitted). But it is not insurmountable. Our Circuit has held that the U.S. Postal Service's failure to maintain statutorily-mandated pay differentials was *ultra vires*, see *Nat'l Ass'n of Postal Supervisors v. U.S. Postal Serv.*, 26 F.4th 960, 972–74 (D.C. Cir. 2022), and that an executive order barring government contractors from permanently replacing lawfully striking employees was *ultra vires* under the National Labor Relations Act, see *Chamber of Com. of U.S. v. Reich*, 74 F.3d 1322, 1324 (D.C. Cir. 1996). Most recently, the Court of International Trade's decision invalidating the Trump Administration's tariffs on *ultra vires* review was affirmed on the merits by the Supreme Court. See *V.O.S. Selections, Inc. v. United States*, 772 F. Supp. 3d 1350, 1369–70 (Ct. Int'l Trade), *aff'd in part, vacated in part, remanded sub nom. V.O.S. Selections, Inc. v. Trump*, 149 F.4th 1312 (Fed. Cir. 2025), *aff'd sub nom. Learning Res., Inc. v. Trump*, 146 S. Ct. 628 (2026).

Here, the National Trust is likely to succeed in its argument that Defendants have “stepped . . . plainly beyond the bounds of” their statutory authority. *FedEx*, 39 F.4th at 763. Indeed, neither 3 U.S.C. § 105, nor the NPS Organic Act, authorize the President to build a ballroom on White House grounds. Moreover, his actions run up against an explicit statutory prohibition in 40 U.S.C. § 8106. In fact, Defendants' reading of the statutes *assumes* that Congress has granted nearly unlimited power to the President to construct anything, anywhere on federal land in the District of Columbia, regardless of the source of funds. This clearly is not how Congress and former Presidents have managed the White House for centuries, and this Court will not be the first to hold that Congress has ceded its powers in such a significant fashion!

1. **3 U.S.C. § 105**

Defendants principally rely on 3 U.S.C. § 105(d)(1) as their authority to construct the ballroom. *See* Defs.’ TRO Opp’n at 16–17; Defs.’ Suppl. Br. at 18, 32–35; Defs.’ Renewed Opp’n at 10–13. As I read it, 3 U.S.C. § 105(d)(1) is a statute authorizing the President to conduct ordinary maintenance and repair of the White House, up to the limits of the congressionally appropriated amount. Interpreting 3 U.S.C. § 105(d)(1) to grant virtually unlimited authority to the President to demolish and build at will on White House grounds is a “patent[] misconstruction of the Act.” *Changji Esquel Textile Co. v. Raimondo*, 40 F.4th 716, 722 (D.C. Cir. 2022) (quoting *FedEx*, 39 F.4th at 764). How so?

Let’s start with the kind of statute 3 U.S.C. § 105 is: an authorization for appropriations. Section 105 says “[t]here are authorized to be appropriated each fiscal year to the President such sums as may be necessary for” specific purposes. 3 U.S.C. § 105(d). “The expression ‘authorized to be appropriated’ clearly indicates that no appropriation is made or intended to be made, but the bill when enacted becomes the authority of law for an expected appropriation in the future[.]” GAO, *The Red Book* 2-54 to 2-55 (4th ed. 2016) (quoting 27 Comp. Dec. 923 (1921) (ellipses omitted)). An “authorization act” is “a directive to Congress itself, which Congress is free to follow or alter . . . in the subsequent appropriation act.” *Id.* at 2-56 (citing B-323433 (Comp. Gen. Aug. 14, 2012)); *see also*, *e.g.*, *Maine Cmty. Health Options v. United States*, 590 U.S. 296, 307–10 (2020) (relying on GAO Red Book to interpret federal appropriations law). Since § 105(d) is an authorization act, it must be read in conjunction with the relevant appropriations statute,

which is the Further Consolidated Appropriations Act, 2024. *See* Pub. L. No. 118-47, 138 Stat. 460, 532 (2024).

So what do these statutes authorize the President to do? Section 105(d)(1) authorizes the use of appropriated funds for “the care, maintenance, repair, alteration, refurnishing, improvement, air-conditioning, heating, and lighting (including electric power and fixtures) of the Executive Residence at the White House.” 3 U.S.C. § 105(d)(1). The corresponding 2024 appropriations act provides “[f]or the repair, alteration, and improvement of the Executive Residence at the White House” at a fixed sum—\$2,475,000—which is appropriated specifically “for required maintenance, resolution of safety and health issues, and continued preventative maintenance.” 138 Stat. at 532.

Section 105(d)(1) plainly authorizes the President to conduct ordinary maintenance and upkeep of the White House, and nothing more! Reading the text as an “[o]rdinary reader[] of English” would, *Heating, Air Conditioning & Refrigeration Distribs. Int’l v. EPA*, 71 F.4th 59, 68 (D.C. Cir. 2023), the list of authorized actions—which includes words like “care, maintenance, repair” and “air-conditioning, heating, and lighting”—bring to mind things like replacing the lightbulbs, fixing broken furniture, and changing the wallpaper, not wholesale demolition of entire buildings and construction of new ones.

Defendants point to “alteration” and “improvement,” arguing that these terms are “capacious” and permit the President to “modify” the White House and “make [it] better,” including by constructing entirely new buildings like the ballroom. Defs.’ Renewed Opp’n at 10. A brazen interpretation, indeed! Those two words cannot bear that weight, for a few reasons.

First, the meanings of “alteration” and “improvement” are “narrowed by the commonsense canon of *noscitur a sociis*—which counsels that a word is given more precise content by the neighboring words with which it is associated.” *United States v. Williams*, 553 U.S. 285, 294 (2008). Here, the “neighboring words,” *id.*, including “refurnishing,” “heating,” and “maintenance,” all strongly suggest *minor* “alteration[s]” and “improvement[s],” 3 U.S.C. § 105(d), not wholesale demolition and reconstruction. *See also, e.g., Learning Res., Inc. v. Trump*, 146 S. Ct. 628, 643 (2026) (reading “regulate” in the context of its “neighboring words” to conclude that “Congress did not intend for ‘regulate’ to include the revenue-raising power” (first quoting *Williams*, 553 U.S. at 294)); *Yates v. United States*, 574 U.S. 528, 544 (2015) (reading “tangible object” to refer “specifically to the subset of tangible objects involving records and documents”). Reading “alteration” and “improvement” narrowly also comports with the “cardinal principle” that courts should “give effect, if possible, to every clause and word of a statute.” *Duncan v. Walker*, 533 U.S. 167, 174 (2001) (internal quotation marks omitted).

Second, reading § 105(d)(1) to grant limited authority to the President to maintain the White House is consistent with the principle that Congress “does not . . . hide elephants in mouseholes”—meaning that Congress “does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions.” *Whitman v. Am. Trucking Ass’ns*, 531 U.S. 457, 468 (2001). As our Circuit has explained, “the *American Trucking* rule rests on a . . . modest intuition about how we use language.” *Heating, Air Conditioning & Refrigeration*, 71 F.4th at 67. “Ordinary readers of English,” *id.*, would not expect Congress to grant the President unchecked construction authority over the White House

through two disparate words in a statute about replacing furniture. *Cf. Biden v. Nebraska*, 600 U.S. 477, 513 (2023) (Barrett, J., concurring) (“[C]ontext is . . . relevant to interpreting the scope of a delegation.”).⁴

Defendants argue that canons of construction have no place in *ultra vires* review. Defs.’ Renewed Opp’n at 11. Please! The Supreme Court itself has made it clear that courts have a *duty* to locate the “single, best meaning” of the statute, no matter the cause of action. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024). *Ultra vires* review does not suspend commonsense interpretive canons, nor does it grant the government flexibility to adopt an “utterly unreasonable” reading of a statute that is “contrary to the [statute’s] plain language.” *Nat’l Ass’n of Postal Supervisors*, 26 F.4th at 977–80 (applying canon of construction to reject agency’s reading of statute in *ultra vires* case). Even in *ultra vires* cases, courts retain their duty to apply “commonsense” canons of construction grounded in the way ordinary people read English. *Williams*, 553 U.S. at 294.

Third, Defendants’ interpretation of § 105(d)(1) lacks any discernible limits. Courts, however, generally do not read statutes to give the “broadest imaginable definitions of its component words,” divorced from “linguistic and statutory context.” *Dubin v. United States*, 599 U.S. 110, 120 (2023) (quoting *Epic Sys. Corp. v. Lewis*, 584 U.S. 497, 523 (2018) (alterations incorporated)). Under Defendants’ reading, virtually any change to the White House could be framed as an “alteration” or “improvement.” Indeed, some might even view tearing down the White House and building a modern skyscraper in its place as

⁴ The “*American Trucking* rule” is different from the major questions doctrine, which the National Trust has not argued applies here. See *Heating, Air Conditioning & Refrigeration*, 71 F.4th at 67.

an “improvement.” As Defendants have argued it, so long as the White House grounds are “developed” or “occupied by buildings and structures,” Defs.’ Renewed Opp’n at 10, the President has complete authority to engage in whatever construction activity he sees fit.⁵ How grand!

Fourth, Defendants’ interpretation of § 105(d) loses sight of its “statutory context.” *Sackett v. EPA*, 598 U.S. 651, 675 (2023). Section 105(d)(1) is an authorization of appropriations. While it gives the President discretion to spend funds “as [he] may determine, notwithstanding the provisions of any other law,” that discretion applies *only* to “[s]ums appropriated under” § 105(d)(1). 3 U.S.C. § 105(d). Section 105(d) simply does not speak to the President’s authority to spend funds *not* appropriated under the statute. Defendants must concede that the President is not spending “[s]ums appropriated under” § 105(d)(1) because \$2.475 million does not come close to supplying the approximately \$400 million required to construct the ballroom. *See* Defs.’ Suppl. Br. at 34. So both the plain language of the statute and the annual amount that Congress has appropriated to the President pursuant to § 105(d)(1) limit the President’s authority.⁶

To make up the gaping chasm between the § 105(d)(1) appropriations (\$2.475 million) and the projected cost of the ballroom (\$400 million), Defendants have identified

⁵ Defendants suggested at oral argument that “bulldoz[ing] the entire White House and build[ing] something completely different in its place” would “exceed[] the scope of ‘alteration and improvement.’” Jan. 22, 2026 Hr’g Tr. 41:18–22. But if demolishing one wing of the White House and building a new structure is permissible, it is difficult to understand how demolishing the rest of the complex would cross the line. Both could conceivably “bring [the White House] into a more profitable or desirable state.” Defs.’ Renewed Opp’n at 10 (quoting *Improve*, Oxford English Dictionary, 2d ed. 1989).

⁶ The precise and limited language of the 2024 appropriation—for “required maintenance, resolution of safety and health issues, and continued preventive maintenance”—further supports a limited reading of § 105(d)(1). 138 Stat. at 532.

a convoluted funding scheme that they argue permits the President to fund the ballroom using private donations. Defendants' argument goes like this: Congress has authorized the Secretary of the Interior to accept donations "for the purposes" of the National Park System. 54 U.S.C. § 101101(2). National Park Service donations may be "appropriated to be disbursed" as trust funds. 31 U.S.C. § 1321(a)(17), (b)(1). The Economy Act permits the Secretary of the Interior to transfer funds to the White House account because NPS has "contract[ed]" with the Office of the Executive Residence ("EXR") for the ballroom project. 31 U.S.C. § 1535(a); *see* Suppl. Decl. of Jessica Bowron [Dkt. #30-3] ¶¶ 12–13. So, according to Defendants, this aptly described Rube Goldberg contraption authorizes the President to use private donations to the Secretary of the Interior for the purposes of 3 U.S.C. § 105(d)(1).

While its legality is not squarely at issue here, this funding mechanism is, to say the least, a far cry from affirmative congressional *authorization*. Defendants cannot evade the limitations of § 105(d)(1) and the 2024 appropriations act through a series of unrelated statutes that say nothing about the President, the White House, or the construction of a ballroom.

Finally, "[s]tatutory history points in the same direction" as my reading of § 105(d)(1). *Sackett*, 598 U.S. at 673. Plaintiff's historical annex lays out a nearly unbroken history of congressional authorization for construction and major renovations at the White House. *See generally* Annex. Not only did Congress authorize specific changes through legislation, *see id.*, but in some instances Congress exercised its oversight authority over specific projects, *see, e.g.*, H. R. Doc. No. 18-60, at 1 (1824) (examining the "work

done on the South Portico of the President's House"); An Act To Provide for a Commission on Renovation of the Executive Mansion, ch. 51, 63 Stat. 45 (1949). In other cases, Congress authorized appropriations of funds for the "building to accommodate the offices of the President" and left the "details" to be "approved by the President." *See* Act of June 28, 1902, ch. 1301, 32 Stat. 419, 460 (authorizing construction of the original East and West Wings). There is zero evidence that when Congress enacted the relevant language in § 105(d)(1) in 1978, Congress intended a sea-change in the way that it authorizes and funds construction at the White House.⁷

In sum, Defendants ask this Court to ignore the full text of the statute in favor of two words plucked free from all statutory context. Because Defendants' reading of the statute is clearly contrary to its plain meaning, their reliance on § 105(d)(1) is likely *ultra vires*.

2. 40 U.S.C. § 8106

Because Congress holds the keys to the Nation's property, the President must have *some* statutory basis to build the ballroom. Section 105(d)(1) doesn't work, so the Court

⁷ One clue that Congress did not intend to give the President vast construction authority in § 105(d)(1) is Congress's use of similar language in a different statute. *See Smith v. City of Jackson, Miss.*, 544 U.S. 228, 233 (2005) ("[W]hen Congress uses the same language in two statutes having similar purposes, particularly when one is enacted shortly after the other, it is appropriate to presume that Congress intended that text to have the same meaning in both statutes."). In 1966—a little over a decade before the relevant version of § 105(d)(1) was enacted—Congress passed a law providing that "the Administrator of General Services is hereby authorized to plan, design, and construct an official residence for the Vice President of the United States in the District of Columbia." Pub. L. No. 89-386, § 1, 80 Stat. 106, 106 (1966). In a separate subsection, Congress authorized the Administrator to provide "for the care, maintenance, repair, improvement, alteration, and furnishing of the official residence and grounds, including heating, lighting, and air conditioning." *Id.* § 3. Construction of the Vice President's residence was delayed indefinitely due to "economic conditions." *The Vice President's House*, N.Y. Times (Apr. 27, 1966), <https://perma.cc/E7KK-4X38>. But the statutory text indicates that Congress knew how to distinguish between construction and maintenance.

could find the President's actions *ultra vires* on that basis alone. But to underscore Defendants' lack of statutory authority, Congress has affirmatively prohibited the "erect[ion]" of "[a] building or structure" "on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress." 40 U.S.C. § 8106.

Defendants do not dispute that, if the statute is valid and applicable, then the ballroom qualifies as a "structure" in a "park . . . of the Federal Government in the District of Columbia." Defs.' Suppl. Br. at 29. Indeed, the statute appears to be a "specific and unambiguous statutory directive." *FedEx*, 39 F.4th at 764 (quoting *Griffith*, 842 F.2d at 493). It commands, without reservation, that anyone who constructs a building on federal parkland in the District of Columbia needs the "express authority of Congress." 40 U.S.C. § 8106.

Not surprisingly, Defendants raise a number of objections to the application of § 8106. None, however, overcome the statute's clear text.

First, Defendants argue that the phrase "express authority of Congress" in § 8106 refers to a general "authority from Congress to *build*—not to build a *particular structure*." Defs.' Renewed Opp'n at 19. The National Trust's interpretation would, according to Defendants, implausibly require Congress to approve specific buildings on a project-by-project basis. But whether § 8106 requires general or specific authorization is beside the point because Congress has not provided *any* authorization to Defendants. Without question, Congress has not specifically authorized the ballroom construction! And, as discussed throughout this opinion, Defendants have not identified any statute giving the

President or any other Defendants freewheeling authority to construct buildings at the White House or in the District of Columbia. So the level of specificity that § 8106 requires is not dispositive here.

In my view, § 8106 is most naturally read to require *some form* of authorization from Congress to construct a building, and an appropriation of funds—either a lump sum for construction or a specific appropriation for a particular project—would easily satisfy that requirement. Indeed, an appropriation from Congress is authorization to use funds for a specified purpose. *See* 31 U.S.C. § 1301(a); *see also U.S. Dep’t of Navy v. FLRA*, 665 F.3d 1339, 1348 (D.C. Cir. 2012) (“The [Appropriations] Clause does not permit an agency . . . to authorize the expenditure of funds beyond what Congress has approved.” (internal quotation marks omitted)). It is as simple as that.

Second, Defendants argue that § 8106 should not be read to constrain the President or limit construction at the White House absent a clear statement. Please! A clear statement rule makes sense when Congress is legislating in an area where the President exercises overlapping constitutional authority. *See Franklin v. Massachusetts*, 505 U.S. 788, 800–01 (1992) (declining to read the APA as subjecting the President to judicial review “[o]ut of respect for the separation of powers and the unique constitutional position of the President”); *Armstrong v. Bush*, 924 F.2d 282, 289 (D.C. Cir. 1991). But Defendants here have disclaimed that the President has any inherent constitutional authority over construction at the White House and have conceded that Congress’s constitutional authority over federal property is “exclusive.” Pl.’s Suppl. Br. at 10; *see* Defs.’ Suppl. Br. at 12, 30. In addition, Congress has continued to exercise, via its appropriations authority, close

oversight over spending at the White House—including by prescribing the number of staff and their compensation. *See generally* 3 U.S.C. § 105. I therefore decline to read § 8106 as excluding the President.⁸

Third, Defendants offer a series of historical points showing, Defendants contend, that § 8106 cannot really mean what it says. Defendants argue that Congress did not intend § 8106 to apply to NPS or the White House. Defendants point to examples of buildings constructed by NPS on national parkland and by the President on White House grounds to argue that § 8106 is not a viable constraint on Defendants’ authority. *See* Defs.’ Renewed Opp’n at 19–23. Of course, when the “text is clear,” courts “need not consider . . . extratextual evidence.” *NLRB v. SW Gen., Inc.*, 580 U.S. 288, 305 (2017); *see also Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 568 (2005) (“[T]he authoritative statement is the statutory text, not the legislative history or any other extrinsic material.”). In any event, Defendants’ extratextual evidence is neither “uniform[]” nor “compelling.” *NLRB*, 580 U.S. at 305.

Defendants first argue that Congress enacted § 8106 in 1912 to stop “unauthorized third parties” from building on federal land in Washington, D.C. and did not intend § 8106 to constrain the Government. *See* Defs.’ Renewed Opp’n at 19 (explaining that at the time, D.C. federal property was “illegally used as dumps, or occupied by shacks, gardens, [and] railroad companies”). While other statutes from the era suggest “unlawful occupation” of “public lands” in D.C. was a concern of Congress, *see* Act of April 28, 1902, ch. 594, 32

⁸ Defendants’ point proves too little for yet another reason: even if § 8106 does not apply to the President himself, it still applies to EXR and the other Defendants.

Stat. 120, 152 (directing U.S. Army Corps of Engineers to prevent “unlawful occupation” of D.C. public lands), this vague historical evidence has no connection to the text of § 8106. Moreover, Defendants’ argument cannot be reconciled with their suggestion that § 8106 *applies* to Government agencies besides NPS. *See* Defs.’ Renewed Opp’n at 23. Nor does Defendants’ reliance on post-enactment legislative history, *see id.* at 20, move the needle. *See Bruesewitz v. Wyeth LLC*, 562 U.S. 223, 242 (2011) (“Post-enactment legislative history (a contradiction in terms) is not a legitimate tool of statutory interpretation.”).⁹

Defendants next attempt to exclude NPS from the reach of § 8106. They point to a similar statute enacted in 1912 that applied to the Department of the Interior. *See* Defs.’ Renewed Opp’n at 22 (“No expenditure for construction of administration or other buildings . . . exceeding one thousand dollars shall hereafter be made in any national park except under express authority of Congress.” (quoting 16 U.S.C. § 451 (1912))). At the time, federal parklands in D.C. were *not* part of the National Park System. *See* Exec. Order 6166 (June 10, 1933). So it appears that Congress enacted one rule for D.C.—no buildings without express authority of Congress—and another rule for national parks—no buildings over \$1,000 dollars without express authority of Congress.¹⁰

⁹ In fact, the post-enactment history cited by Defendants is consistent with the view that NPS has relied on congressional appropriations for construction authorization. Major Ulysses S. Grant III testified to the House Subcommittee on Appropriations in 1926 that § 8106 “has been never been construed to prevent such construction by the park authorities *within the limits of the appropriations*.” Dist. of Columbia Appropriation Bill, 1927, Hr’g Before Subcomm. of H. Comm. on Appropriations 533, 69th Cong. (1926) (emphasis added). The transcript goes on to reflect that the buildings in question had, in fact, been presented to Congress and that Congress had appropriated funds for their construction. *Id.*

¹⁰ Historical practice, including the way that Congress expressly *exempted* NPS from the prohibition in what Defendants argue was a comparable statute in 16 U.S.C. § 451, *see* Defs.’ Renewed Opp’n at 22, suggests that NPS has never had a blank check under the NPS Organic Act to construct buildings, regardless of the source of funds.

The existence of a separate statute governing national parks does not mean, however, that § 8106 ceased to apply once federal parks in D.C. joined the National Park System in 1933. While Congress repealed 16 U.S.C. § 451 in 1996, Congress has never repealed 40 U.S.C. § 8106, and in fact recodified it in 2002. *See* Act of Aug. 21, 2002, Pub. L. No. 107-217, 116 Stat. 1062, 1206. The stronger reading of this history is that Congress means what it says! Congress has removed the threshold construction limitation applicable to NPS for national parks across the country, but has maintained § 8106's limitation on parks in the District of Columbia.

Undaunted, Defendants argue that NPS has erected “countless structures on national parkland” without “express congressional approval” and suggest as a result that the Court should read § 8106 as a dead letter. Defs.’ Renewed Opp’n at 20. Unfortunately, that is not how statutory interpretation works—the Court must give effect to the unambiguous text of a statute even if there is contrary historical evidence. *See Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998) (“If we do our job of reading the statute whole, we have to give effect to this plain command, even if doing that will reverse the longstanding practice under the statute.” (internal citations omitted)); *Exxon Mobil Corp.*, 545 U.S. at 568. In any case, it is not so clear that the structures identified by Defendants were built without Congress’s knowledge or authorization.¹¹

¹¹ For example, the National Capital Region Headquarters and U.S. Park Police Headquarters, *see* Defs.’ Renewed Opp’n at 14, were constructed as part of Mission 66: a “ten-year project” “proposed . . . to Congress in 1955” and “funded by Congress.” Mission 66: Birth of the Modern National Park, NPS (accessed Mar. 24, 2026), <https://perma.cc/9VLT-C3V6>; *see also* Act of June 13, 1956, Pub. L. No. 84-573, 70 Stat. 257, 262 (appropriating over \$15 million for “construction . . . of buildings, utilities, and other physical facilities”).

Finally, Defendants point to a handful of examples of construction at the White House since the enactment of § 8106 to argue that § 8106 does not apply to the White House. *See* Defs.’ Suppl. Br. at 31. I disagree. Congress authorized the 1933 West Wing expansion and the 1942 East Wing expansion through general appropriations.¹² And to the extent President Ford’s 1975 pool and President Trump’s 2019 tennis pavilion are “building[s]” or “structure[s],” *see* 40 U.S.C. § 8106, they were never challenged in court, are not visible to the public, and were for the President’s private use.¹³ Without question, Defendants have never engaged in a construction project of *this* size and scale using donated funds. “This ‘lack of historical precedent,’ coupled with the breadth of authority that [Defendants] now claim[], is a ‘telling indication’ that [the ballroom] extends beyond [Defendants’] legitimate reach.” *NFIB v. Dep’t of Lab., Occupational Safety & Health Admin.*, 595 U.S. 109, 119 (2022) (quoting *Free Enterprise Fund v. Public Co. Acct. Oversight Bd.*, 561 U.S. 477, 505 (2010)). For these reasons, the National Trust is likely to succeed on its *ultra vires* claims under both 3 U.S.C. § 105(d) and 40 U.S.C. § 8106.¹⁴

¹² In 1933, Congress authorized a “comprehensive program of public works,” including “construction, repair, and improvement of . . . public buildings.” National Industrial Recovery Act, ch. 90, §§ 202, 220, 48 Stat. 195, 201, 210 (1933). One such construction project was the 1934 West Wing renovations. *See* Annex at 7–8. The National Trust suggests that funding for the 1942 construction of an expanded East Wing, including a secure underground bunker, came from a national-defense appropriation. *See id.* at 9; Sixth Supplemental National Defense Appropriation Act, 1942, 56 Stat. 226, 236 (providing funds for “public buildings and grounds in the District of Columbia”).

¹³ To be sure, the one statute that expressly cites 40 U.S.C. § 8106—the statute authorizing the construction of bonsai facilities at the National Arboretum, *see* Act of Oct. 21, 1993, Pub. L. No. 103-11, 107 Stat. 1046, 1051—does not fit neatly into the National Trust’s narrative. Congress’s practice of excluding construction projects from the scope of § 8106 has not been consistent. But nothing in the text of § 8106 requires Congress to cite § 8106 in authorizing legislation, and in any event inconsistent congressional practice cannot limit the clear text.

¹⁴ Defendants argue that the National Trust’s interests “are quite plainly beyond the zone of interests protected by” 40 U.S.C. § 8106, Defs.’ Renewed Opp’n at 25, and therefore the National Trust’s *ultra vires*

B. *Administrative Procedure Act*

Defendants have not been entirely consistent in this litigation as to which entities remain involved with the ballroom. Before the Court’s denial of the National Trust’s first motion for a preliminary injunction, Defendants represented that EXR was “managing the [ballroom] project under the President’s direction,” Defs.’ Suppl. Br. at 3, and that NPS was “indisputably not directing the [ballroom] project,” *id.* at 17 n.7; *see also id.* at 23. I went on to hold that the National Trust was not likely to succeed on the merits as to its APA claims because EXR was likely not an “agency” within the meaning of the APA. Mem. Op. at 13–16. The National Trust added claims arguing that shifting responsibility from NPS to EXR violated separation of powers and was *ultra vires*. *See* Second Am. Compl. ¶¶ 217–24. Both the Court and the National Trust were under the impression that, as Defendants themselves stated, NPS “had (and has) no role in directing the Project.” Defs.’ Suppl. Br. at 23; *see* Pl.’s Renewed Reply Br. at 16.

So it came as a surprise when Defendants’ most recent brief invoked NPS’s construction authority as an independent basis for denying the National Trust’s motion. Defs.’ Renewed Opp’n at 1. Indeed, it is difficult to understand how Defendants can rely on NPS’s construction authority while claiming that NPS “had (and has) no role in

claims premised on that statute must fail. I find it unlikely that the zone of interests test applies here. *See Haitian Refugee Ctr. v. Gracey*, 809 F.2d 794, 812 n.14 (D.C. Cir. 1987) (reasoning that parties “need not . . . show that their interests fall within the zones of interests of the constitutional and statutory powers invoked by the President in order to” bring *ultra vires* claims); *see also Ctr. for Biological Diversity v. Trump*, 453 F. Supp. 3d 11, 48 (D.D.C. 2020) (whether the zone of interests test applies to *ultra vires* claims has not been resolved). If it were otherwise, litigants injured by *ultra vires* action would often be precluded from suit “since the litigant’s interest normally will not fall within the zone of interests of the very statutory or constitutional provision that he claims does not authorize action concerning that interest.” *Haitian Refugee Ctr.*, 809 F.2d at 812 n.14; *see also Ctr. for Biological Diversity*, 453 F. Supp. 3d at 48.

directing” the ballroom project. Defs.’ Suppl. Br. at 23. In a sleight-of-hand maneuver, Defendants argue that NPS chose to “contract” with EXR under the Economy Act, which would suggest that NPS is still involved with the ballroom project as a party to a contract, with EXR as its agent. *See* Defs.’ Renewed Opp’n at 18. Therefore, in the alternative, to the extent that NPS is directing or otherwise involved in the ballroom project, the National Trust is likely to succeed on its claim under the APA that the ballroom construction is “contrary to law” in violation of 40 U.S.C. § 8106.¹⁵

Regarding Defendants’ arguments about the NPS Organic Act, nothing in the text of the statute grants NPS blanket authority to engage in construction in national parks. The statute provides that NPS “shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units[.]” 54 U.S.C. § 100101(a). Such purposes are “conserv[ing] the scenery, natural and historic objects, and wild life in the System units” and “provid[ing] for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” *Id.* This general statement of purpose does not say anything about NPS’s authority to construct buildings.

Instead, historical practice not surprisingly shows that Congress has given *limited* authority to NPS to construct by authorizing appropriations for those purposes. *See, e.g.,* Commerce, Justice, Science; Energy and Water Development; and Interior and

¹⁵ The Court must evaluate any APA claims in the alternative to the National Trust’s *ultra vires* claims, because if the National Trust is able to obtain “judicial review” via the APA, nonstatutory *ultra vires* review is not available. *See Changji Esquel*, 40 F.4th at 722 (quoting *Griffith*, 842 F.2d at 492).

Environment Appropriations Act, 2026, Pub. L. No. 119-74, 140 Stat. 5, 100.¹⁶ Defendants identify a handful of structures built with donated funds in D.C. and argue that these were authorized by only the NPS Organic Act. Defs.’ Renewed Opp’n at 18. Please! Even if these buildings were somehow comparable to the ballroom project, the available evidence strongly suggests that Congress was aware of these projects and at least indirectly authorized them.¹⁷

The NPS Organic Act is best read for what it is—a statement of NPS’s general purposes. Defendants conflate taking actions “consistent with [NPS’s] enabling legislation” with affirmative construction authorization. *See* Defs.’ Renewed Opp’n at 16. Particularly in light of 40 U.S.C. § 8106’s express prohibition, the broad language of the NPS Organic Act cannot supply the requisite authorization for construction of the ballroom.

II. Irreparable Harm

To obtain injunctive relief, the National Trust must show that it is “likely to suffer irreparable harm in the absence of preliminary relief.” *Winter*, 555 U.S. at 20. The threat of harm must be “both certain and great, actual and not theoretical, beyond remediation,

¹⁶ Defendants do not purport to be relying on NPS’s construction appropriation for the White House ballroom. In any case, NPS construction appropriations in recent years expressly limit the use of “National Park Service Donations” to “adjustments and changes *within the original scope of effort for projects funded by the National Park Service Construction appropriation.*” *See* Consolidated Appropriations Act, 2024, Pub. L. No. 118-42, 138 Stat. 25, 226 (emphasis added); *see also, e.g.*, 140 Stat. at 101 (same). So NPS cannot, in fact, use donations to construct buildings on national park lands outside the scope of construction appropriations. And it is highly doubtful that NPS could “contract” with EXR to avoid the limitations on NPS’s construction authority.

¹⁷ Defendants cite the new U.S. Park Police Stables on the National Mall as an NPS construction with donated funds. But it appears that *Congress* initiated this project. *See* Commemorative Works Clarification and Revision Act of 2003, Pub. L. No. 108-126, 117 Stat. 1349, 1353 (directing the Secretary of the Interior to produce a report “setting forth plans” for the “relocat[ion]” of “the National Park Service’s stable and maintenance facilities”).

and of such *imminence* that there is clear and present need for equitable relief.” *Mexichem Specialty Resins, Inc. v. EPA*, 787 F.3d 544, 555 (D.C. Cir. 2015) (internal quotation marks omitted). Aesthetic and environmental injuries are typically “irreparable” because they are “seldom . . . adequately remedied by money damages” and are “often permanent or at least of long duration.” *Brady Campaign to Prevent Gun Violence v. Salazar*, 612 F. Supp. 2d 1, 25 (D.D.C. 2009) (quoting *Amoco Prod. Co. v. Vill. of Gambell*, 480 U.S. 531, 545 (1987)).

According to the National Trust, one of its members, Professor Alison Hoagland, is a longtime D.C. resident and a professor of historic preservation who regularly visits President’s Park to “enjoy the historic buildings” and take in “the beauty of the L’Enfant Plan.” Decl. of Alison K. Hoagland (“Hoagland Decl.”) [Dkt. #2-3] ¶ 9. Hoagland also gives walking tours and has published scholarly articles on Washington’s historic architecture, to which the White House is central. *Id.* ¶ 8. Hoagland alleges that construction of “a ballroom of the proposed form and scale” would cause “permanent and irreparable harm to the White House and President’s Park,” thereby damaging her own “aesthetic, cultural, and historical interests.” *Id.* ¶¶ 13–14.

I previously concluded that these alleged aesthetic injuries established a substantial likelihood of Article III standing. *See* Mem. Op. at 7–13.¹⁸ The National Trust’s alleged

¹⁸ Defendants urge the Court to revisit its standing analysis, *see* Defs.’ Renewed Opp’n at 29–33, but I decline to do so. As I previously held, the National Trust has established a substantial likelihood of associational standing to challenge the construction of the ballroom, *see* Mem. Op. at 7–13, and I reincorporate that analysis today. Defendants offer two points in response, neither of which alter my conclusion. Defendants first argue that Hoagland cannot claim aesthetic injury from the ballroom because the new structure will “scarcely be seen from any public vantage point.” Defs.’ Renewed Opp’n at 29. That

aesthetic injury also establishes irreparable harm for purposes of a preliminary injunction. Hoagland has adequately described the “specific ways in which, in the absence of the injunction,” her “interests in . . . [the] aesthetic . . . use and enjoyment” of the White House grounds “will be irreparably injured.” *Nat’l Wildlife Fed’n v. Burford*, 835 F.2d 305, 324 (D.C. Cir. 1987); *see also, e.g., Fund for Animals v. Norton*, 281 F. Supp. 2d 209, 220–22 (D.D.C. 2003) (aesthetic injury from hunting of mute swans sufficient for irreparable harm).

At the temporary restraining order stage in December 2025, I held that the National Trust had failed to demonstrate a “sufficiently imminent risk of irreparable harm” because below-grade structural work had just begun and Defendants’ construction plans were still in flux. Mem. Order at 2–3. Things have changed. Above-ground construction will begin sometime in April 2026. Stanwich Decl. ¶ 20. Moreover, the design plans are nearly final. On February 27, 2026, the Commission of Fine Arts approved the ballroom’s concept design submission as a “final design.” *See* T. Luebke to J. Fisher, CFA 19/FEB/26-1, <https://perma.cc/CV2F-VE6M> (cited in Martin Suppl. Decl. ¶ 6). On March 5, 2026, Defendants submitted “preliminary and final site and building plans” to the National

is pure fiction. Defendants’ own renderings show that the proposed ballroom will be clearly visible from Lafayette Park, *see* Exec. Director’s Recommendation at 17–18, Nat’l Cap. Planning Comm’n (Mar. 5, 2026), <https://perma.cc/4LFC-YDEJ> (cited in Martin Suppl. Decl. ¶ 7), and even from the steps of the U.S. Capitol, *id.* at 23; *see also* Finding of No Significant Impact [Dkt. #14-2] at 6 (ballroom will “creat[e] a visual imbalance”). Defendants further argue that Hoagland’s injury is not germane to the National Trust’s purposes, which, Defendants insist, relate only to the acquisition of property for preservation and exclude the White House. Defs.’ Renewed Opp’n at 31–33. “The bar for germaneness, however, is low.” *AARP v. EEOC*, 226 F. Supp. 3d 7, 19 (D.D.C. 2016). To clear the bar, an organization need only show “a mere pertinence between [the] litigation subject and [the] organization’s purpose.” *Competitive Enter. Inst. v. NHTSA*, 901 F.2d 107, 111 (D.C. Cir. 1990) (internal quotation marks omitted). For the reasons articulated in my prior opinion, the National Trust has easily done so here. *See* Mem. Op. at 12.

Capital Planning Commission (“NCPC”). Martin Suppl. Decl. ¶ 7. The NCPC is scheduled to vote on the project at its April 2, 2026 meeting. *Id.* And once complete, the building’s foundation could accommodate only “modest changes” to the size and scale of the structure. Decl. of Prof. Engineer [Dkt. #30-4] ¶ 10.

As such, the National Trust has demonstrated that injuries to its “aesthetic, cultural, and historical interests” are “imminen[t],” “certain,” and “great” absent a preliminary injunction. *Mexichem*, 787 F.3d at 555 (typeface altered). If construction continues, the harm of an enormous ballroom overshadowing the White House grounds would indeed be “permanent.” *Brady Campaign*, 612 F. Supp. 2d at 25. Moreover, the harm will likely materialize “before a decision on the merits can be reached.” *Nat’l Parks Conservation Ass’n v. Semonite*, 282 F. Supp. 3d 284, 288–89 (D.D.C. 2017).¹⁹ Above-ground construction begins in a matter of days, and continued construction will only further lock in the size, scale, and styling of the proposed building.

Defendants contend that the National Trust faces no imminent aesthetic harm because Hoagland “will not be able to see any part of the East Wing for many months.” Defs.’ Renewed Opp’n at 35. But Defendants cannot seriously argue that Hoagland has no claim for imminent aesthetic harm until the completed building is fully visible. Once the

¹⁹ As the National Trust points out, the *Semonite* case is a cautionary tale. The *Semonite* plaintiffs sought to enjoin construction of seventeen electrical towers over a river. One of my colleagues found no irreparable harm because the project was still in its infancy and therefore denied injunctive relief. See 282 F. Supp. 3d at 289. After construction was completed, the court found in plaintiff’s favor on the merits but concluded that the towers were too costly to remove and, therefore, no injunctive relief was available. See *Nat’l Parks Conservation Ass’n v. Semonite*, 422 F. Supp. 3d 92, 94, 100–01 (D.D.C. 2019). If I deny preliminary injunctive relief now and allow construction to continue while the case progresses, any eventual victory on the merits for the National Trust may likewise prove to be too little, too late!

building is complete, any aesthetic harm would be “beyond remediation,” *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006), and courts typically find challenges to completed projects to be moot, *see Finca Santa Elena, Inc. v. U.S. Army Corps of Eng’rs*, 62 F. Supp. 3d 1, 5 (D.D.C. 2014) (noting lack of cases where courts “ordered a defendant to dismantle a completed construction project”). The National Trust need not wait until the last brick is laid to obtain injunctive relief.

III. The Balance of the Equities and the Public Interest

The National Trust finally must show that “the balance of equities tips in [its] favor,” and that “an injunction is in the public interest.” *Winter*, 555 U.S. at 20. When, as here, “the Government is the opposing party,” these final two factors “merge.” *Nken v. Holder*, 556 U.S. 418, 435 (D.C. Cir. 2022).

Here too, the National Trust has carried its burden. It has demonstrated imminent, irreparable harm in the form of ongoing construction of a ballroom that would, in its own words, “overshadow[]” the White House and disrupt the appearance of a historic and cultural icon. *See supra* Part II. The National Trust has shown that Defendants are making these irreversible changes without statutory or constitutional authority. While the National Trust would be deeply harmed in the absence of an injunction, the Government “cannot suffer harm from an injunction that merely ends an unlawful practice.” *R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164, 191 (D.D.C. 2015) (quoting *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013)).

The public interest, too, weighs in favor of enjoining this project pending approval from Congress. Congress is the collective voice of the American people in our system of

government, *see Learning Res.*, 146 S. Ct. at 672 (Gorsuch, J., concurring) (Congress reflects “the combined wisdom of the people’s elected representatives, not just that of one faction or man”), and the Constitution *itself* vests authority over federal property, including the White House, in Congress! *See* U.S. Const. Art. I, § 8, cl. 17; *id.* Art. IV, § 3, cl. 2; *cf.* *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 289–90 (1984) (noting that federal parkland in Washington, D.C. and around the White House are a “unique resource[] that the Federal Government holds in trust for the American people”). After all, the White House does not belong to any one man—not even a president!

Defendants predictably object, arguing that any delay to construction would imperil national security and expose the White House to damage. Grasping for straws, Defendants call the construction site a “coordinated and managed safety hazard” that has disrupted existing security procedures. *See* Decl. of Matthew C. Quinn [Dkt. #30-5] ¶ 8. Thus, according to Defendants, any construction delay will undermine national security. Please! While I take seriously the Government’s concerns regarding the safety and security of the White House grounds and the President himself, the existence of a “large hole” beside the White House is, of course, a problem of the President’s own making! Defs.’ Renewed Opp’n at 34. Bald assertions of “national security” cannot excuse the Government’s failure to follow the law and then insulate those failures from judicial review.²⁰

²⁰ The Court has reviewed the classified *ex parte* declarations submitted by Defendants. *See* Mot. for Leave to File Decl. *Ex Parte* [Dkt. #13]; Not. of Lodging Suppl. *Ex Parte* Decl. [Dkt. #25]; Not. of Lodging Second Suppl. *Ex Parte* Decl. [Dkt. #40]; Not. of Lodging Third Suppl. *Ex Parte* Decl. [Dkt. #59]. Based on my review, I do not find that an injunction halting construction would in any way jeopardize national security. *But see TikTok Inc. v. Garland*, 604 U.S. 56, 74 (2025) (Gorsuch, J., concurring) (“Efforts to inject secret evidence into judicial proceedings present obvious constitutional concerns.”).

I acknowledge that this case raises novel and weighty issues, that halting an ongoing construction project may raise logistical issues, and that Defendants intend to seek an appeal immediately. I will therefore delay enforcement of the injunction for fourteen days, as described in the attached Order.²¹ I will also exclude construction necessary to ensure the safety and security of the White House from the scope of the injunction.²²

CONCLUSION

Where does this leave us? Unfortunately for Defendants, unless and until Congress blesses this project through statutory authorization, construction has to stop! But here is the good news. It is not too late for Congress to authorize the continued construction of the ballroom project. The President may at any time go to Congress to obtain express authority to construct a ballroom and to do so with private funds. Indeed, Congress may even choose to appropriate funds for the ballroom, or at least decide that some other funding scheme is acceptable. Either way, Congress will thereby retain its authority over the nation's property and its oversight over the Government's spending. The National Trust's interests in a constitutional and lawful process will be vindicated. And the American people will benefit from the branches of Government exercising their constitutionally prescribed roles. Not a bad outcome, that!

²¹ The Court gives fair notice to Defendants, however, that any above-ground construction over the next fourteen days that is not in compliance with my Order is at risk of being taken down depending on the outcome of this case.

²² I decline to exercise my "broad discretion" to require the National Trust to post a bond. *See DSE, Inc. v. United States*, 169 F.3d 21, 33 (D.C. Cir. 1999).

For the foregoing reasons, it is hereby **ORDERED** that the National Trust's Motion for a Preliminary Injunction [Dkt. #51] is **GRANTED**. An accompanying order will issue contemporaneously with this opinion.



RICHARD J. LEON
United States District Judge

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

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Civil Case No. 25-4316 (RJL)

st

ORDER

March **31**, 2026 [Dkt. #51, 55]

For the reasons set forth in the accompanying Memorandum Opinion, it is hereby

ORDERED that Plaintiff's Second Motion for Preliminary Injunction [Dkt. #51] is
GRANTED; and it is further

ORDERED that the National Park Service; Jessica Bowron, in her official capacity as Acting Director, National Park Service; John Stanwich, in his official capacity as Superintendent, the White House and President's Park; the Department of the Interior; Douglas Burgum, in his official capacity as Secretary of the Interior; the General Services Administration; Michael J. Rigas, in his official capacity as Acting Administrator, General Services Administration; the Executive Office of the President; Susie Wiles, in her official capacity as White House Chief of Staff; the Office of the Executive Residence; and Robert B. Downing, in his official capacity as White House Chief Usher (together, "Defendants"),

and any agents of Defendants or any other persons working at their direction or in active concert therewith, are preliminarily **ENJOINED** from taking any action in furtherance of the physical development of the proposed ballroom at the former site of the East Wing of the White House, including but not limited to any further demolition, site preparation work, landscape alteration, excavation, foundation work, or other construction or related work, other than actions strictly necessary to ensure the safety and security of the White House and its grounds, including the ballroom construction site, and provide for the personal safety of the President and his staff; and it is further

ORDERED that, subject to the safety-and-security exception above, no such work shall proceed absent express authorization from Congress; and it is further

ORDERED that Defendants' counsel shall provide written notice of this Order to all officers, agents, successors, servants, employees, and attorneys of Defendants, as well as any other persons working at their direction, in active concert therewith, or subject to Defendants' control; and it is further

ORDERED that this Order shall take effect fourteen (14) days after its issuance; and it is further

ORDERED that Defendants shall file a status report apprising the Court of the status of their compliance with this Order no later than twenty-one (21) days after the date the Order takes effect; and it is further

ORDERED that the security requirement is hereby waived, *see* Fed. R. Civ. P. 65(c); and it is further

ORDERED that Defendants' Motion for Leave to File Supplemental Declarations
[Dkt. #55] is **GRANTED**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Richard J. Leon", is written over a horizontal line.

RICHARD J. LEON
United States District Judge

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

**NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES,**

Plaintiff,

v.

NATIONAL PARK SERVICE, et al.,

Defendants.

Civil Action No. _____

DECLARATION OF ELIZABETH S. MERRITT

1. My name is Elizabeth S. Merritt, and I am Deputy General Counsel at the National Trust for Historic Preservation in the United States (“National Trust”). I have served in the National Trust’s Law Department for more than 41 years, focused on advocacy to protect historic places throughout the nation, in both the administrative and judicial arenas. As a result, I am very familiar with the National Trust’s programs, and especially its advocacy and litigation activities. The facts set forth in this declaration are based upon my personal and professional knowledge and, if called as a witness in this proceeding, I could and would testify competently thereto under oath.

2. The National Trust is a private charitable, educational, nonprofit corporation chartered by Congress in 1949 to further the historic preservation policies of the United States, and to facilitate public participation in the preservation of historic properties. See 54 U.S.C. § 312102(a).

3. As part of the National Trust’s public interest advocacy program, the National Trust has often participated in litigation to enforce federal, state, and local laws that protect historic places. Since 1970, the National Trust has formally participated in hundreds of cases in

state and federal courts around the country, both as a plaintiff and as *amicus curiae*, and occasionally as an intervening defendant.

4. The National Trust has a long history of active involvement in the federal project and planning review processes conducted by the National Capital Planning Commission (“NCPC”). For example, the National Trust has previously submitted testimony or comments to the NCPC over the course of many years regarding the following matters:

- Opposing demolition of historic officers’ housing at Fort McNair (Feb. 2, 2023);
- Adverse impacts of McMillan Park development on President Lincoln’s Cottage (Nov. 7, 2014);
- Comments regarding the Height Act (Oct. 25 and Nov. 19, 2013);
- Master Plan for Homeland Security Department headquarters at St. Elizabeths Hospital campus (Nov. 1, 2007 and Jan. 8, 2009);
- Proposed Vietnam Veterans Memorial Visitor Center (Dec. 6, 2007);
- Courtyard roof for Old Patent Office Building (June 2, 2005); and
- Closing of Pennsylvania Avenue in front of the White House (Mar. 12, 2003).

5. In addition, I personally have submitted written or in-person testimony to NCPC on behalf of the National Trust regarding the following matters:

- Redevelopment of the McMillan Park site (Nov. 6, 2014);
- Proposed Vietnam Veterans Memorial Visitor Center (Aug. 3, 2006 and June 3, 2009);
- Courtyard roof for Old Patent Office Building (Sept. 8, 2005); and
- Washington Monument security and visitor facilities (May 1, 2003).

6. The National Trust is also routinely and actively involved in review of environmental assessments (“EA”) and environmental impact statements (“EIS”) prepared by federal agencies pursuant to the National Environmental Policy Act (“NEPA”).

7. The National Trust frequently submits comments on NEPA documents, and is often involved in enforcing federal agency compliance with NEPA. *See, e.g., National Parks*

Conservation Ass'n, et al. v. Semonite, No. 18-5179 (D.C. Cir. Mar. 1, 2019); *Coalition Against a Raised Expressway (CARE), et al. v. Dole*, 835 F.2d 803 (11th Cir. 1988); *Druid Hills Civic Ass'n, et al. v. Federal Highway Admin.*, 772 F.2d 700 (11th Cir. 1985); *Citizen Advocates for Responsible Expansion, Inc. (I-CARE), et al. v. Dole*, 770 F.2d 423 (5th Cir. 1985); *City of South Pasadena, et al. v. Slater*, 56 F. Supp. 2d 1106 (C.D. Cal. 1999).

8. In my decades of personal experience at the National Trust, the National Trust's commentary and advocacy before the NCPC and other governmental entities (whether federal, state, or local) has been highly influential. The National Trust's advocacy often results in modifications to proposed projects.

9. The National Trust follows developments in preserving and interpreting the White House through, among other things, the White House Historical Association, and a representative of the National Trust serves as an ex officio member of the board of the Association. The White House Historical Association is also co-steward, with the National Trust, of Decatur House. Decatur House, located adjacent to President's Park in Lafayette Square and owned by the National Trust since 1956, is itself a historic building and the first private residence built in the White House neighborhood. When the National Trust conducts board meetings in Washington, D.C., they are frequently held at Decatur House.

10. On October 21, 2025, in response to the initiation of demolition of the White House East Wing, the National Trust's President and CEO, Carol Quillen, sent a letter to the Chair of the NCPC, the Acting Director of the National Park Service, and the Chair of the CFA. The letter expressed serious concerns about the failure to comply with the public review process for the Ballroom Project, and urged the Administration and the National Park Service to cease

demolition until after the required review procedures for the Ballroom Project had been completed.

11. Because of the National Trust's concern regarding the failure to initiate review by the NCPC, I personally reached out to Meghan Hottel-Cox, General Counsel and Secretary at the NCPC, to inquire as to whether the NCPC had received any submissions regarding the White House Ballroom Project. And on December 3, 2025, I specifically mentioned my concern by email that construction of the Ballroom has already been initiated. Ms. Hottel-Cox responded by email on December 5, 2025 that "NCPC has not yet received a submission for the Ballroom project."

12. Assuming that the Defendants do submit plans for the Ballroom Project to the NCPC and CFA, the National Trust intends to participate actively in the public comment process. In addition, the National Trust intends to submit comments in response to any NEPA document that is released to the public regarding the Ballroom Project. Among other things, the National Trust intends to express a concern that the massing and height of the proposed new construction will overwhelm the White House itself and may also permanently disrupt the carefully balanced classical design of the White House with its two smaller, and lower, East and West Wings, and to urge the NCPC and CFA to take these concerns into consideration. The ongoing demolition and construction activities severely harm the interests of the National Trust by foreclosing alternatives and modifications to the Ballroom Project that could avoid, minimize, and/or mitigate the adverse effects of the Project on the historic significance of the White House.

13. In connection with the National Trust's request for injunctive relief in this case, the National Trust requests a waiver of any security bond requirement.

14. Because of the National Trust’s nonprofit status and limited funds, we have a policy against paying attorneys’ fees, other than out-of-pocket expenses, when we participate in advocacy litigation. Instead, we rely on *pro bono* representation when outside counsel is needed, as in this case, or public interest lawyers whose discounted fees can be covered by other organizations.

15. When the National Trust seeks injunctive relief in a case, the Trust has always requested (and virtually always received) a waiver of the security bond requirement based on the “public interest” nature of our litigation. The National Trust’s litigation program is aimed at enforcing and vindicating the rights of the public as a whole, which are reflected in federal, state, and local laws protecting historic properties. This policy is in furtherance of the National Trust’s congressional charter, directing the Trust to “facilitate public participation” in historic preservation. 54 U.S.C. § 312102(a).

16. The doctrine allowing a waiver of the security bond is based on the recognition that organizations such as the National Trust, acting as private attorneys general, have no personal or financial stake in the enforcement litigation and therefore prosecute lawsuits that benefit the public as a whole.

17. The imposition of a security bond—as a condition for obtaining injunctive relief to temporarily delay construction or demolition activities that would harm historic resources—would have a direct chilling effect on the ability of the National Trust, and other public interest plaintiffs, to advance the public interest and enforce compliance with historic preservation laws through litigation. If the financial burden of vindicating public rights were to fall on nonprofit organizations that bring enforcement actions, such as the National Trust, then the incentives intentionally created by Congress to encourage citizen suits and private attorney general actions,

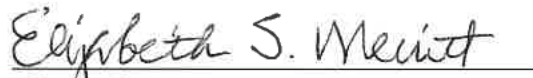
(*see, e.g.*, 54 U.S.C. § 307105 (NHPA); 28 U.S.C. § 2412 (EAJA)), would be significantly reduced or eliminated.

18. The National Trust could not post a substantial injunction bond without diverting funds intended for other historic preservation programs.

19. Alternatively, the National Trust would simply not be able to post such a bond at all, and would be unable to secure the injunction on which it was conditioned.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 11th day of December, 2025.


Elizabeth S. Merritt

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

**NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES,**

Plaintiff,

v.

NATIONAL PARK SERVICE, et al.,

Defendants.

Civil Action No. _____

DECLARATION OF ALISON K. HOAGLAND

I, Alison K. Hoagland, declare as follows:

1. The facts set forth in this declaration are based upon my personal and professional knowledge, and if called as a witness in this proceeding, I could and would testify competently thereto under oath. As to those matters that reflect an opinion, they reflect my personal and professional opinion on the matter.

2. I am a member of the National Trust for Historic Preservation in the United States (“National Trust”). I have been a member of the National Trust for more than 40 years. I am currently a Trustee of the National Trust and serve on its Executive Committee. In that role, I advise on the governance and policy-making of the organization. I have also previously served as an advisor to the National Trust on matters relating to Washington, D.C.’s interests in the formation of Trust policy.

3. In addition to my work as a trustee and advisor, I am an active individual member of the National Trust. The National Trust’s members, including myself, use, enjoy, derive benefit from, and have a substantial interest in preserving and protecting historic and cultural resources in Washington, D.C., including the White House and President’s Park, which have been impaired by

the destruction of the East Wing of the White House by the defendants in this action, and will be impaired further by the construction on the East Wing's former site of a ballroom substantially similar to that which the defendants propose to build.

4. Apart from my work with the National Trust, I am professor emerita at Michigan Technological University, where I taught history and historic preservation from 1994 to 2009. I received my BA from Brown University and my MA in American Studies, with a concentration in historic preservation, from George Washington University. I have written six books on various aspects of American vernacular architecture; my most recent is *The Row House in Washington, DC: A History* (University of Virginia Press, 2023).

5. Prior to my professorship, I was the senior historian at the Historic American Buildings Survey of the National Park Service, where I worked from 1979 to 1994. The Historic American Buildings Survey ("HABS") documents significant historic buildings with measured drawings, large-format photographs, and written histories, which are then made available to the public at the Library of Congress and online. Buildings documented by HABS are located nationwide and include major monuments and memorials in Washington, as well as the White House itself.

6. In my past capacity as a volunteer and also Vice President of the DC Preservation League (formerly Don't Tear It Down!), I oversaw projects, undertook research, and prepared landmark nominations concerning downtown Washington. Designation of the Downtown Historic District and the Fifteenth Street Financial Historic District (adjacent to the White House) resulted in part from my work. Alterations and demolitions of buildings in these historic districts, just as for any locally designated historic landmark, must be reviewed by the Historic Preservation Review Board before permits are granted.

7. I have previously served on the boards of various organizations engaged in history and historic preservation work, several of which have a particular focus on historic preservation in Washington, D.C. Among these, I have chaired the board of the Delaware Historical Society, chaired the Keweenaw National Historical Park Advisory Commission in Calumet, Michigan, and served as president of the Vernacular Architecture Forum. I have also served on the boards of the National Council on Public History, the Michigan State Historic Preservation Review Board, on the Committee of 100 on the Federal City, and on the board of the DC Preservation League.

8. I have also given walking tours for the Smithsonian Institution and public presentations to local groups on various aspects of Washington's historic architecture. In addition, I have published scholarly articles on the topic, including "Nineteenth Century Building Regulations in Washington, D.C.," Records of the Columbia Historical Society 52 (1989): 57-77, and "The Washington Public Library on Mount Vernon Square," Washington History 2, No. 2 (Fall 1990): 74-89.

9. I live on Capitol Hill, about 2 miles from the White House. I first moved to DC in 1977 and stayed until 1994, then returned in 2009 and have been here ever since. I travel to the White House neighborhood frequently to attend meetings, view exhibits, and have medical appointments. In the past year alone I have attended two rooftop gatherings with views of the White House. I regularly walk through portions of President's Park, including Lafayette Square, in order to enjoy the historic buildings, the beauty of the L'Enfant Plan (which placed the President's House on axis with 16th Street), and the innovative preservation project concerning the buildings surrounding Lafayette Square (overseen by Jacqueline Kennedy). I also regularly view the White House from the south side, whether driving by on Constitution Avenue or walking on the Mall.

10. Built beginning in the eighteenth century, the White House is one of the most historically significant buildings in the country. The White House was designed to be a symbol of the new nation, and debates occurred about its style, size, precedents, and name. As built, the “President’s House” was a neoclassical building, akin in size to an English country house. The selection of this design through a competition shows George Washington’s preference for a fairly modest building, not a palace. As such, the White House in its current form embodies some of the ideals on which the nation was founded. Architectural historians look for meaning in architecture, and the White House is one of the clearest examples of a building constructed with the explicit intention of imparting meaning with its style, size, and scale. The symbolic nature of the White House never fails to impress me, my students, and my out-of-town visitors. Further, the preservation of its essential nature—its republican simplicity—through many alterations and renovations of the building also reflects the attitudes and beliefs of subsequent occupants.

11. The White House affects my own research on more locally focused architecture in two ways. As one of the first prominent government buildings in the new capital city, it drove development around it, helping to define commercial and residential areas while also serving as a landmark defining L’Enfant’s plan for the city, and attesting to the promise that city construction would follow. Secondly, as the most important house in the city, the White House was also on the leading edge of all improvements—running water, water closets, electricity, etc. A study of Washington’s architecture without the White House as a reference point would be incomplete.

12. As a resident of Washington, D.C., I intend to continue to travel to the area around the White House, to walk through Lafayette Square, to attend functions in neighboring buildings, and to continue to be impressed by this iconic building. In the past I have had reason to be in the area about once a month, and I expect that pattern to continue. In addition, when the National

Trust holds its board meetings in Washington, which it does at least annually, it usually holds them at the Decatur House on the northwest corner of Lafayette Square. I plan to attend those meetings in 2026.

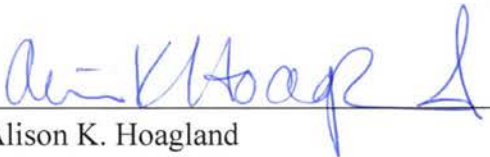
13. If a ballroom were constructed, similar to that which the defendants in this action have proposed to be built on the former site of the East Wing, it would cause permanent and irreparable harm to the White House and President's Park. To have an adjacent structure overshadowing the White House, exceeding it in height and massing, would diminish the primacy of the White House, which makes its architectural statement through its singularity on the landscape. No longer would the eye be drawn to the jewel of the building in the center, declaring to viewers that our president lives in a *house*.

14. Accordingly, I would suffer both professional and personal injuries, including to my aesthetic, cultural, and historical interests, if a ballroom of the proposed form and scale were constructed on the site of the former East Wing.

15. In the past, I have personally participated in public comment periods and public review meetings—across a variety of venues—considering building plans that would alter or impact sites of historic significance. As an example, I submitted comments to the National Capital Planning Commission and the D.C. Historic Preservation Review Board in 2013 and 2014 when those agencies were considering alterations to the Carnegie Library at Mount Vernon Square to accommodate the Spy Museum, a project that ended up not happening. I would intend to participate in any public review processes and comment periods made available for any project of significant scale at the White House, including the ballroom project that has been discussed by the defendants in this action, to provide insight and express concern regarding the adverse impact of such a project on a site of such historical import to its local and national community.

16. As with the rest of the American public, I have so far been denied the opportunity to participate in or comment on this project in any formal setting. The abrupt demolition of the East Wing has both deeply saddened me personally and affronted my professional work. But in particular, the project's proceeding without any of the legally mandated consultations and opportunity for public input presents a unique and irreparable harm to the public, one that I feel acutely as an architectural historian who has dedicated her career to studying the relationship between local people and their buildings.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.


Alison K. Hoagland

Executed this 11th day of December, 2025.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

**DECLARATION OF JESSICA BOWRON, COMPTROLLER OF
THE NATIONAL PARK SERVICE EXERCISING THE DELEGATED
AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE**

I, Jessica Bowron declare as follows:

1. I am the Comptroller for the National Park Service (“NPS”) and am exercising the delegated authority of the Director of the NPS pursuant to a January 20, 2025 delegation of that authority from the Acting Secretary of the Interior, and subsequent extension of that authority by the Secretary of the Interior. I have been employed by NPS since 2007 and served as NPS comptroller since 2017.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. In my current position as Comptroller, Exercising the Delegated Authority of the Director of the NPS, I oversee the management and operation of all units within the National Park System nationwide, as well as all NPS programs, NPS directorates, and regional offices. The White House and President’s Park (“the Park”) is an administrative unit within the National Park System in the NPS National Capital Region (“NCR”) comprised of the

White House, Lafayette Park, Sherman Park, the First Division Monument, and the Ellipse.

4. NPS's mission is to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations.
5. Under the NPS Organic Act of 1916, the NPS was authorized to "promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 54 U.S.C. § 100101. This authority generally extends to historic preservation and construction activities at individual park units in furtherance of the purpose of the park unit at issue.
6. The NPS Organic Act also supplies NPS with the authority to accept donations, including "patented land, rights-of-way over patented land or other land, buildings, or other property within a [National Park] System unit" and "money that may be donated for the purposes of the System." 54 USC § 101101.
7. In 1961, Congress enacted the Park's enabling legislation and directed that the President's Park enclosure, which includes the White House, its wings, the grounds within the White House fence and facilities located on those grounds, be administered pursuant to the NPS Organic Act. Pub. L. No. 87-286 (1961). Congress directed that in carrying out NPS's responsibilities under its Organic Act, "primary attention shall be

given to the reservation and interpretation of the museum character of the principal corridor on the ground floor and principal public rooms on the first floor of the White House.” *Id.* However, Congress further directed that “nothing done under [the Park’s enabling legislation] shall conflict with the administration of the Executive offices of the President or with the use and occupancy of the buildings and grounds as the home of the President and his family and for his official purposes.” *Id.*

8. In my current position, I have been and continue to be regularly briefed by John Stanwich, the NPS Liaison to the White House, and members of the Park’s staff regarding the East Wing Modernization and State Ballroom project (“the Project”), the purpose of which is to establish a permanent, secure event space within the White House grounds that meets presidential priorities for capacity and dignified official functions and eliminates reliance on temporary tents and associated infrastructure strains.
9. On August 28, 2025, and pursuant to the requirements of the National Environmental Policy Act (“NEPA”), I signed and approved a Finding of No Significant Impact (“FONSI”) for the White House East Wing Modernization and State Ballroom Environmental Assessment. The FONSI determined that that the selected action, establishing a permanent, secure event space within the White House grounds by replacing the then-existing East Wing of the White House with a new building that will house the White House State Ballroom, will not cause significant adverse effects requiring the preparation of an environmental impact statement. A Non-Impairment Determination prepared in compliance with NPS’s 2006 Management Policies and the NPS Organic Act was attached as Appendix A. The FONSI, together with Appendix A, are attached to this declaration as Exhibit A and available online on the NPS’s Planning,

Environment & Public Comment (PEPC) website at: [ParkPlanning - White House East Wing Modernization and State Ballroom Environmental Assessment](#).

10. The conclusions in the FONSI were based on the analysis in an August 2025 Environmental Assessment (“EA”) prepared by NPS for the Project. A copy of the August 2025 EA is attached to this declaration as Exhibit B and available online on the PEPC page for the Project.
11. NPS also documented compliance with Section 106 of the National Historic Preservation Act (“NHPA”) for the limited activities associated with the East Wing Modernization Project that would take place outside of the White House and its Grounds. The White House and its grounds are exempted from the NHPA. 54 U.S.C. § 307104. A Memorandum to File documenting, pursuant to 36 CFR 800.3(a)(1), a finding of no potential for those activities to cause effects on historic properties is attached to this declaration as Exhibit C and available online on the PEPC page for the Project.
12. NPS also documented compliance with Section 7 of the Endangered Species Act. A Memorandum to File finding that the East Wing Modernization Project had no effect on federally listed species or their habitats is attached to this declaration as Exhibit D, and available online on the PEPC page for the Project.
13. The Executive Residence at the White House is handling project management for the Project, which means that that it is in control of all aspects of the day-to-day execution of the Project, including its scope, schedule, budget, design, and completion. However, the Executive Residence is coordinating with NPS staff regarding the Project, in particular with respect to potential impacts on NPS operations at the White House.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 15, 2025.

**JESSICA
BOWRON**

Digitally signed by
JESSICA BOWRON
Date: 2025.12.15
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Jessica Bowron

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

**SUPPLEMENTAL DECLARATION OF JESSICA BOWRON, COMPTROLLER OF
THE NATIONAL PARK SERVICE EXERCISING THE DELEGATED
AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE**

I, Jessica Bowron, declare as follows:

1. I am the Comptroller for the National Park Service (“NPS”) and am exercising the delegated authority of the Director of the NPS pursuant to a January 20, 2025 delegation of that authority from the Acting Secretary of the Interior, and subsequent extensions of that authority by the Secretary of the Interior. I have been employed by NPS since 2007 and have served as NPS Comptroller since 2017.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. In my current position as Comptroller, Exercising the Delegated Authority of the Director of the NPS, I oversee the management and operation of all units within the National Park System nationwide, as well as all NPS programs, NPS directorates, and regional offices. The White House and President’s Park (“the Park”) is an administrative unit within the National Park System in the NPS National Capital Region (“NCR”) comprised of the

White House, Lafayette Park, Sherman Park, the First Division Monument, and the Ellipse.

4. NPS's mission is to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations.
5. Under the NPS Organic Act of 1916, NPS was authorized to "promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 54 U.S.C. § 100101. This authority generally extends to historic preservation and construction activities at individual park units in furtherance of the purpose of the park unit at issue.
6. The NPS Organic Act also authorizes NPS to accept donations, including "patented land, rights-of-way over patented land or other land, buildings, or other property within a [National Park] System unit" and "money that may be donated for the purposes of the System." 54 U.S.C. § 101101.
7. In 1961, Congress enacted the Park's enabling legislation and directed that the President's Park enclosure, which includes the White House, its wings, the grounds within the White House fence and facilities located on those grounds, be administered pursuant to the NPS Organic Act, Pub. L. No. 87-286 (1961). Congress directed that in carrying out NPS's responsibilities, "primary attention shall be given to the reservation and interpretation of the museum character of the principal corridor on the ground floor

and principal public rooms on the first floor of the White House.” *Id.* However, Congress further directed that “nothing done under [the Park’s enabling legislation] shall conflict with the administration of the Executive offices of the President or with the use and occupancy of the buildings and grounds as the home of the President and his family and for his official purposes.” *Id.*

8. In my current position, I have been and continue to be regularly briefed by John Stanwich, the NPS Liaison to the White House, and members of the Park’s staff regarding the East Wing Modernization project (“the Project”), the purpose of which is to establish a permanent, secure event space within the White House grounds that meets presidential priorities for capacity and dignified official functions and eliminates reliance on temporary tents and associated infrastructure strains.
9. The Project is intended to meet the functional goals and operational needs of the Executive Office of the President (“EOP”). NPS determined that the Project was consistent with the Park’s enabling legislation. Pub. L. 87-286. The Project will directly benefit the American people in a number of ways, including by: (1) expanding the White House’s ability to host large indoor events; (2) reducing reliance on large tents that damage turf and infrastructure and necessitate costly repairs; (3) celebrating America’s history through new interpretive opportunities; (4) maintaining public access to key interpretive areas and ensuring preservation of the museum character of the principal ground floor corridor and State Floor public rooms of the White House; and (5) creating a symbolic space for events of national importance, reinforcing shared civic identity and pride.

10. The Executive Residence at the White House (“EXR”) has unique expertise in fulfilling the operational needs of the President and providing for the use of the White House for official ceremonial purposes as well as the President’s home. EXR is also best positioned to coordinate with all agencies that have equities in the White House that may be affected by the Project. Accordingly, NPS determined that it was in the best interests of the United States for EXR to contract for and directly manage the Project.
11. EXR is therefore handling project management for the Project, meaning that it is in control of all aspects of the day-to-day execution of the Project, including its scope, schedule, budget, design, and completion. However, EXR is coordinating with NPS staff regarding the Project, in particular with respect to potential impacts on NPS operations at the White House.
12. Pursuant to NPS’s donation acceptance authority, 54 U.S.C. § 101101, on November 13, 2025, the agency accepted a private donation for the Project.
13. Pursuant to the Economy Act, 31 U.S.C. § 1535, and for the reasons articulated in Paragraphs 9 and 10 above, on November 17, 2025, NPS entered into a reimbursable agreement with EXR under which the donated funds were transferred to EXR to fund the Project.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 15, 2026.

Jessica Bowron

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

**SECOND SUPPLEMENTAL DECLARATION OF JESSICA BOWRON,
COMPTROLLER OF
THE NATIONAL PARK SERVICE EXERCISING THE DELEGATED
AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE**

I, Jessica Bowron, declare as follows:

1. I am the Comptroller for the National Park Service (“NPS”) and am exercising the delegated authority of the Director of the NPS pursuant to a January 20, 2025, delegation of that authority from the Acting Secretary of the Interior, and subsequent extensions of that authority by the Secretary of the Interior. I have been employed by NPS since 2007 and have served as NPS Comptroller since 2017.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. In my current position as Comptroller, Exercising the Delegated Authority of the Director of the NPS, I oversee the management and operation of all units within the National Park System nationwide, as well as all NPS programs, directorates, and regional offices. The White House and President’s Park (the Park) is an administrative unit within the National Park System in the NPS National Capital Region (“NCR”).

4. The Economy Act, currently codified at 31 U.S.C. § 1535, is a longstanding authority under which agencies may order goods or services from other federal agencies or major organizational units within the same agency. It promotes efficiency by allowing interagency acquisitions when it is in the government's best interest, funds are available, and the service cannot be provided as conveniently or cheaply by the private sector.
5. The Government Accountability Office ("GAO") is a nonpartisan, independent agency within the legislative branch. The GAO publishes a treatise titled "Principles of Federal Appropriations Law," which is referred to as "the Red Book." The third volume of this treatise, available online at <https://www.gao.gov/assets/2019-11/203470.pdf>, provides detailed information and guidance to federal agencies regarding Economy Act transactions. Agencies regularly consult this document regarding appropriations issues, including Economy Act transactions, as well as the Office of Management and Budget's ("OMB") Circular No. A-11 "Preparation, Submission and Execution of the Budget," which also discusses Economy Act transactions. OMB's Circular No. A-11 is publicly available at <https://www.whitehouse.gov/wp-content/uploads/2025/08/a11.pdf>.
6. The Red Book explains that "the subject of an Economy Act transaction must be something the ordering agency is authorized to do and the performing agency is in a position to provide. Also, there must be direct benefit to the paying agency. Apart from these general prescriptions, the Economy Act makes no attempt to define the kinds of work, services, or materials that can be ordered. This is in apparent recognition of the great diversity of tasks and functions one encounters in the federal universe, and the fact that these tasks and functions are subject to change over time." Red Book, Third Edition, Volume III at page 12-64.

7. The Red Book provides examples of transactions in which the Economy Act “has been used,” or at least “recognized as available [authority] for,” including an agreement between the Department of Veterans Affairs and the Department of the Navy under which the “Navy would execute and superintend a contract for the construction of the Corregidor-Bataan Memorial.” Red Book, Third Edition, Volume III at page 12-67.
8. To establish an Economy Act agreement with another federal agency for the other agency to provide goods and services, the NPS initiates an order in the Department of Treasury’s system that documents key data elements, including identifying 31 U.S.C. § 1535 as the statutory authority for the transaction. A fully executed order constitutes an obligation of funding under 31 U.S.C. § 1501(a)(1). This obligation is similar to obligations recorded for contracting actions with a non-federal vendor. The Economy Act authorizes advance payments to the seller as well as reimbursement for costs already incurred by the seller pursuant to the agreement.
9. The NPS often relies on federal partners that provide valuable support and assistance to the NPS to accomplish projects that the NPS has the statutory authority to perform, but lacks the capacity or expertise to accomplish on its own. The NPS often uses Economy Act agreements to accomplish such projects.
10. For instance, the NPS often relies on the Federal Highway Administration (FHWA) to provide design, assisted acquisitions, and construction management services to execute large road projects on NPS lands. The NPS holds statutory authority under its Organic Act to conduct those projects. But without the assistance of FHWA subject matter experts, the NPS would lack the capacity and expertise to execute the volume of complex road projects needed to maintain National Park System roads. FHWA uses its expertise to

develop the acquisitions strategy and quality assurance requirements, conduct source evaluation, award and administer the design-build contract, and inspect and accept the construction contractor's work.

11. As one example, in 2021, the NPS entered into a \$184 million Economy Act agreement with FHWA to reconstruct 7.5 miles of the George Washington Memorial Parkway between Spout Run and the I-495/Capital Beltway, reconfigure the existing roadway geometry at the Route 123 interchange, and rehabilitate the Central Intelligence Agency interchange. This important project is nearing substantial completion.
12. Another example of an NPS Economy Act agreement is an agreement with the U.S. Army Corps of Engineers to replace a seawall on the west shoreline of Sandy Hook at Gateway National Recreation Area. This seawall provides protection for NPS assets—including the adjacent multiple use path, sewer line, sewage lift station, Hartshorne Drive and historic officer row houses—but it has exceeded its service life and is in a state of failure. Although this project falls within the NPS's statutory authority, the Army Corps' subject matter experts have superior knowledge to provide the design, contracting and project management services needed to successfully execute this \$14 million project. Partnering with the Army Corps increases the NPS capacity to protect NPS assets and execute projects that require specialized knowledge and experience.
13. At the White House and President's Park, the NPS has entered into multiple Economy Act agreements with other federal agencies with responsibilities at the park, including the Executive Residence at the White House ("EXR") and the U.S. Secret Service ("Secret Service"). The NPS currently has an Economy Act agreement in place with the Secret

Service to reimburse the NPS for costs to maintain security booths and to support security closures of park areas.

14. Starting in 2015, the NPS entered into a series of Economy Act agreements with the Secret Service to execute a project to replace the existing perimeter fence that encompasses the White House grounds with a more protective perimeter barrier. In this instance, the NPS was the servicing agency rather than the ordering agency. The NPS Denver Service Center provided project management and contracting support for design efforts and the construction phase of this project. This means that the NPS acted as the design and construction agent for this project and engaged contractors to complete the project, in consultation with the Secret Service and at the request of the Secret Service. More than \$80 million was transferred to the NPS by the Secret Service to fulfill this role and construct and install the fence. The project was substantially completed in 2024.
15. As explained in my previous declaration dated January 15, 2026, EXR has unique expertise in fulfilling the operational needs of the President and providing for the use of the White House for official ceremonial purposes as well as the President's home. EXR is also best positioned to coordinate with all agencies that have equities that may be affected by the East Wing Project.
16. Accordingly, the NPS determined that it was in the best interests of the United States for EXR to contract for and directly manage the Project. consistent with the Economy Act and the park's enabling legislation, Pub. L. No. 87-286, which provides that NPS management of the park shall not "conflict with the administration of the Executive offices of the President or with the use and occupancy of the buildings and grounds as the home of the President and his family and for his official purposes,"

17. In general, the NPS demonstrates compliance with its Organic Act for individual projects by preparing a nonimpairment determination—a document that demonstrates in writing that “in the professional judgement of the NPS decision-maker” the selected action “will not result in impairment to park resources or values.” NPS’s “Guidance for Non-Impairment Determinations and the NPS NEPA Process” is publicly available at https://www.nps.gov/subjects/nepa/upload/Guidance-for-Non-Impairment-Determinations-andthe-NEPA-Process-Apr-2025_508.pdf.
18. The NPS’s 2006 Management Policies provide guidance to the NPS regarding the management of the National Park System. The Management Policies are publicly available at <https://www.nps.gov/orgs/1548/upload/ManagementPolicies2006.pdf>. In Section 1.4.2 of the NPS Management Policies the NPS explains that it interprets “impairment” under the Organic Act of 1916 and “derogation” under the Redwood Amendment to be a single standard, as follows:

Congress intended the language of the Redwood amendment to the General Authorities Act to reiterate the provisions of the Organic Act, not create a substantively different management standard. The House committee report described the Redwood amendment as a “declaration by Congress” that the promotion and regulation of the national park system is to be consistent with the Organic Act. The Senate committee report stated that under the Redwood amendment, “The Secretary has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever actions and seek whatever relief as will safeguard the units of the national park system.” So, although the Organic Act and the General Authorities Act, as amended by the Redwood amendment, use different wording (“unimpaired” and “derogation”) to describe what the National Park Service must avoid, they define a single standard for the management of the national park system— not two different standards. For simplicity, Management Policies uses “impairment” (or a variation thereof), not both statutory phrases, to refer to that single standard.

Management Policies at 10.

19. Before entering the Economy Act transaction with EXR, the NPS complied with its Organic Act, including the Redwood Amendment, by determining that the East Wing Project would “not cause impairment of, or unacceptable impacts to, the park’s resources or visitor experience” and the changes to the park from the Project would be “consistent with the ongoing historical significance of the White House and its grounds.” The NPS further concluded that the impacts from the Project would “not prevent the [NPS] from fulfilling the park’s purpose.” The NPS documented these determinations in its Non-Impairment Determination, attached as Appendix A to the NPS’s Finding of No Significant Impact (FONSI), which was attached to my initial declaration in this case in December 2025.
20. In the FONSI itself, the NPS determined that the East Wing Project “aligns with the long-standing functional goals of the Executive Office of the President, meets the current operational needs of the Executive Office of the President, and is consistent with the White House’s historical evolution and the park’s enabling legislation.” FONSI at 10.
21. EXR is therefore handling project management for the Project, meaning that it is in control of all aspects of the day-to-day execution of the Project, including its scope, schedule, budget, design, and completion. However, EXR is coordinating with NPS staff regarding the Project, in particular with respect to potential impacts on NPS operations at the White House.
22. As explained in my January 15, 2026 declaration, the NPS accepted a private donation for the project on November 13, 2025, pursuant to its donation acceptance authority for projects that are authorized by the NPS Organic Act, 54 U.S.C. §§ 100101, 101101.

23. Pursuant to the Economy Act, and for the reasons articulated above and in my previous declarations, on November 17, 2025, the NPS entered into a reimbursable agreement with EXR under which the donated funds were transferred to EXR to fund the Project.
24. On February 4, 2026, the NPS accepted a second private donation for the project, again pursuant to its donation acceptance authority, 54 U.S.C. § 101101.
25. On February 9, 2026, pursuant to the Economy Act, and for the reasons articulated above and in my previous declarations, the NPS modified the reimbursable agreement with EXR to add funding. These additional donated funds were then transferred to EXR to fund the Project.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 23, 2026.

Jessica Bowron

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

**DECLARATION OF JOHN STANWICH, NATIONAL
PARK SERVICE LIAISON TO THE WHITE HOUSE**

I, John Stanwich declare as follows:

1. I am the National Park Service (“NPS”) Liaison to the White House. I have been in this position for approximately 11 years. Prior to that time, I served as the Deputy NPS Liaison to the White House for approximately 5 years. I have been employed by NPS since 1992. In my current position, I report to the Deputy Regional Director of the NPS National Capital Region (“NCR”).
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. As NPS Liaison to the White House, I supervise approximately 60 employees and oversee NPS daily operations at the White House and President’s Park (“the Park”) as well as at the White House Visitor Center and the Executive Support Facility. I function as and have the line authority of a park superintendent, but, due to the unique nature of the Park, I also have additional responsibilities of coordinating with other executive branch entities that have responsibilities in and around the Park. My role also includes

planning for and executing major national events such as Presidential Inaugurations, the National Christmas Tree Lighting, and the White House Easter Egg Roll.

4. The Park is an administrative unit within the National Park System comprised of the White House, Lafayette Park, Sherman Park, the First Division Monument, and the Ellipse. The Park is unique within the National Park System in that it serves as a private residence, the seat of the executive branch of the U.S. government, a military installation, a museum, and a public park.
5. In my role as NPS Liaison at the White House I regularly meet and coordinate with representatives of several federal entities with responsibilities in and around the Park including: the Office of Administration, Executive Office of the President; the Executive Residence at the White House (“Executive Residence”); the White House Curator’s Office; the National Capital Region of the U.S. General Services Administration; the U.S. Secret Service; and the White House Military Office. I also perform on-site oversight of NPS activities in and around the Park and am present on site on a daily or near daily basis.
6. As the home of presidents, the White House must serve the needs of the presidential family, just as any American home serves its occupants. Additionally, the White House must serve the president as the location for official and ceremonial functions. In my role as NPS Liaison to the White House, I coordinate closely with the Executive Residence at the White House, within the Executive Office of the President to provide NPS support for day-to-day official activities at the White House, to ensure that NPS’s maintenance and preservation activities on site do not interfere with planned official functions, and to support the White House tour program. The Executive Residence at the White House

provides for the use of the White House and its grounds as the official home of the President and his family, supports the official ceremonial functions of the President, and works with the NPS and other entities to promote the preservation and public appreciation of the White House and its contents.

7. The White House currently lacks a secure event space to host large events, such as State Dinners. To accommodate such events, large tents are typically erected on the South Lawn of the White House. In the past, these tents have caused substantial damage to NPS resources on the grounds, particularly the turf, which then must be repaired or remediated by NPS. The use of stakes to secure these tents also risks damaging irrigation systems and other NPS infrastructure elements on the ground.
8. The Executive Residence is managing the White House East Wing Modernization and State Ballroom Project (“the Project”), which requires extensive coordination with not only NPS, but also with other government entities with management responsibilities in and around the Park. Members of my staff and I have been closely coordinating with staff at the Executive Residence and supporting the Project since early spring 2025. I have personally attended, and continue to attend, coordination and planning meetings, and I personally observe activity on site in the performance of my official duties. I, or members of my staff, also attend weekly meetings with the general contractor engaged by the Executive Residence at the White House for the Project, Clark Construction, that provide regular updates on the Project’s status, identify potential issues that arise in connection with the Project, and resolve those issues. Since the selection of Shalom Baranes Associates as the Project architect, representatives of Shalom Baranes Associates have also attended these meetings.

9. On August 18, 2025, I signed a Categorical Exclusion Documentation Form to document compliance with the National Environmental Policy Act (“NEPA”) for NPS activities on site in anticipation of the commencement of construction activities, including removal of museum objects from the White House and East Wing, limited relocation of trees and shrubs, and survey and historic documentation actions at the White House. A copy of this Form is attached to this Declaration as Exhibit A, and available online on the NPS’s Planning, Environment & Public Comment (“PEPC”) website at [ParkPlanning - White House East Wing Modernization and State Ballroom Environmental Assessment](#).
10. The Park’s enabling legislation, Public Law 87-286, expressly addresses the management of artifacts and stipulates that furniture, fixtures, and decorative objects declared by the President to be of historic or artistic interest shall be considered inalienable and property of the White House. Pub. L. No. 87-286 (1961). Items not currently in use or on display are curated or stored at the NPS’s Executive Support Facility and may be returned to the White House when required. NPS routinely transfers museum objects and other materials from the Executive Support Facility to the White House for use or display there and removes such objects from the White House for storage or curation at the Executive Support Facility.
11. The Executive Support Facility is an off-site facility that houses utilitarian property for use at the White House, as well as parts of the White House historical collection not in use and other artifacts.
12. In late August 2025 through September 2025, I and members of my staff coordinated closely with the White House Curator’s Office to identify and remove museum objects, including paintings and historic furniture, from the East Wing, East Colonnade, and the

Ground Floor State Rooms of the White House to be stored or curated at the Executive Support Facility.

13. NPS's Heritage Documentation Programs completed Historic American Building Survey ("HABS") documentation of the East and East Colonnade in late August 2025, including 3D/LIDAR scanning and photo documentation. NPS's Heritage Documentation Programs, including HABS, document historic sites and structures across the United States through the creation of measured drawings, large-format photographs, and historical reports. NPS's Heritage Documentation Programs are prepared to provide ongoing photographic documentation during the construction process to document the Project for posterity.
14. The Executive Residence and the office of the White House Curator also performed similar documentation including photography and 3D scanning to create a digital twin of the East Wing and East Colonnade spaces for future preservation and interpretive purposes.
15. During summer 2025, my staff and I worked closely with Clark Construction to identify and plan to preserve historic building elements. Beginning in late-August 2025 through early-October 2025, Clark Construction performed historic preservation work salvaging historic materials within the East Wing and East Colonnade. Clark Construction removed and is storing the stone columns, doors, and other items that are planned to be reincorporated into the new facility. In addition to museum objects, NPS is also storing historic items removed from the East Wing and East Colonnade by Clark Construction, including the East Wing cornerstone and plaque, historic fencing, historic windows, light fixtures, and the IM Pei-designed pergola from the East Garden.

16. I have been informed that abatement activities related to certain hazardous materials within the Project area were performed by Clark Construction during the months of September and October 2025. After Clark Construction completed the planned historic preservation work and abatement activities, structural demolition of the East Wing and East Colonnade commenced on October 20, 2025.
17. On November 6, 2025, members of NPS Cultural Resources Planning and Science directorate visited the East Colonnade to consult with Clark Construction and review plans regarding the removal of the portion of the East Colonnade immediately abutting the Executive Mansion. Substantial care and consideration was given to ensure that the removal of this last portion of the East Colonnade did not harm the Executive Mansion and that the vibrations from construction activity were monitored so that the deconstruction effort did not impact the artifacts and objects inside the Executive Mansion. Removal of this portion of the East Colonnade was completed on November 21, 2025.
18. The White House tour program, which NPS supports in furtherance of its mission for the Park, was suspended on August 30, 2025 to accommodate on-site Project activities. The tour program resumed on December 2, 2025. Prior to the resumption of tour activities, a need was identified to install a temporary modular pavilion and walkway on the North Grounds of the White House to provide an entryway for guests and to house restroom and coat check facilities that will likely otherwise be unavailable until the Project is complete. On November 20, 2025, I signed a Categorical Exclusion Documentation Form to document compliance with NEPA for the installation of this temporary tour facility, a

copy of which is attached to this Declaration as Exhibit B, and available online on the Project's PEPC page.

19. As of December 5, 2025 above grade structural demolition of the East Wing and East Colonnade has been completed by Clark Construction. Below grade structural demolition has begun and is expected to be completed during December 2025. Below grade excavation activities throughout the site continue.
20. At present, I anticipate that Clark Construction will commence work on the footings and below-grade structural concrete in the East Colonnade area in January and in the East Wing area in February. Above grade structural work is not anticipated to begin until April 2026, at the earliest.
21. The architectural design for the above grade elements is still in progress but has been coordinated in a manner to allow the below grade elements to be constructed as planned while the above grade design is finalized.
22. I am coordinating with the Executive Residence and staff at the NPS National Capital Region on submitting materials regarding the Project to the National Capital Planning Commission. I understand that the Executive Office of the President intends to engage with the U.S. Commission on Fine Arts at its discretion when the Commission has a quorum and that plans are underway to appoint new members to the U.S. Commission on Fine Arts. The NPS will provide whatever support is needed to advance these efforts.
23. Due to the impacts of the Project, spaces that were previously included in tours of the White house are occupied by staff as office spaces, including the Vermeil Room, the China Room and the Library, and thus no longer included in tours. Until the Project is complete, Park visitors will not have the opportunity to enjoy and benefit from seeing

historic items in their historic context, such as the White House China Collection in the China Room. Additionally, the East Colonnade, which will be reconstructed as part of the Project, provided opportunities for Park visitors to view the South Lawn and its gardens. If progress on the Project were halted, this would prolong these impacts to the experiences of Park visitors.

24. I have also been informed that the below-grade waterproofing and structural concrete work that will be occurring over the next four months is critical to bringing the temporary construction state of the site into a more permanent condition, particularly in areas where the existing-to-remain elements have been temporarily exposed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 15, 2025.

John Stanwich

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES, ,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

**DECLARATION OF TAMMY STIDHAM, ASSOCIATE REGIONAL DIRECTOR,
LANDS AND PLANNING, NATIONAL PARK SERVICE, NATIONAL CAPITAL
REGION**

I, Tammy Stidham declare as follows:

1. I am the Associate Regional Director for Lands and Planning for the National Park Service (“NPS”) National Capital Region. I have been in this position for approximately two years. Prior to that time I served as the Deputy Associate Regional Director for Lands and Planning at the NPS National Capital Region. All together, I have been employed by the NPS for over thirty-six years.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. In my current position I represent the Secretary of the Interior as an ex officio member of the National Capital Planning Commission. For the National Capital Planning Commission, the National Capital Planning Act (40 U.S.C. § 8701 et seq.) sets aside seats on the commission for certain officials. I serve as the Secretary of the Interior’s designated alternate which authorizes me to serve on the commission in his place. As

such, I fully participate in the business of the Commission including making motions and voting on Commission actions.

4. In my capacity as an ex officio member of the National Capital Planning Commission, on December 15, 2025, I received notification from Heather Martin, the Chief Financial Officer for the Executive Office of the President, and Josh Fisher, the Director of the White House Office of Management and Administration, expressing interest in meeting to discuss plans for the Project. The National Capital Planning Commission is working to set up this initial meeting with Commission staff.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 15, 2025.

Tammy Stidham

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

**SUPPLEMENTAL DECLARATION OF TAMMY STIDHAM, ASSOCIATE REGIONAL
DIRECTOR, LANDS AND PLANNING, NATIONAL PARK SERVICE, NATIONAL
CAPITAL REGION**

I, Tammy Stidham declare as follows:

1. I am the Associate Regional Director for Lands and Planning for the National Park Service (“NPS”) National Capital Region. I have been in this position for approximately two years. Prior to that time, I served as the Deputy Associate Regional Director for Lands and Planning at the NPS National Capital Region. All together, I have been employed by the NPS for over thirty-six years.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. In my position as Associate Regional Director, and my previous position as Deputy Regional Director, I have worked to plan and implement a substantial portfolio of NPS projects across the region involving many different types of buildings and structures, including comfort stations, offices, maintenance and operational facilities, law enforcement facilities, stables, visitor-use and recreational facilities, utility and

infrastructure-related structures, large buildings, and nationally significant memorials.

My experience includes seeking and obtaining the approval of the National Capital Planning Commission (NCPC) for NPS projects in the National Capital Region and obtaining review by the Commission on Fine Arts (CFA) for NPS projects in the National Capital Region.

4. Additionally, in my current position I represent the Secretary of the Interior as an ex officio member of the NCPC. As such, I fully participate in the business of NCPC including making motions and voting on Commission actions.
5. Due to my position, I am generally familiar with the buildings, structures and other facilities on NPS managed lands in the District of Columbia, including their history and condition. I am also generally familiar with NPS history and authorities.
6. Under the NPS Organic Act of 1916, the NPS is required to “promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” 54 U.S.C. § 100101. This authority extends to historic preservation and construction activities at individual park units in furtherance of the purpose of the park unit at issue.
7. The National Park System has evolved over time and now includes more than 400 parks across the country, covering more than 85 million acres. Systemwide, NPS infrastructure includes more than 75,000 assets, such as historic buildings, visitor centers, comfort stations, NPS administrative and maintenance facilities, trails, roads, bridges, and utility

systems. There are over 5,500 miles of paved roads, 17,000 miles of trails, and 25,000 buildings managed by the NPS. This unique infrastructure has evolved over time in response to the NPS mission. Maintaining that infrastructure is a key NPS responsibility

8. In general, the NPS plans and approves projects to construct, rehabilitate, and maintain the wide variety of buildings, structures, and other NPS facilities that support park operations, resource protection, visitor use, public safety, resource interpretation, or park administration. The NPS has long performed this role on parklands in the District of Columbia.
9. NPS Administrative units in D.C. include Rock Creek Park, the White House and President's Park, the National Mall and Memorial Parks, National Capital Parks – East and parts of the Chesapeake and Ohio Canal National Historical Park and the George Washington Memorial Parkway. These administrative units manage individual park units in D.C. such as the Lincoln Memorial, Ford's Theatre, and the National Mall.
10. The NPS has substantial park infrastructure in D.C., including recreational facilities, such as the NPS's three public golf courses, administrative and maintenance facilities, visitor centers, comfort stations, historic structures, and interpretive waysides and kiosks, as well as other types of facilities in furtherance of the NPS's mission.
11. The NPS may carry out construction, rehabilitation or maintenance projects itself using appropriated funds through the NPS's annual construction appropriation, if funds are available. The National Capital Region headquarters and the recently constructed U.S. Park Police substation, discussed below, were constructed using appropriated funds.
12. The NPS also uses its donation acceptance authority, 54 U.S.C. § 101101, to carry out projects on parkland, including the construction of facilities. Such projects may involve

the donation of funds to NPS for the NPS to complete the construction. Examples of privately supported construction or rehabilitation projects on NPS-managed lands in D.C. include the repairs to the Washington Monument after the D.C. earthquake, the Washington Monument elevator modernization, the Lincoln Memorial roof restoration, the Lincoln Memorial undercroft project, and the Thomas Jefferson Memorial museum/accessibility improvements. In some instances, these privately raised funds were provided through authorized philanthropic partners such as the National Park Foundation or the Trust for the National Mall and used in combination with appropriated funds.

13. Alternatively, the NPS uses its donation acceptance authority to accept donations of completed projects. In such cases, the NPS authorizes a donor to construct a project on NPS-managed land to NPS's specifications, and the completed project is then donated to the NPS. The U.S. Park Police Stables and Tennis Stadium, both discussed below, were constructed by donors and donated to the NPS.
14. My office is located in the National Capital Region headquarters campus on Hains Point, in East Potomac Park, managed by the NPS as part of the National Mall and Memorial Parks. The NPS constructed the National Capital Region Headquarters, the U.S. Park Police Headquarters, and additional administrative facilities at this site between 1963 and 1969 as part of the Mission 66 program ("National Capital Region Campus").
15. In 2016, the NPS proposed renovation of the existing National Capital Region Campus to consolidate NPS administrative offices, including park and regional headquarters, and the construction of a new 13,000 square foot facility for the U.S. Park Police substation to move the existing facilities out of the floodplain. The construction of the substation was submitted to NCPC and CFA for review and approval.

16. Below is an image of the campus as it existed in 2016 when the proposed substation construction was submitted to NCPC for approval.



17. Below is a photograph of the newly constructed substation.



18. The tennis stadium in Rock Creek Park is another example of a large facility constructed under NPS's authority on parkland in D.C. The tennis stadium, large enough to seat 7,500, was constructed in the late 1980s by Washington Area Tennis Patrons Foundation and donated to the NPS after construction was completed.
19. An image of the outside of the tennis stadium, which is the home of the annual DC Open tournament, is below:



20. The recent U.S. Park Police Stables project on the National Mall is another example of an NPS construction project in D.C. The stables were originally constructed in 1975 as a temporary structure, adjacent to a maintenance yard and water treatment plant for the Lincoln Memorial reflecting pool, to house park police horses. The project was submitted to NCPC and CFA for review and approval.
21. In 2023, the NPS opened a 13,542 square foot U.S. Park Police facility that includes public paddocks, educational areas, stable space, training and medical paddocks, administrative areas, support, and employee parking. This project was constructed as a donation from the Trust for the National Mall.
22. Below is an image depicting the newly constructed U.S. Park Police facility:



I declare under penalty of perjury that the foregoing is true and correct. Executed on
March 12, 2026.

Tammy Stidham

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

**DECLARATION OF U.S. SECRET SERVICE
DEPUTY DIRECTOR MATTHEW C. QUINN**

I, Matthew C. Quinn declare as follows:

1. I am the Deputy Director of the United States Secret Service (Secret Service). Prior to my current appointment, I served as Deputy Assistant Director for the Office of Protective Operations and retired from the Secret Service after more than two decades of service. During that time, I held several leadership positions, including Special Agent in Charge of the Special Operations Division, Special Agent in Charge of the Office of Communication and Media Relations, Special Agent in Charge of Protective Operations, and Acting Special Agent in Charge of the Charlotte Field Office. I began my law enforcement career in 1998 at the Secret Service New York Field Office, conducting financial fraud investigations and serving as the primary liaison to the United Nations. I subsequently served as a supervisor in the Washington Field Office and as Assistant to the Special Agent in Charge at the James J. Rowley Training Center.
2. Following my retirement in 2021, I worked as a senior executive in the private sector, most recently as Senior Vice President at Fortem Technologies in Pleasant Grove, Utah,

where I was responsible for developing and applying airspace safety and security solutions for law enforcement, military, and commercial stakeholders. On May 19, 2025, I returned to the Secret Service, becoming the agency's 24th Deputy Director.

3. I am a graduate of Arizona State University and hold a master's degree from the National Defense University at the Dwight D. Eisenhower School for National Security and Resource Strategy. I am also a graduate of the Key Executive Leadership Program at American University in Washington, D.C. I am a certified and appointed member of the federal Senior Executive Service.
4. The U.S. Secret Service is charged with ensuring the safety of the nation's highest-ranking officials, including the President and Vice President. *See* 18 U.S.C. §§ 3056(a), 3056A. As part of that mission, the U.S. Secret Service also protects key locations where the nation's highest-ranking elected leaders live and work, as well as the foreign diplomatic missions located around Washington, D.C. Among these locations of national importance are the White House Complex and the Vice President's residence.
5. In my capacity as Deputy Director, I oversee the Secret Service's protective and investigative operations, managing seven operational directorates, including the directorates and offices responsible for managing the Secret Service's role in the East Wing construction project (the Project) on the White House grounds. My knowledge of the Project is based on my official duties, which include regular briefings, reports, and direct communications with the personnel overseeing and executing the Secret Service's role in the Project. As a result, I possess current knowledge regarding the status, scope, and operational security considerations surrounding the Project.

6. Due to the nature and location of the Project, the Project contractor is required to provide temporary security and safety measures around the project's construction site.
7. As part of its protective mission, the Secret Service coordinates with the contractor on these temporary measures to ensure the security and safety of the President, the First Family, and the White House complex.
8. While the contractor has completed most of these temporary security measures, improvements to the site are still needed before the Secret Service's safety and security requirements can be met. Accordingly, any pause in construction, even temporarily, would leave the contractor's obligation unfulfilled in this regard and consequently hamper the Secret Service's ability to meet its statutory obligations and protective mission.
9. In addition to the facts testified to above, the Secret Service is prepared to provide the Court with more details, including law enforcement sensitive and/or classified information, in an appropriate setting, such as classified declaration available for *in camera* review.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 15, 2025.

A handwritten signature in blue ink, appearing to read 'M. Quinn', is written over a horizontal line.

Matthew C. Quinn

Deputy Director

United States Secret Service

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

**DECLARATION OF U.S. SECRET SERVICE
DEPUTY DIRECTOR MATTHEW C. QUINN**

I, Matthew C. Quinn declare as follows:

1. I am the Deputy Director of the United States Secret Service (Secret Service).
2. I previously submitted a declaration in this matter, filed on December 15, 2025 (“the Prior Declaration”) (Dkt. No. 14-11). The Prior Declaration is incorporated herein by reference. Except as expressly stated below, to the best of my knowledge the statements contained in the Prior Declaration remain true and correct.
3. This declaration is submitted for the limited purpose of updating the Court regarding the status of security-related projects at the White House Complex.
4. Since the filing of the Prior Declaration, the East Wing Project contractor has made progress on certain elements of the security infrastructure and security projects referenced in the Prior Declaration. *Id.* ¶ 8.
5. While additional efforts are ongoing, crucial security projects remain incomplete. These outstanding security projects are expected to require additional weeks or months to complete.

6. Continued construction work is therefore necessary to maintain and update the security infrastructure of the project site and the White House Complex. For example, continued waterproofing and water management is necessary to maintain the integrity of security elements throughout the Complex as flooding poses risks to infrastructure, utilities, and other critical systems.
7. Until this remaining work is completed, Secret Service's ability to meet its statutory mission of protecting the President, the First Family, and the White House Complex continues to be hampered.
8. In addition, the current open construction site is, in and of itself, a coordinated and managed safety hazard and adds additional challenges to Secret Service operations. For example, the site requires the Secret Service to redirect resources to account for the disruption to existing security procedures caused by construction activities.
9. More broadly, the construction of a new East Wing is beneficial to the long-term security of the President (both current and future) and the White House Complex as a whole. The former East Wing was outdated in terms of security and support for Secret Service operations, and its modernization to today's technological standards will enable the Secret Service to more effectively achieve its protective mission.
10. As an additional example, due to size and infrastructure constraints with the previous East Wing building, tents were often set up on the South Grounds of the White House Complex to host larger events. This process limited screening space and types of security equipment, and the measures necessary to secure the outdoor area were numerous and costly, both in terms of expense and personnel resources. Additionally, these larger events relied on a temporary visitor screening trailer that, due to space and infrastructure

constraints, resulted in a lower throughput of guests and prevented the Secret Service from using the most advanced screening equipment available. Having permanent, updated, and secure structures for screening guests and hosting events will obviate the need to use outdoor tents and the temporary screening building for future events and will also increase the safety and security of all attendees at those events, including the President and foreign leaders and dignitaries.

11. As stated in the Prior Declaration, should the Court request it, the Secret Service is prepared to provide more details, including law enforcement sensitive and/or classified information, in an appropriate setting, such as a classified declaration available for *in camera* review.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 15, 2026.



Matthew C. Quinn
Deputy Director
United States Secret Service

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. I:25-cv-04316-RJL

**DECLARATION OF JOSHUA FISHER, DIRECTOR FOR WHITE HOUSE
MANAGEMENT AND ADMINISTRATION**

I, Joshua Fisher declare as follows:

1. I am an Assistant to the President, a Presidentially Commissioned Officer. In addition, I am the Director for White House Management and Administration (“M&A”) and the Director of the Office of Administration (“OA”).
2. I have personal knowledge of all the facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. In my position as Director of M&A, the President of the United States has delegated to me all authorities required to accomplish the mission of the White House and the White House Executive Residence. I am specifically responsible for certifying expenditures for the operation and maintenance of the Executive Residence at the White House (“EXR”) on behalf of the President of the United States pursuant to 3 U.S.C. §§ 103 and 105(d). As the Director of OA, I am also the “head of the agency” for the Executive Office of the President (“EOP”) solely for the purpose of carrying out the functions of a Chief Financial Officer as described in 31 U.S.C. § 902, which include, among other things,

overseeing all financial management activities relating to programs and operations of the EOP.

4. In addition, I am responsible for managing the East Wing Modernization Project (“the Project”) on behalf of the President of the United States. In this role, I meet regularly with the President, federal officials within the EXR Chief Usher’s Office, the United States Secret Service (“USSS”), the National Park Service (“NPS”), and other agencies, as well as contractors, architects, and engineers associated with the Project.
5. The Comprehensive Design Plan for the White House and President’s Park (2000) identified the need for expanded event space to address growing visitor demand and provide a venue suitable for significant events. Successive administrations have recognized this need as an ongoing priority. To meet this need, EOP outlined three functional goals for any permanent event space: (1) immediate adjacency to the White House Executive Mansion; (2) a direct ceremonial procession from the East Room into the venue; and (3) enclosed second-story access from the Executive Mansion. Exhibit A, Comprehensive Design Plan for the White House and President’s Park.
6. The President directed me to initiate a project to implement those and many other longstanding goals important to him and various other entities within the United States Government. Some of those additional goals included: (1) carrying out significant Secret Service upgrades to meet current protection requirements for the President and First Family; (2) creating a cohesive modern infrastructure for the White House to correct the network of fragmented, incompatible, and obsolete systems that remained after decades of incremental, uncoordinated projects that were never comprehensively integrated into a unified system; (3) reducing degradation of the Executive Mansion’s historic structure

caused by hosting events larger and more frequently than it was structurally designed for; (4) enhancing the overall visitor experience of all guests to the White House and park grounds; (5) reducing costs and negative impacts to the White House grounds, including to the sod on the South Lawn, associated with the use of temporary structures to compensate for the lack of adequate event space; and (6) providing the First Lady and her staff with an office space that meets all modern life-safety requirements, such as ensuring there are two methods of egress from the building from each office space.

7. Given EXR's mission to directly support the President's management of the Executive Mansion and its substantial expertise in (1) preservation and maintenance of the White House structure and its historical contents; and (2) providing for the use of the White House for official ceremonial purposes as well as the private home of the President, the President determined that he would manage the Project through EXR. With its unique position within the White House complex, EXR is also best-positioned to coordinate with other agencies (such as the USSS and NPS) that have equities affected by the Project.
8. Accordingly, EXR is the entity responsible for developing contractual requirements, contracting for, and managing the Project at the direction of the President. To date, EXR is the signatory on all contracts associated with the Project.
9. Prior to executing on the President's directives, I met with EXR, USSS, NPS, and other government agencies to evaluate all options for implementing the President's goal of establishing a modernized East Wing facility. Each of the stakeholders identified various issues within the Executive Mansion and the East Wing that had been discovered over their many years of service to the White House. We then used this information to contact and work with various contractors, architects, historians, and engineers to assess those

issues and the various options for resolving them as part of the Project. The issues identified by these agencies included the need to: (1) provide a safe and secure facility for the President and world leaders to meet while minimizing impacts to the public, including reducing road and park closures associated with the use of temporary tent structures; (2) address the aging and structurally unstable East Wing colonnade roof along with insufficient foundation and underpinning support to execute required structural upgrades; (3) address ongoing substructure water infiltration that has caused progressive deterioration and corrosion of structural components; (4) update roof systems on the East Wing that had exceeded their service life, causing chronic water intrusion, substructure leaks, and accelerated deterioration of structural and historic elements; (5) eliminate mold contamination that resulted from persistent moisture; (6) update obsolete electrical infrastructure that was undersized and non-compliant with current code, which increased fire risks and the likelihood of operational failure; (7) replace aging, inefficient, and unreliable steam and mechanical systems that support the Executive Mansion and continuous critical missions; (8) come into compliance with Americans with Disability Act requirements as well as other life-safety requirements; and (9) remove toxic substances spread throughout the structure, including asbestos and lead based paint.

10. After careful consideration of the President's goals identified in Paragraph 6 and the issues identified in Paragraph 9, EXR determined that, based on a cost analysis, demolition of the existing East Wing structure and reconstruction of a new East Wing provided the lowest total cost of ownership and the most effective long-term risk reduction.

11. EXR also carefully considered the views of the White House complex throughout the design process. A primary goal of the Project has been to maintain the visual primacy of the Executive Mansion and to ensure that the East Wing remains minimally visible from public spaces. Based on existing geographical features on the White House grounds, EXR does not expect public views of the East Wing to significantly change. In particular:

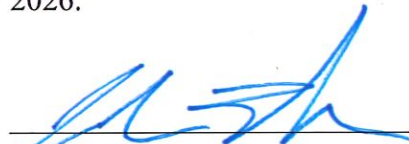
- A. Views from the South fence of the White House lawn will not be significantly affected due to the “Jefferson mounds” – graded areas of the South lawn - and trees that frame the Executive Mansion and cover the West Wing and East Wing. It is possible that the uppermost point of the new south portico roof of the East Wing may be visible above the treetops.
- B. Views from the North fence of the primary north façade of the East Wing will be largely obscured by trees. In the winter months, with the deciduous trees having lost their foliage, portions of the north façade will be visible through the trees.
- C. The west views and principal north and south views from the White House will not be affected. The east views from the central White House Executive Mansion to the Treasury will be replaced by views of the western elevation of the new East Wing.
- D. Several stands of trees are located between the Decatur House and the White House complex. Given the locations of these trees and the distance between the Decatur House and the White House, my understanding is that the East Wing will not alter existing views of the White House complex from the Decatur House.

12. Donated funds received by NPS pursuant to NPS’s gift authority are being transferred to the White House Repair and Restoration Account pursuant to the Economy Act, 31

U.S.C. § 1535 to fund this Project and supplement the Executive Mansion's annual allowance appropriated pursuant to 3 U.S.C. § 105(d).

13. My understanding is that the final design for the Project is still under development, and is the subject of ongoing discussions between the President, the architect, and the relevant contractors.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 14, 2026.


Joshua Fisher

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

**DECLARATION OF HEATHER MARTIN REGARDING SUBMISSION OF THE
PROJECT TO THE NCPC AND CFA**

I, Heather Martin, declare as follows:

1. I am a Deputy Assistant to the President, a Presidentially Commissioned Officer. In addition, I serve as the Chief Financial Officer and Deputy Director of the Office of Administration, Executive Office of the President. I serve as a senior official supporting the East Wing Modernization Project (“the Project”).
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

Submission to the NCPC

3. The National Capital Planning Commission (“NCPC”) is a twelve-member commission. All twelve commission seats are currently filled. The NCPC is also supported by a staff of planners, architects, urban designers, and other professionals. *See* <https://www.ncpc.gov/about/staff/> for a description of NCPC staff.

4. The NCPC does not have any promulgated regulations; instead, guidance for proceeding before the Commission is set out in the June 6, 2024 NCPC Submission Guidelines. However, my understanding is that the process as set forth in the guidelines is flexible.
5. On December 19, 2025, I conducted a pre-submission briefing with four members of NCPC staff and gave a presentation to inform them about the Project.
6. On December 22, 2025, EXR submitted an initial application for the Project to the NCPC.
7. On January 8, 2026, Josh Fisher, Director of White House Management and Administration, and Shalom Baranes, project architect, provided an informational presentation to the NCPC regarding the Project. Both took questions from Commissioners. *See* Ex. 1, Excerpts from NCPC Tr. (Jan. 8, 2026).¹
8. I am currently scheduled to meet with NCPC staff on January 20, 2026, and January 27, 2026 to discuss EXR's final submission to the NCPC that EXR intends to file on January 30, 2026. These meeting will also include Commission of Fine Arts ("CFA") staff.
9. My understanding is that the NCPC will publicly release the final submission documents on February 12, 2026 and open an online portal for members of the public to register to speak at the NCPC public meeting scheduled for March 5, 2026.
10. On March 5, 2026, NCPC staff are scheduled to make their final presentation about the Project to the NCPC Commissioners.
11. My understanding is that the NCPC Commissioners will vote on the Project at the conclusion of the public comment period associated with the March 5, 2026 NCPC Public Meeting.

¹ A video of the meeting is available at <https://www.youtube.com/watch?v=js5NoDBQFzY>.

12. Development of the final design is continuing, and my understanding is the below-grade construction can accommodate potential modifications to the design of the above-grade structure. No above-grade construction on the Project will occur until April, at the earliest. EXR intends to secure approval from NCPC before above-grade construction commences.

Submission to the CFA

13. The CFA is comprised of seven commission members, all of whom are appointed by the President. There are currently four commission members. The CFA is staffed by full-time civil service employees that administer the operations of the CFA and the Old Georgetown Board. See <https://www.cfa.gov/about-cfa/who-we-are> for a description of the CFA staff positions.

14. On December 19, 2025, I conducted a briefing with four members of CFA staff and received informal feedback from CFA staff based on that presentation.

15. On January 20, 2026, and January 27, 2026, I am currently scheduled to meet with CFA staff to discuss EXR's submission to CFA. These meeting will also include NCPC staff.

16. On January 14, 2026, President Trump appointed four Members of the Commission of Fine Arts:

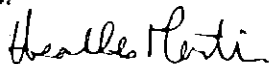
- Mary Anne Carter, of Tennessee, to be a Member of the Commission of Fine Arts for the term of four years, vice Billie Tsien, term expired.
- Roger Kimball, of Connecticut, to be a Member of the Commission of Fine Arts for the term of four years, vice Bruce Redman Becker.
- James Curtis McCrery II, of the District of Columbia, to be a Member of the Commission of Fine Arts for the term of four years, vice Peter Dibble Cook, term expired.

- Matthew Taylor, of the District of Columbia, to be a Member of the Commission of Fine Arts for the term of four years, vice Justin Garrett Moore, term expired.

17. I am working with CFA staff to schedule a public informational presentation with CFA Commission Members during the week of January 19th.

18. EXR is tentatively scheduled to present the Project to the CFA on February 19, 2026 and March 19, 2026. I intend to use my best efforts to work with CFA members and staff to complete the CFA review process at the March 19th meeting.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 15, 2026.



Heather Martin

EX. 1

NATIONAL CAPITAL PLANNING COMMISSION

+ + + + +

COMMISSION MEETING

+ + + + +

OPEN SESSION

+ + + + +

THURSDAY,
JANUARY 8, 2026

+ + + + +

The meeting convened in the Commission Hearing Room at 401 9th Street NW, Washington, D.C., and via videoconference, at 1:00 p.m., William Scharf, Chair, presiding.

NATIONAL CAPITAL PLANNING COMMISSION MEMBERS
PRESENT:

WILLIAM SCHARF, Chair
 Presidential Appointee (At-Large)
STUART LEVENBACH, Vice Chair
 Mayoral Appointee
LINDA ARGO, Mayoral Appointee
MICHAEL BLAIR, Presidential Appointee
EVAN CASH, Office of the Chairman of the Council
 of the District of Columbia
ANITA COZART, Office of the Mayor of
 the District of Columbia
ARRINGTON DIXON, Mayoral Appointee
ED FORST, Administrator, General Services
 Administration
WILLIAM HENDERSON, U.S. Senate Committee on
 Homeland Security and Governmental Affairs
ELLIE MCGOWAN, U.S. House of Representatives
 Committee on Oversight and Accountability
PHIL MENDELSON, Chairman, Council of the District
 of Columbia

1 made by Commissioner Dixon and seconded by 2 Commissioner Schaefer. Commissioner Cozart? 3 COMMISSIONER COZART: Yes. 4 MS. HOTTEL-COX: Commissioner Schaefer? 5 COMMISSIONER SCHAEFER: Yes. 6 MS. HOTTEL-COX: Commissioner Stidham? 7 COMMISSIONER STIDHAM: Yes. 8 MS. HOTTEL-COX: Commissioner Argo? 9 COMMISSIONER ARGO: Yes. 10 MS. HOTTEL-COX: Vice Chairman Levenbach? 11 VICE CHAIR LEVENBACH: Yes. 12 MS. HOTTEL-COX: Chairman Scharf? 13 CHAIR SCHARF: Yes. 14 MS. HOTTEL-COX: Commissioner Blair? 15 COMMISSIONER BLAIR: Yes. 16 MS. HOTTEL-COX: Administrator Forst? 17 COMMISSIONER FORST: Yes. 18 MS. HOTTEL-COX: Commissioner Dixon? 19 COMMISSIONER DIXON: Yes. 20 MS. HOTTEL-COX: Commissioner Cash? 21 COMMISSIONER CASH: Yes. 22 MS. HOTTEL-COX: Commissioner Henderson?	1 COMMISSIONER HENDERSON: Yes. 2 MS. HOTTEL-COX: Commissioner McGowan? 3 COMMISSIONER MCGOWAN: Yes. 4 MS. HOTTEL-COX: Thank you. The motion 5 carries unanimously. 6 CHAIR SCHARF: Thank you very much, Madam 7 Secretary. We're now moving on to Agenda Item 7A, 8 which is an informational presentation on the East 9 Wing Modernization Project. 10 Quick logistical item. My impression was 11 that Commissioner Cash was going to be leaving us 12 and that Commissioner Mendelson was going to be 13 taking his place virtually. Is he with us online 14 right now? 15 MS. HOTTEL-COX: Yes. 16 COMMISSIONER MENDELSON: Yes, I am. 17 CHAIR SCHARF: Okay, perfect. Thank you, 18 sir. With that, do you want to proceed? 19 INFORMATION PRESENTATION 20 EAST WING MODERNIZATION PROJECT 21 MR. FLIS: Hello. Thank you. Good 22 afternoon, members of the Commission. As was
1 mentioned, this is an informational presentation 2 and overview of the proposed White House East Wing 3 Modernization Project. 4 Before I turn it over to the applicant team 5 I'm just going to provide you a brief background. 6 The purpose of the project is to establish a 7 permanent secure event space within the White House 8 grounds that provides increased capacity for 9 official state functions. 10 I think everybody is familiar with the 11 location of the White House, but here on the screen 12 is a map view showing President's Park and the 13 surrounding context. The National Mall is located 14 here at the bottom of the screen. Pennsylvania 15 Avenue is located to the north of the White House. 16 And E Street is located to the south, just north 17 of the Ellipse. The project is proposed to be 18 located between the Executive Mansion and the 19 Treasury Building. 20 In addition to the Executive Residence, 21 the vicinity of President's Park obviously also 22 includes a number of significant buildings,	1 including the Eisenhower Executive Office Building, 2 which is to the west, shown on the image on the left, 3 and the main Treasury Building, which is located 4 to the east. Mixed used development frames the 5 entire area, as it is located within the central 6 core of Washington, D.C. 7 The project is located on federal land 8 within the District of Columbia. The National 9 Capital Planning Act requires Commission approval 10 for all federal buildings and open space around such 11 buildings within the District. 12 As you know, NCPC has reviewed several 13 other projects at the White House. Most recently, 14 the White House fence in 2016 and 2017, and the 15 tennis pavilion in 2019. 16 In terms of the review of projects, NCPC 17 uses guidance from the federal elements of the 18 Comprehensive Plan for the National Capital, 19 including policies related to urban design, parks, 20 and open space, as well as visitor experience, among 21 others. As you're aware, the Commission takes a 22 holistic approach when applying the Comprehensive

94 1 Plan policies in the context of each project's needs 2 and objectives. 3 One of the primary areas of interest for 4 the review of this project is how the public will 5 see and experience the Modernization Project from 6 the surrounding public spaces. Most notably, from 7 Pennsylvania Avenue to the North, as shown here on 8 this image, or from E Street to the south, as shown 9 here. These are really the only publicly 10 accessible streets in the vicinity, as others are 11 located within a secure perimeter. 12 The public experience extends to several 13 aspects of the proposed project, which will be 14 helpful to understand as the design advances, 15 including how the pedestrian level-views from the 16 north and the south may or may not change from 17 current conditions; how the connector or colonnade 18 between the Executive Mansion and the new East Wing 19 Modernization Project will be designed; how the 20 landscape will be designed, restored, or improved; 21 and how perimeter security and the associated 22 infrastructure might be beautified for the public	95 1 and guests to the White House and grounds. 2 As the design proceeds for review, NCPC 3 staff will work with the applicant to understand 4 these components, as well as any other comments 5 raised by the Commission today. 6 And so, with that, I am going to now turn 7 it over to Josh Fisher with the White House, who 8 will begin their presentation. Thank you. 9 CHAIR SCHARF: Thank you. 10 MR. FISHER: Good afternoon, Mr. Chairman 11 and Commission staff. My name is Josh Fisher. I'm 12 the Director of Management and Administration for 13 the White House. We appreciate y'all allowing us 14 the opportunity to discuss the East Wing 15 Modernization Project and the reason we believe it 16 to be so vitally important. 17 Every day, people from across the country 18 and around the globe visit the White House and 19 surrounding grounds. They look to it as a 20 representation of the values that we, as Americans, 21 stand for. It is our responsibility to ensure that 22 the guests, those given the opportunity to come
96 1 inside the fence and those viewing from Lafayette 2 Park or the Ellipse, experience the pride and the 3 powerful symbol of American democracy, leadership, 4 and history. 5 While we are only discussing the ballroom 6 today, our efforts extend beyond the 18 acres so 7 that every school group, family trip, marriage 8 proposal, or birthday photo allow people to enjoy 9 the beautiful pride of our nation's capital and the 10 White House complex. 11 As you all know, U.S. presidents have been 12 renovating, expanding, and modernizing the White 13 House to meet the needs of the present day, including 14 terraces built in the 1800s, the Truman Balcony in 15 1948, the original East Wing built in 1902 and 16 rebuilt in 1942, as well as numerous other projects. 17 When President Trump decided to build a 18 grand ballroom and modernize other aspects of the 19 East Wing, we began researching. After careful 20 study and consultation with engineers, architects, 21 historians, and other experts, we determined that 22 modifying or renovating the colonnade in the	97 1 existing East Wing was not feasible for many 2 reasons. We found significant deficiencies and 3 overall poor structural design and construction. 4 The colonnade was structurally unstable, the roof 5 systems had exceeded their service life, and the 6 underpinnings were not sufficient to support the 7 necessary upgrades. 8 In the East Wing, there was chronic water 9 intrusion, accelerated deterioration, and mold 10 contamination. The electrical infrastructure was 11 obsolete, deemed undersized and noncompliant with 12 current code. Facilities were also noncompliant 13 with both ADA and Secret Service requirements. 14 Because of this and other factors, the cost 15 analysis proved that demolition and reconstruction 16 provided the lowest total cost ownership and most 17 effective long-term strategy. As part of this 18 overall process, we also took great steps to ensure 19 that we preserved extraordinary history features, 20 including parts of the original colonnade, the 21 Kennedy Gardens, and the movie theater, amongst 22 other items.

98 1 In choosing to carry out the East Wing 2 Modernization Project, we are achieving life 3 safety, ADA, environmental, and federal compliance. 4 We are enhancing mission-critical functionality 5 and eliminating systematic infrastructure 6 failures. We are making necessary security 7 enhancements and delivering resilient, adaptive 8 infrastructure aligned with future mission needs. 9 Importantly, the addition of the 10 modernized facility also significantly reduces 11 negative impacts on the truly historic Executive 12 Mansion and South Lawn. The hosting of large 13 events, the size of which were not contemplated when 14 it was designed and reconstructed, drastically 15 increases the rate of deterioration on the East Room 16 and the State Dining Rooms, stressing the aging 17 structural components of that specific building. 18 In addition to consequential structural 19 and safety considerations, the East Wing 20 Modernization Project will significantly improve 21 the experience of the American people and foreign 22 dignitaries when they visit the White House.	99 1 As I'm sure you're aware, historically, 2 when visitors come to the White House for events, 3 that tour begins at passing through temporary 4 double-wide trailers to gain entry onto complex. 5 State dinners or events with world leaders would 6 take place in a tent on the South Lawn. These tents 7 affected more than just the world leaders; their 8 use destroyed large portions of the South Lawn, 9 degrading its appearance for overall visitors and 10 creating a reoccurring expense to replace and 11 cultivate new grass. 12 Beyond the ballroom, we have plans for 13 beautifying visitors' experience in the area, such 14 as Lafayette Park, and creating a superior, more 15 efficient visitor security screening center. In 16 the coming weeks and month, both NPS and Secret 17 Service will be submitting their plans on those two 18 topics. 19 Inside the White Houses, spaces such as 20 the ballroom, are just as important as the grounds 21 outside. The ballroom is where leaders will 22 gather, important decisions will be discussed, and
100 1 history will be made. It is a place that will bring 2 people together for diplomacy, celebration, and 3 unity. A beautiful, well-maintained, and 4 historically-designed ballroom will show respect 5 for these moments and emphasize the significance 6 of collaboration and tradition in our government. 7 Now I will turn it over to Shalom, the 8 architect on this project, to discuss the ballroom. 9 As you guys know, Shalom is no stranger to this 10 Commission. His work has been transformative 11 across the D.C. region. So, we're excited to see 12 what he can bring to the table. 13 MR. BARANES: So, good afternoon. And 14 thank you for the opportunity to appear before the 15 Commission. Today I'll provide a very high-level 16 overview of the White House East Wing project. A 17 more detailed and fully developed submission will 18 be presented in one of your subsequent hearings. 19 And I'd like to begin here with a brief 20 discussion of the evolution of the current design 21 approach. I joined the project team approximately 22 60 days ago, in early November, following the	101 1 schematic design work that had been undertaken by 2 McCrery Architects. 3 That earlier phase, which spanned most of 4 2025, involved a fairly comprehensive evaluation 5 of programmatic needs and design alternatives, 6 including multiple massing configurations, and, of 7 course, a whole series of elevational studies. 8 Following the transition to my firm, we 9 continue to evaluate various sizes and 10 configurations for the project. Today, I'd like 11 to report that the ultimate decision in late 12 November was not to continue exploring options for 13 increasing the size of the project; instead, the 14 decision was made to advance one of the earlier 15 schemes that had been developed prior to our joining 16 the team. 17 That scheme is calibrated to respect key 18 contextual relationships. The addition's cornice 19 aligns and does not exceed with the cornice height 20 of the White House. And the building mass is set 21 back approximately ten-and-a-half feet from the 22 White House's primary north facade on Pennsylvania

102 1 Avenue. These measures, I think, are essential to 2 maintaining the visual primacy of the White House. 3 The program includes a ballroom of 4 approximately 22,000 square feet. It's designed 5 to accommodate approximately a thousand seated 6 guests at a formal dinner. The total area of the 7 two aboveground visible East Wing floors, that's 8 two floors, including the colonnade and the ballroom 9 structure, is just slightly over 89,000 square feet. 10 Below the ballroom, and included in the 89,000 11 square feet, the project incorporates a series of 12 functions, which I'll show you on the boards shortly 13 here. 14 One could generously describe the current 15 functioning of the White House support areas, such 16 as loading, waste handling, general deliveries, 17 food service, as being quite labyrinthian in 18 character. And I think that's a kind description. 19 These conditions reflect incremental adaptations 20 over time, and they place ongoing operational stress 21 on the historic structure. 22 The proposed East Wing Modernization seeks	103 1 to rationalize these functions in a manner that will 2 relieve the stress by increase connectivity, 3 operational efficiency, and by enhancing overall 4 security. The changes will allow the White House 5 to be experienced and to age, I think, at a much 6 more graceful way over time. 7 In advancing this proposal, we have aimed 8 to land in a thoughtful middle ground by adapting, 9 as I mentioned earlier, one of the earlier 2025 10 designs that meets the thousand-seat requirement 11 for the ballroom. And also, as I mentioned earlier, 12 further consideration of enlarging the size was 13 abandoned in late November. 14 Our primary focus has been on refining the 15 exterior facades through the re-proportioning of 16 windows, masonry detailing, revisiting the exterior 17 terraces, and further developing the interior 18 spaces, of course. 19 This scheme does require a two-story 20 colonnade connecting the East Wing -- I'm sorry, 21 connecting the East Room in the White House to the 22 new ballroom. We believe it's appropriate to
104 1 evaluate this condition within the context of the 2 broader White House campus. 3 The White House is, therefore, considering 4 the idea of a modest one-story addition to the West 5 Wing colonnade, which would serve to restore a sense 6 of symmetry around the original central pavilion. 7 It will be considered as part of a future overall 8 planning framework which will be presented at a 9 future hearing here. 10 So, with this context, I'll now just walk 11 you through, briefly, some of the boards that we 12 have here. So, here, of course, you have 13 Pennsylvania Avenue to the top here. Thank you. 14 You have Pennsylvania Avenue here; it's 15 at the upper part of the board. So the White House 16 complex. And, of course, the colonnades with the 17 (audio interference). There will be two priority 18 access points to the ballroom. And we are talking 19 about a large crowd here of a thousand people. One 20 of them will be through the White House, through 21 the colonnade, to a foyer that will serve the 22 ballroom. And then the other one will be one level	105 1 down. 2 The grade drops as we come around this way. 3 And there will be an entrance through a portico 4 here into a foyer with a grand stair that will take 5 you up one level to the ballroom, and essentially 6 meet where the other guests will be coming from the 7 other direction. 8 The new structure here has a series of 9 terraces on three sides of the building. On the 10 south side of the colonnade we have a terrace that's 11 about 12-feet wide with a stair that leads down to 12 the lawn panels. And then that terrace continues 13 around to the west side of the ballroom, along here. 14 And, actually, that's a very important life safety 15 egress point for the whole project. 16 And that leads down to a stair here, which 17 also lands at the lower level grade. Halfway down 18 that stair you can make a left and access a terrace, 19 which is underneath this colonnade roof. And that 20 also has a stair leading down to the lawn. 21 We will show you much more detailed 22 drawings next time with viewsheds, but, for today,

106 1 I'd just like to point out that there is a very dense 2 cluster of trees here, which will remain, which 3 really affects your view from the south, the public 4 view from the south looking at this, just as there 5 is a dense cluster of trees that protects the view 6 of the West Wing. And we also have the same 7 condition on the north side, where we have a dense 8 cluster of both evergreen and deciduous trees, which 9 will really frame the view of the central pavilion 10 of the White House. 11 These are very schematic drawings of the 12 two primary levels. On your right here is the 13 ballroom level, which is the upper level. And on 14 the left is the level below the ballroom. 15 So, well, let's start at the upper level 16 here. So if you're entering the ballroom from the 17 White House, the East Room is right here. You'll 18 come across the colonnade, adjacent to the stairs 19 here, enter this foyer area, and then make your way 20 into the ballroom, which has windows on three sides, 21 facing east, west, and south. 22 If you're entering from the other side,	107 1 as many of the guests will be entering from the other 2 side, you will come up a few stairs here through 3 a portico, and that would give you access -- you'll 4 be coming up here actually in a lower level -- that 5 will give you access to this hall here, the foyer, 6 and then up a grand stair which would land you right 7 in the same area here. And, again, giving you 8 access to the ballroom. 9 On the lower level, the other uses that 10 we have are this large space, which is devoted to 11 food service. That's basically a commercial 12 kitchen. And it will not only service the ballroom, 13 but also service events inside the White House 14 itself. 15 Opposite that, we have an office suite for 16 the First Lady. And then, on the lower level of 17 the colonnade itself, we are rebuilding the movie 18 theater that had been there. 19 These are north and south elevations of 20 the White House complex. We removed all three 21 trees. No landscaping at all is shown; just wanted 22 you to see the building very clearly. And I think
108 1 the most important thing here, perhaps, is what I 2 mentioned earlier, which is the alignment of the 3 cornice of the ballroom directly aligns with the 4 cornice and the balustrade of the White House. The 5 heights will match exactly. 6 Here you see the upper level of the East 7 Colonnade. And I did mention the potential for a 8 future addition, a one-story addition, to the West 9 Wing. And that would occur right here. And you 10 can see that the reason to think about that is so 11 that we would reinstate the symmetry around the 12 central pavilion of the White House. We have not 13 looked at that at all yet, but hope to do so in the 14 future. 15 So, here is the view from the south. 16 Again, you have the rear elevation of the White House 17 itself. We have the ballroom with the portico. 18 The terrace at the half-level. And then, of course, 19 here the West Wing, two-part with a colonnade. 20 These are larger elevations so you can 21 start to understand the character of the building. 22 So, what we have at the top here is the east	109 1 elevation of the ballroom, which is directly across 2 from the Treasury. This portico sits pretty much 3 directly across from a portico that abuts the 4 Treasury. 5 The floor of the ballroom is at this upper 6 level, right through here. And the eight windows 7 that you see here are basically centered on the 8 ballroom. On the opposite side we have the same 9 condition, with the eight windows there centered 10 on the ballroom. 11 This is the west elevation. And on the 12 lower level here you're seeing windows that face 13 into -- they serve the First Lady's office suite. 14 We intend to develop all of this with a 15 combination of stone and precast. It will all be 16 painted white to match the White House. A very 17 similar finish as you see on the White House. And, 18 of course, you know, the windows and all of the 19 masonry details are things we are working on right 20 now. 21 And then, finally, I just have one more 22 board. And this is just the north elevation, which

110 1 you saw a minute ago. But here we've added in the 2 street trees, which are shown as a darker green. 3 And then we've put in transparent outlines of the 4 larger trees, which are behind the street trees 5 inside the fence line. So the trees pretty much 6 match the height of the proposed ballroom. So 7 you'll start to get a sense, when I show you at your 8 next hearing some photographs, the extent to which 9 these will frame the view of the central pavilion. 10 So, that's all I have. And happy to open 11 it up to questions if you like. 12 CHAIR SCHARF: Thank you very much for 13 that presentation and for showing us this diagrams 14 and images. I'll open it up to the Commission now 15 for questions and clarifications. 16 COMMISSIONER MENDELSON: Mr. Chairman, 17 I'll have some questions. This is Commissioner 18 Mendelson. 19 CHAIR SCHARF: Please proceed, 20 Commissioner. 21 COMMISSIONER MENDELSON: Oh, thank you. 22 I hope you can all hear me. I do want to just first	111 1 take a moment to thank my designee, Evan Cash, who 2 comes to all the meetings. And I just want to thank 3 him publicly. And I also want to thank those who 4 gave the presentation. 5 I do have a number of questions. The first 6 is, how is this proposal consistent with the 7 Comprehensive Plan's urban design requirements, 8 which include, I think it's B.1.4 in the Urban Design 9 Element, visually reinforce the permanents of the 10 Capitol Building, White House, and other 11 nationally-significant resources by protecting the 12 visual frame around them; and B.5.10, visually 13 reinforce the special importance of the White House 14 and its grounds by protecting the existing spatial 15 relationship of the White House and the mass and 16 scale of adjacent buildings? 17 So my question pertains to how this 18 proposal is consistent with those comments of the 19 Comprehensive Plan. 20 MR. BARANES: Thank you for those 21 questions, Mr. Mendelson. We are being very, very 22 careful, first of all, to maintain, I think, a fairly
112 1 sufficient distance from the central pavilion of 2 the White House. And by proposing that the 3 colonnades be developed in a matching way on both 4 sides of the central pavilion of the White House, 5 I think we will actually be in concurrence with the 6 paragraph that you just cited. 7 COMMISSIONER MENDELSON: All right. 8 That probably will come up again at future 9 presentations. 10 Can the size, footprint, or location of 11 the ballroom, the location of the ballroom on the 12 site, be changed at this point? 13 MR. BARANES: I mean, certainly, anything 14 is possible. It all depends on schedule and money. 15 But this particular location has been studied 16 pretty carefully by the previous architect, as well 17 as myself. And it's been determined that this is 18 the best location in terms of getting access to it 19 from the East Room of the White House. 20 COMMISSIONER MENDELSON: But part of my 21 question was the size or footprint. So, has 22 construction work on the ballroom foundation	113 1 already begun? 2 MR. BARANES: There's been excavation 3 work, there is some foundation work, but that's 4 really not the limiting issue in terms of whether 5 things can be changed or not. 6 COMMISSIONER MENDELSON: Okay. So, as 7 this gets further refined, the footprint could 8 conceivably be reduced a little bit, the work on 9 the foundation, so far as not that significant? 10 MR. BARANES: Well, as I said, the 11 footprint has been studied fairly extensively 12 already, and many different massing options were 13 studied before we even came onboard. So, at this 14 point, we've continued working with that, with the 15 product of all those studies, and we are primarily 16 refining the scheme. 17 COMMISSIONER MENDELSON: So, I appreciate 18 that the cornice line will not be higher than the 19 historic structure, but is it possible that the 20 height of the ballroom, which of course determines 21 the cornice line, that that could be reduced 22 somewhat? Because it still seems to me that it's

114 1 overwhelming the existing building. 2 MR. BARANES: You know, it's interesting. 3 I mean, it is the same height. I think you're 4 familiar with the addition that we built to the 5 Wilson Building that you're in? 6 COMMISSIONER MENDELSON: Yes. 7 MR. BARANES: So, you know, I mean, I bring 8 it up because this size -- this question of size 9 and relationship of an addition to an historic 10 building comes up with almost every project I've 11 ever worked on over the last 40 years. And we're 12 essentially doing the same thing here we did at the 13 Wilson Building. 14 We're building an addition. Although at 15 the Wilson Building it really contrasts. It's a 16 very modern addition; it contrasts very strongly 17 to the neoclassical building. But, even there, we 18 matched the height. You know, we did match the 19 height of the existing building. And I think it 20 works quite well. And we've done that on many, many 21 other structures. 22 You know, we're just finishing up an	115 1 addition to the Cannon Building where we increased 2 the height by one story. That was reviewed pretty 3 extensively. And, you know, you could look at it. 4 I mean, I think that, too, works really well, you 5 know, with the original historic structure, despite 6 the additional height. 7 COMMISSIONER MENDELSON: But my sense of 8 it is that there are two levels here. One is, I'm 9 going to say the lower level, and then there is the 10 ballroom level. And I can't remember what the 11 height. What is the height for the ballroom level? 12 MR. BARANES: Well, if you measure it off 13 the front driveway, where the portico is of the White 14 House, we're approximately 51 feet above that 15 elevation. 16 (Simultaneous speaking.) 17 COMMISSIONER MENDELSON: That's roughly 18 the level of the ballroom? 19 (Simultaneously speaking.) 20 MR. BARANES: That's the roof of the 21 ballroom. That's the height -- I mean, that's the 22 height of the balustrade around our ballroom
116 1 structure. I'm sorry, is that what you're asking? 2 COMMISSIONER MENDELSON: No. I think I'm 3 not asking it well. The ballroom is going to be 4 like a 20-foot ceiling or 40-foot ceiling? 5 MR. BARANES: It's about 38 to 40. Yes. 6 COMMISSIONER MENDELSON: And could that 7 be reduced? 8 MR. BARANES: It's possible. Not 9 impossible. 10 COMMISSIONER MENDELSON: I had one other 11 question, which I think is probably for Mr. Fisher 12 and not you. And that is, why didn't the project 13 come to us a whole instead of after the demolition? 14 MR. FISHER: Thank you for that question. 15 Yeah, we've been -- we've begun work on this 16 project. There are two phases to this project. 17 I think that you've alluded to it with Shalom here. 18 There are some things regarding this project that 19 are, frankly, of Top Secret nature that we are 20 currently working on. That does not preclude us 21 from changing the above-grade structure, but that 22 work needed to be considered when doing this	117 1 project, which was not part of the NCPC process. 2 CHAIR SCHARF: And let me note just for 3 the record, if it's okay with you, Commissioner, 4 it's long been the view of NCPC's Counsel's Office 5 that the National Capital Planning Act does not give 6 us authority to review demolition or site 7 preparation work. So, while many projects do come 8 before us at that stage, that's not a requirement 9 of the National Capital Planning Act, and review 10 of demolition is not something that we have the 11 authority to do as a Commission. 12 COMMISSIONER MENDELSON: I appreciate 13 that. And I've actually read that legal opinion. 14 And I'm not arguing with it. It's just that I don't 15 know the last time that a project has been presented 16 before NCPC or Zoning Commission or any of the 17 planning agencies where it wasn't presented as a 18 whole: this is what we're going to do and we will 19 proceed with the demolition as we move forward. 20 As opposed to here, where the demolition occurred 21 first. 22 I don't have any other --

118 1 CHAIR SCHARF: The Air and Space Museum 2 addition is one example of that, where they 3 proceeded with demolition of the old addition, I 4 believe, prior to presenting plans for the new 5 addition to this Commission. I think that's the 6 nearest historical analogy. I could be wrong. 7 COMMISSIONER MENDELSON: I just want to 8 conclude my -- I have a lot of respect for Shalom 9 Baranes. He's done a lot of great projects in the 10 city over the decades and I just want to acknowledge 11 that. Thank you. 12 CHAIR SCHARF: Thank you, Commissioner. 13 Do any other Commissioners have questions 14 for the presentation team? Yes, Commissioner 15 Dixon. 16 COMMISSIONER DIXON: One. The stairway, 17 that's going to be handicapped accessible also, I'm 18 assuming? You had mentioned stairways on the 19 building, but they were -- they're going to be 20 handicapped accessible, obviously? 21 MR. BARANES: The primary handicapped 22 access into the ballroom will be through the front	119 1 door of the White House. 2 COMMISSIONER DIXON: Oh. So the other 3 entrances will not accommodate -- 4 MR. BARANES: The other stairways are 5 there for egress purposes, for fire code purposes. 6 And they are stairways, so a wheelchair would have 7 to really go in the other direction. 8 COMMISSIONER DIXON: But I think that may 9 be a concern, I would think. I mean, we want 10 handicapped people to be able to egress, too. 11 MR. BARANES: Oh, absolutely. No, no, 12 believe me, we are looking very closely at all of 13 the codes. 14 COMMISSIONER DIXON: Secondly, there was 15 -- there hasn't been any discussion of the new 16 security process that we used to go through, that 17 we have gone through, with the labyrinth of 18 different corridors to get cleared to get into the 19 White House. How is that going to be addressed in 20 this process? 21 MR. BARANES: I'm sure they'd let you in 22 at any time, but --
120 1 COMMISSIONER DIXON: No, I doubt that. 2 (Laughter.) 3 COMMISSIONER DIXON: I haven't been back 4 for a while. 5 MR. FISHER: Thank you for the question, 6 sir. We are currently looking at a new visitors 7 entry facility that would be part of this project. 8 Again, as we look at this, it's not just the East 9 Wing Modernization, it's not the ballroom; we are 10 looking at a totality experience for the White House 11 complex. 12 As I mentioned earlier, historically, when 13 you come to the White House you go through 14 double-wide trailers, tents, out in the cold. We 15 don't think that that's befitting of what the White 16 House should be or could be, quite frankly. So 17 those plans are under review. We're trying to put 18 them together, make sure that we've got our i's 19 dotted and our t's crossed before we bring before 20 this Commission so that you guys can hopefully see 21 and enjoy what we've produced. 22 COMMISSIONER DIXON: Yeah, I think that	121 1 it's a sensitive area to even put it -- make it 2 public, how this process may work. But one of the 3 detractions from the historical structures was the 4 complicated clearance process and the hodgepodge, 5 if you will. So I'm assuming you will present to 6 us how that will be handled in the future -- 7 MR. FISHER: Yes, sir. 8 COMMISSIONER DIXON: -- so we can look at 9 that? Good. And I do hope we do something with 10 the handicapped issue. Thank you. 11 CHAIR SCHARF: Thank you. Do any other 12 Commissioners have questions for the project team? 13 Yes, Commissioner -- 14 COMMISSIONER HENDERSON: Clarification 15 from something that was presented. There was talk 16 of adding, potentially, an additional level on the 17 West Wing side of the building. Is that to the West 18 Wing structure itself or just to the walkway or what 19 -- 20 MR. BARANES: It would be just to the 21 colonnade. 22 COMMISSIONER HENDERSON: Okay.

122 1 CHAIR SCHARF: Any other questions before 2 we proceed to deliberations? 3 Hearing none, I'd like to thank, as always, 4 our Staff and the presentation team here. Vice 5 Chairman Levenbach, would you like to kick things 6 off? 7 VICE CHAIR LEVENBACH: I think what 8 strikes me about is this, you know, some people here, 9 some of the Commissioners, have participated in 10 White House events more than I have, but I'm struck 11 at how much this expands the utility of the compound. 12 I mean, I think about the Hanukkah party 13 I just went to you. You start the north end of 14 Lafayette Park and you walk through one set of 15 trailers and you walk through another set of 16 trailers, and there's a coat check. And then when 17 you get inside it's pretty crowded and there aren't 18 that many people there. And this is going to just 19 open up access to people at a much higher level. 20 I think that it's going to be enjoyed for 21 generations to come, so I'm really excited to see 22 how this project develops.	123 1 CHAIR SCHARF: Thank you, Vice Chairman 2 Levenbach. Commissioner Blair? 3 COMMISSIONER BLAIR: I would just say I 4 think that, you know, it looks like it's going to 5 be very beautiful, but the utility, I think, for 6 those of us that spend a lot of time there, is fairly 7 obviously. Winston Churchill said to the House of 8 Commons, when they were going to rebuild it, that 9 we shape our buildings and they shape us thereafter. 10 The White House is a special place, but 11 people come there to gather and to work. I would 12 tell you that we've seen times where simply doing 13 something like getting the Congress together to have 14 a meal and break bread is not something that the 15 current structure of the White House really 16 accommodates in any way with the President of the 17 United States. That's a problem. 18 When foreign dignitaries visit, you know, 19 the President of the United States, of any party, 20 is invited all over the world and goes and gets to 21 see the best of whatever the country has to offer. 22 And I think the President's view would be that he
124 1 would -- he thinks the American people deserve that 2 same opportunity to have grand gatherings for 3 visitors to our country and show them what American 4 has to offer. 5 So I think it has a obvious utility. I 6 think it's very considered in its design. And I 7 look forward to seeing the progress of the project, 8 and appreciate your presentation and look forward 9 to working with you. 10 CHAIR SCHARF: Thank you, Commissioner. 11 Administrator Forst? 12 COMMISSIONER FORST: Thanks so much, 13 Chairman. James read from my notes, so I -- 14 (Laughter.) 15 COMMISSIONER FORST: Thanks. 16 CHAIR SCHARF: Thank you, Administrator 17 Forst. Commissioner Dixon? 18 COMMISSIONER DIXON: I appreciate the 19 presentation and look forward, as this moves 20 forward, to more deliberation. Thank you, Mr. 21 Chairman. 22 CHAIR SCHARF: Thank you, Commissioner.	125 1 Commissioner Mendelson? 2 COMMISSIONER MENDELSON: Yes. Sorry, I 3 was muted. Let me say that I think that elevation 4 we saw from Pennsylvania Avenue was not as 5 disturbing to me as the elevation from the Ellipse. 6 And as I said in my questions, I'm concerned about 7 this addition overwhelming the original historic 8 building. 9 I appreciate that the architect, Shalom 10 Baranes, has really good taste with regard to 11 dealing with historic structures, but I do think 12 that -- it sounds to me like the height could be 13 lowered without jeopardizing the footprint. I 14 don't think that the footprint -- that is, 89,000 15 square feet -- should be the goal in and of itself. 16 So maybe it can be and needs to be shrunk a little 17 bit more. Again, looking at the elevations from 18 the south, it's just so -- it's just so imbalanced. 19 The other observation I have is that it 20 is disturbing to me that we are looking at an 21 addition to this historic structure, but we're 22 looking at what appears to be an overall plan in

126 1 a very segmented approach. So is there going to 2 be some changes with the visitor center? Is there 3 going to be some changes with Lafayette Park? Is 4 there going to be some changes with the West Wing? 5 But rather than looking at this as a whole, we're 6 going to be looking at it piecemeal, and that's 7 concerning as well. 8 CHAIR SCHARF: Thank you, Commissioner. 9 Commissioner Henderson? 10 COMMISSIONER HENDERSON: I would just 11 suggest, to those of us who don't work in that 12 complex every day, that it would be probably be 13 worthwhile and beneficial to our consideration to 14 take some opportunities to go and see the site, see 15 the facilities as they are, between now and future 16 considerations. 17 CHAIR SCHARF: Thank you, Commissioner. 18 Commissioner McGowan? 19 COMMISSIONER MCGOWAN: I don't have any 20 additional comments or questions, but thank you all 21 so much for the presentation. It was very 22 informative.	127 1 CHAIR SCHARF: Thank you, Commissioner. 2 Commissioner Cozart? 3 COMMISSIONER COZART: Yes. Thanks to the 4 staff for their work on this and for the 5 presentation. And I look forward to when it comes 6 before the Commission again. 7 CHAIR SCHARF: Thank you, Commissioner. 8 Commissioner Schaefer? 9 COMMISSIONER SCHAEFER: So, again, my 10 thank you as well. This is -- it's exciting. It's 11 a great job overall with the architectural features. 12 And looking forward to see how this progresses, 13 since I echo the same comments as has come before 14 me, as well, because I think this is a great 15 opportunity for us to continue to expand upon the 16 importance of our entire nation. So, thank you. 17 CHAIR SCHARF: Thank you, Commissioner. 18 Commissioner Stidham? 19 COMMISSIONER STIDHAM: Thank you. And 20 thank you for the overview. It is really helpful 21 to get a sense of the project. 22 And I should lead with that Secretary
128 1 Burgum, who I sit as a delegated position here, and 2 the Department of the Interior, supports the East 3 Wing Modernization without reservation. We 4 appreciate the designs that were shown here today 5 and we look forward to seeing more detail, 6 especially when it comes to the landscaping and 7 understanding how the temporary facilities will be 8 -- how the uses that currently happen in this 9 temporary facilities are taking shape in the new 10 facility, to really understand how that replacement 11 is taking place. 12 As well as understanding clearly, you 13 know, it's important in those views, you know, 14 anyone who is coming to visit who does not have the 15 opportunity to be inside the fence to be able to 16 understand and to view the White House. And so 17 understanding those views will be really helpful 18 when you come back, as well as the design choices 19 you make and the materiality. So we look forward 20 to much more detail and appreciate the overview. 21 CHAIR SCHARF: Thank you, Commissioner. 22 Commissioner Argo?	129 1 COMMISSIONER ARGO: Yeah. I want to 2 associate myself with my next door neighbor's 3 comments. And seeing, you know, how seeing how this 4 progresses. I have some concern about size and 5 scale in a number of ways, but we can talk more about 6 that, as I said, as the design and the work on this 7 progresses. Thank you. 8 CHAIR SCHARF: Thank you, Commissioner. 9 Speaking for myself, just a few things that 10 I'd say. First of all, Commissioners, if you want 11 to come over to lunch, you're welcome anytime. I'm 12 happy to show you around. 13 More seriously, though, I think every 14 project that comes before this Commission is 15 ultimately determined, in large part -- or is 16 shaped, in large part, by its function. And I think 17 it's worth emphasizing a point that Commissioner 18 Blair made, which is the vital nature of the function 19 that I believe this project is intended to advance. 20 It's been a distinct honor for me to get 21 to, frankly, travel around the world with the 22 President and visit foreign countries and be hosted

130 1 by the leaders of foreign countries. And I think 2 it's notable that when the President of the United 3 States of American flies to the United Kingdom he's 4 hosted at Windsor Castle. And when, next year, the 5 King of the United Kingdom of Great Britain and North 6 Ireland comes to the United States, more likely than 7 not, he will be hosted in a tent on the South Lawn 8 with porta-potties. 9 That, to me, is not a good look for the 10 United States of America. And I think that, when 11 you think about the long history of planning for 12 a state ballroom on White House grounds, if you think 13 about the number of times this project has been 14 suggested historically, it speaks to that 15 programmatic need. This isn't a new idea. 16 I've been interested to see that even in 17 the press reports that have been -- or the press 18 articles that have been very, I'd say, agitated 19 about the way that this project has progressed, 20 there has been a recognition by previous occupants 21 of the White House from both parties, people who 22 have worked in the White House from both parties,	131 1 that there is a real programmatic need for a building 2 like this. 3 So I think what we're really talking about, 4 then, is a lot of the issues that Shalom in 5 particular was addressing in his presentation, 6 which is, given the programmatic need, given this 7 size that that programmatic need necessarily 8 requires for this project, how do we ensure that 9 this project accords with what we, as a Commission, 10 care about? How do we ensure that the viewsheds, 11 the way that the public will experience this 12 building, won't detract from the way that the public 13 experiences what I believe is one of the, really, 14 two or three most important buildings in Washington, 15 D.C., and in the region that we have jurisdiction 16 over, which is the White House. 17 I'd be interested to see more detailed 18 elevations, particular from the south, in light of 19 Commissioner Mendelson's comments, what this would 20 look like with the tree line, because I think that 21 the elevation that we see there, just based on my 22 knowledge of that the property looks like, that's
132 1 very stark and I don't think really represents how 2 the public would experience this building. 3 I think it's important that this is framed 4 between the White House and the Treasury Building, 5 which is a building of significant massing. And 6 I'd be interested to see an elevation that extends, 7 essentially, further to the left, or further to the 8 east, to encompass sort of the full viewing 9 experience from Pennsylvania Avenue. 10 And, as many Commissioners have said, I 11 just look forward to seeing more details in the weeks 12 and months ahead. And I'd like to thank, as always, 13 our staff for the collaboration, the work they're 14 already put in on this issue. I think they can be 15 a real resource to the project team, particularly 16 as you start thinking about the visitor experience, 17 visitor entrance, other aspects of the broader 18 modernization of the White House complex. In 19 particular, how the public interacts with it. 20 But, again, just speaking personally, I'm 21 really excited to see how this project develops. 22 And I'm excited to, hopefully, see more detailed	133 1 planning materials in the weeks and months ahead. 2 So, thank you. 3 Are there any other Commissioners that 4 have questions or comments before we adjourn for 5 the day? 6 (No response.) 7 CHAIR SCHARF: In that case, unless there 8 is anything else for us to address today, if there 9 is no other business, that concludes the open 10 session agenda for this meeting of the National 11 Capital Planning Commission. Our next regular 12 Commission meeting will be on Thursday, February 13 5th, at 1:00 p.m. 14 I believe the Commissioners are now going 15 to exit the chambers. If you can please hold your 16 seats while they do so, that would be a great help. 17 And thank you all for being here today. 18 (Whereupon, the above-entitled matter 19 went off the record at 3:10 p.m.) 20 21 22

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

SUPPLEMENTAL DECLARATION OF HEATHER MARTIN

I, Heather Martin, declare as follows:

1. I am a Deputy Assistant to the President, a Presidentially Commissioned Officer. In addition, I serve as the Chief Financial Officer and Deputy Director of the Office of Administration, Executive Office of the President. I serve as a senior official supporting the East Wing Modernization Project (“the Project”).
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. I submit this declaration to supplement the testimony in my earlier January 15, 2026 declaration submitted in this matter, Dkt. No. 30-2.
4. Since the filing of my prior declaration, the following factual developments have occurred which bear on this litigation:
5. First, EXR removed the triangular pediment above the south portico of the ballroom in response to comments from the Commission of Fine Arts (CFA) and the National Capital Planning Commission (NCPC). In prior designs, the pediment’s peak had been

approximately nine feet higher than the pediment on the north elevation of the White House. Its removal and replacement with a balustrade aligned with the existing White House balustrade allows the ballroom roofline to match that of the White House.

6. Second, the CFA approved the Project on February 19, 2026 at its public meeting. The CFA's approval letter can be found at www.cfa.gov/records-research/project-search/cfa-19-feb-26-1.

- “Expressing enthusiastic support for the project,” the CFA approved the submission for a new addition to the White House to accommodate a ballroom and other official uses. [See CFA Approval letter - cfa.gov/records-research/project-search/cfa-19-feb-26-1]

7. Third, the Project was discussed at a public NCPC meeting on March 5, 2026. The staff presented the Project and recommended that the Commission approve “the preliminary and final site and building plans for the East Wing Modernization Project located on the grounds of the White House.” https://www.ncpc.gov/docs/actions/2026March/8733_East_Wing_Modernization_Project_Staff_Report_Mar2026.pdf.

Notably, the NCPC staff recommendation report found that, “per the viewshed study provided in the submission, the existing landscape will substantially screen views of the project from the surrounding public spaces” and “the main views of the Executive Mansion . . . will largely be maintained.” The architect and landscape architect for the Project gave a presentation, followed by 30 public comments about the Project, including a public comment from the President and CEO of the Trust. In addition, 36,300 written public comments were submitted. While EXR does not believe it must obtain approval of NCPC to proceed with the Project, the NCPC is scheduled to vote on the Project during its next public meeting on April 2, 2026.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 12, 2026.

Heather Martin

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
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SECOND SUPPLEMENTAL DECLARATION OF HEATHER MARTIN

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1. I am a Deputy Assistant to the President, a Presidentially Commissioned Officer. In addition, I serve as the Chief Financial Officer and Deputy Director of the Office of Administration, Executive Office of the President (“EOP”). I serve as a senior official supporting the East Wing Modernization Project (“the Project”).
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. I submit this declaration to supplement the testimony in my earlier declarations submitted in this matter, Dkts. No. 30-2 and 52-2.
4. The Economy Act, currently codified at 31 U.S.C. § 1535, is a longstanding authority under which agencies may order goods or services from other federal agencies or major organizational units within the same agency. It promotes efficiency by allowing interagency acquisitions when it is in the government’s best interest, funds are available, and the service cannot be provided as conveniently or cheaply by the private sector.

5. The Government Accountability Office (“GAO”) is a nonpartisan, independent agency within the legislative branch. The GAO publishes a treatise titled “Principles of Federal Appropriations Law,” which is referred to as “the Red Book.” The third volume of this treatise, available online at <https://www.gao.gov/assets/2019-11/203470.pdf>, provides detailed information and guidance to federal agencies regarding Economy Act transactions. Agencies regularly consult this document regarding appropriations issues, including Economy Act transactions, as well as the Office of Management and Budget’s (“OMB”) Circular No. A-11 “Preparation, Submission and Execution of the Budget,” which also discusses Economy Act transactions. OMB’s Circular No. A-11 is publicly available at <https://www.whitehouse.gov/wp-content/uploads/2025/08/a11.pdf>.
6. The Red Book explains that “the subject of an Economy Act transaction must be something the ordering agency is authorized to do and the performing agency is in a position to provide. Also, there must be direct benefit to the paying agency. Apart from these general prescriptions, the Economy Act makes no attempt to define the kinds of work, services, or materials that can be ordered. This is in apparent recognition of the great diversity of tasks and functions one encounters in the federal universe, and the fact that these tasks and functions are subject to change over time.” Red Book, Third Edition, Volume III at page 12-64. It is my understanding that funds transferred under the Economy Act are “available for the purposes for which the appropriation from which transferred are available, and also subject to the same limitations fixed in the appropriations from which the funds are transferred.” 18 Comp. Gen. 489, 490-91 (1938).
7. The Red Book also provides examples of transactions in which the Economy Act “has been used,” or at least “recognized as available [authority] for,” including an agreement

between the Department of Veterans Affairs and the Department of the Navy under which the “Navy would execute and superintend a contract for the construction of the Corregidor-Bataan Memorial.” Red Book, Third Edition, Volume III at page 12-67.

8. EOP regularly enters into agreements under the Economy Act, 31 U.S.C. § 1535. The Economy Act is commonly used at EOP when an agency determines that it does not have the appropriate resources to execute an action of work, services or materials that EOP, as a servicing entity, is in the position to provide more conveniently. Once a formal agreement between the agency and EOP is executed, EOP assumes responsibility for carrying out the acquisition, activities, and necessary support for the goods and/or services that are being sought by the requesting agency. This includes developing requirements in coordination with the requesting agency, conducting market research as needed, and securing qualified vendors through appropriate competitive procedures. EOP also issues solicitations and awards contracts to companies capable of delivering required goods and services.
9. Over the past decade, components of EOP have entered into approximately 2500 Economy Act agreements, which is an average of 21 agreements per month or an average of 250 per year.
10. The Office of the Executive Residence (“EXR”) has often served as the servicing entity for construction projects at the White House. In these instances, EXR has received funding from other government agencies to manage permanent improvements to the Executive Residence at the White House. EXR is uniquely suited to carry out such projects given its close relationship with the President and its substantial expertise in providing for (1) the preservation and maintenance of the White House structure and its

historical contents, and (2) the use of the White House for official ceremonial purposes as well as the private home of the President.

11. Past Economy Act agreements with EXR concern, for instance, installation of security windows on behalf of the U.S. Secret Service, improvements to the North Portico paving on behalf of the National Park Service (“NPS”), a 1.5-million-dollar renovation of the White House press room on behalf of NPS, and rehabilitation of the fire alarm systems on behalf of NPS.
12. Other examples include personnel details—in which EOP staff will temporarily work for another agency to provide specific expertise—and temporary construction for events taking place across the country that involve an EOP principal. Like other examples, EOP components act as the servicing agency and receive reimbursement for their services from the ordering agency.
13. As the above examples make clear, use of the Economy Act has long been standard operating procedure at EOP. The Economy Act agreement concerning the Project, in which EXR acts as the servicing agency for NPS, is consistent with this precedent.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 23, 2026.

Heather Martin

National Park Service
US Department of the Interior



The White House and President's Park

Finding of No Significant Impact

White House East Wing Modernization and State Ballroom Environmental Assessment

Washington, DC

NPS-25012

Recommended:

Frank Lands
Deputy Director, National Park Service

Approved:

Jessica Bowron
Comptroller, Exercising the Delegated Authority of the Director, National Park Service

Introduction

The National Park Service (NPS) prepared an environmental assessment (EA) consistent with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), the Department of the Interior (DOI) NEPA regulations, 43 CFR part 46, and the 2025 DOI Handbook of NEPA Implementing Procedures (516 DM 1 Handbook). This Finding of No Significant Impact (FONSI) documents the final determinations and approvals for NPS actions related to the East Wing modernization and State Ballroom construction. The statements and conclusions reached in this FONSI are based on documentation and analysis provided in the EA and associated decision file.

Congress established the White House and its grounds as a unit of the National Park System in 1961 and it is managed by the NPS through President's Park. The White House itself has expanded since its original construction and has been subject to many major and minor renovations since its first cornerstone was laid in 1792. Although the White House has undergone expansions and many presidents have proposed large changes to the White House, its design remains a timeless representation of stability and resilience in our nation (Bushong 2005). The White House sits within President's Park, which includes Lafayette Square, the First Division Monument, Sherman Park, and various sites in and around the Ellipse.

Purpose and Need for Action

The purpose of the proposed action is to establish a permanent, secure event space within the White House grounds that meets presidential priorities for capacity and dignified official functions, eliminates reliance on temporary tents and associated infrastructure strains, and protects the historic integrity and cultural landscape of the White House and its grounds while maintaining a high-quality visitor experience.

The Comprehensive Design Plan for the White House and President's Park (2000) identified the need for expanded event space to address growing visitor demand and provide a venue suitable for significant events. Successive administrations have recognized this need as an ongoing priority. To meet this need, the Executive Office of the President outlined three functional goals for any permanent event space: (1) immediate adjacency to the Executive Mansion (2) a direct ceremonial procession from the East Room into the venue, and (3) secure second-story access from the Executive Residence.

Selected Action

The selected action will establish a permanent, secure event space within the White House grounds. This will be accomplished by replacing the existing East Wing of the White House with a new building that will house the White House State Ballroom.

Deconstruction and Design

The existing East Wing and East Colonnade will be deconstructed. Prior to deconstruction, the NPS will remove all museum collections, artifacts, and paintings (collectively "museum objects") from the East Wing and some museum objects from the Executive Mansion. Museum objects

from the East Wing may be relocated to other areas within the White House, which could result in temporary removal or modification of interior designs or museum objects in those spaces. If removed from the White House, all items will be stored in accordance with White House standards to ensure proper preservation and accountability.

The interiors and exteriors of the East Wing and East Colonnade have been evaluated to identify historic fabric with potential for salvage and possible reuse. Both buildings will be documented as outlined in the Documentation section below prior to removal of any features or finishes. Selected interior features will be documented, removed, and stored for potential reinstallation including wood paneling, light fixtures, movie theater elements, and interior columns. Selected exterior features, such as exterior columns, Seneca sandstone, the East Wing commemorative cornerstone and bronze plaque from the 1942 renovation, wrought iron fencing and gate, the Kennedy Garden arbor, two fanlight windows from the East Colonnade, and cobblestone paving, will be documented, removed, and stored for potential reinstallation. Some interior and exterior features will be reinstalled at and around the new building.

The new building will be approximately 90,000 square feet and will be connected to the Executive Mansion through the East Colonnade. The East Colonnade will be renovated to include an enclosed second story that will provide direct access from the East Room to the State Ballroom, while maintaining ground-floor access to and from the Executive Mansion. Limited portions of the east façade of the Executive Mansion will be carefully removed to tie in both levels; stones removed for this work will be cataloged and reinstalled.

The exterior design of the new East Wing building will be compatible with the Executive Mansion through classical elements such as columns and pediments. Materials will include a white painted exterior, historically compatible windows and doors, and an architecturally compatible roof. Interior finishes will include stone slab flooring, decorative plaster moldings, and high-quality finishes for elevator cabs. Mechanical, electrical, and plumbing (MEP) upgrades will include custom chandeliers, fixture updates, and architectural grilles, along with advanced audio-visual (AV) system enhancements.

The second floor will contain the State Ballroom with capacity for over 1,000 guests, depending on final design configuration. The State Ballroom will allow flexible staging on the south or east sides and provide views to the west, south, and east. A flat tray ceiling with decorative chandeliers is proposed. The first floor will continue to serve as the visitor entrance to the building with monumental stairs to the ballroom and will house storage, mechanical equipment, and mission space. Ground-floor restrooms will support events on the South Lawn.

Construction and Staging

A temporary construction zone will be established near the East Wing until project completion (summer 2028). This zone will close Madison Place NW from H Street NW to E Street NW and portions of Pennsylvania Avenue NW, extending approximately 260 feet east and 350 feet west from the Madison Place NW centerline to non-construction or emergency vehicles. The construction area will extend south from the East Colonnade, with the South Drive as the western boundary and East Executive Drive as the eastern boundary. The construction zone will

extend south to Hamilton Avenue. The construction will not impede visitation to other parts of President's Park.

A tower crane will be erected on site, with its final location determined upon completion of the final design documents. Other heavy construction equipment will be used, and contractors will employ ground protection to prevent turf and utility damage. Given the project's size and duration, turf replacement and ground remediation, such as decompaction of compacted topsoil, are expected to occur during project closeout, along with the repaving of affected roadway areas.

Landscaping

The selected action will expand the footprint of the East Wing, resulting in adjustments to landscaping in the project area. To accommodate the larger building, a variety of ornamental trees and shrubs will be removed from the project site. The commemorative Southern Magnolias on the east front of the East Wing will be removed due to the proposed footprint of the building (north magnolia planted in 1947, south magnolia planted in 1942 by Franklin D. Roosevelt). The East Garden will be carefully removed during construction and reinstalled similar to its existing design. The arbor in the East Garden will be removed, restored, and reinstalled in the East Garden once exterior construction is complete.

The brick pavers along the garden paths will be carefully removed. The bricks will be stored and ready to be relaid as part of the garden reinstallation. The fountain, including its statue, a centerpiece of the garden, will also be carefully dismantled and preserved for future reinstallation. Meanwhile, the Laura Bush Silver Linden Tree will be fenced and protected with a rigid barrier to ensure its safety throughout the construction period.

Documentation

The NPS will continue to survey and record the current interior and exterior conditions of the East Wing, East Colonnade, and Jacqueline Kennedy Garden (East Garden) of the White House. The documentation consists of two components:

1. Digital Survey: A 3-dimensional digital survey of the property using Light Detection and Ranging (LiDAR) laser scanning equipment will be completed. Scanning will be conducted using Leica P50 and RTC360 terrestrial laser scanners. A Leica TS16i total station will be used to create a control network for the scanned data. A single three-dimensional model of the building and site will be completed.
2. High-Resolution Digital Photography: The NPS will capture high-resolution digital photographs of the building and site to include the primary interior and exterior spaces, significant features, and contextual views. Photographs will be taken using a Phase One medium-format digital system and a Canon R5 full-frame digital mirrorless system.

Finding of No Significant Impact

A description of all potential environmental effects associated with the selected action and no action alternative is included in the EA, incorporated by reference herein. Consistent with the DOI NEPA Handbook, Section 1.2(b), the NPS evaluated the significance of the selected action, identified as the proposed action in the EA, by analyzing the potentially affected environment and the degree of the effects of the selected action. Significance is determined solely in relation to reasonably foreseeable adverse effects. The degree of effect is considered by evaluating both short-and-long term effects, both beneficial effects and adverse effects, effects on public health and safety, economic effects and effects on the quality of life of the American People. The NPS only completes a significance determination for the selected action and does not determine the significance of unselected alternatives.

The EA discloses the reasonably foreseeable effects of the selected action, including the combined effects of the selected action with those of past, ongoing, and anticipated future actions on the park's cultural resources and on visitor access and experience. While other park resources may experience some effects, those effects are minimal and were determined not to warrant detailed analysis in the EA. Accordingly, these resources are not discussed further here, as the anticipated effects are so minor that they have no potential to reach a level of significance. For a detailed description of impact topics considered but dismissed, see Appendix A of the EA.

Potentially Affected Environment

A more detailed description of the potentially affected environment is included in the EA under the subheadings Current and Expected Future Conditions of the Environment if No Action is Taken.

The White House is the oldest public building in the District of Columbia and has served as the home and office of every U.S. president except George Washington. Together with its wings and grounds, the White House functions as the residence of the First Family, the workplace of the President and staff, a national park, and an evolving museum.

The White House and President's Park include three distinct cultural landscapes that were identified as contributing features to the L'Enfant Plan of the City of Washington, DC, a historic district listed in the National Register of Historic Places (NPS 1997): Lafayette Park, White House Grounds and The Ellipse. These cultural landscapes are fundamental to the park and provide the setting for the "President's Park" as defined by Pierre L'Enfant in 1791. Situated on a high point within the city, the White House is a focal point on the principal north-south axis of L'Enfant's plan. Views and vistas were among the most essential features of L'Enfant's plan. The White House grounds are dynamic, changing with the seasons and the needs of the Executive Office of the President. Vegetation is frequently moved or removed, and at times temporary event tents obstruct views of the White House and other features of President's Park.

The Executive Mansion encompasses approximately 55,000 square feet, not including the West and East Wings and colonnades. This historic main building is organized into three primary sections: the Ground Floor, the State Floor, and the Executive Residence floors. The East Wing, constructed in 1942, has undergone multiple renovations and provides office space for the First Lady and her staff, including the White House Social Secretary, Graphics and Calligraphy Office, and correspondence teams. It also serves as the public entrance for White House tours and special events held at the White House.

The White House hosts major public events such as the Garden Tours, the Easter Egg Roll, and the National Christmas Tree Lighting. President's Park offers open space for recreation, First Amendment expression, and community programming. The NPS provides visitor access, interpretation, and educational services throughout these areas (NPS 2014).

Short and Long-term Beneficial and Adverse Effects

Cultural Resources¹- Cultural Landscapes

Under the selected action, the White House Grounds Cultural Landscape, which was originally designed by Thomas Jefferson and later modified by the designs of Andrew Jackson Downing, Frederick Law Olmsted Jr., and others, will be altered through an expansion of the White House footprint and the addition of a larger structure on its east side. These changes will result in long-term adverse effects on the cultural landscape. Similarly, views of the White House from Lafayette Park and the Ellipse will be permanently altered due to the modifications to the East Wing. In the short term, construction activities, including the presence of equipment and the removal and replanting of vegetation, will result in temporary adverse effects on these landscapes. However, the EA also identifies long-term beneficial effects from eliminating the need for temporary tents and other temporary facilities to support large events.

Despite the adverse impacts identified in the EA, the selected action will not result in significant adverse impacts to the park's cultural landscapes. The selected action will not permanently alter the park's most critical view, the long vista connecting the White House, Washington Monument, and Jefferson Memorial. In addition, mitigation measures such as replanting historically significant trees, salvaging and reusing historic materials, and preserving or reinstalling garden features will help maintain continuity between the site's historic character and its contemporary functions. These measures ensure that significant elements of the landscape are preserved and adapted for continued use, supporting the conclusion that the selected action will not result in significant impacts to cultural landscapes. Finally, the historical significance of the park's cultural landscape reflects its continuous adaptation to meet the evolving needs of the Executive Office of the President. The selected action continues a long-standing tradition reflected in the park's enabling legislation of adapting the White House

¹ This Decision Document does not address compliance with Section 106 of the National Historic Preservation Act. Section 106 does not apply to the White House or its grounds, because 54 U.S.C. § 307104 expressly exempts the White House grounds (along with the Supreme Court and Capitol) from all requirements of that statute. Undertakings occurring outside the White House or its grounds may be subject to Section 106 review.

grounds to accommodate essential executive functions. Thus, changes to the landscape for this purpose are consistent with its historic character and are not considered significant.

Cultural Resources - Historic Buildings

The White House is designated as a National Historic Landmark (NHL). Under the selected action, the existing East Wing will be deconstructed and replaced with a new building, resulting in the permanent loss of a component that has been integral to White House operations since 1942. This change will disrupt the historical continuity of the White House grounds and alter the architectural integrity of the east side of the property. The new building's larger footprint and height will dominate the eastern portion of the site, creating a visual imbalance with the more modestly scaled West Wing and Executive Mansion. Adding a second story to the East Colonnade will further modify the setting, contrasting with the single-story design of the West Colonnade and changing the traditional spatial organization and sightlines of the grounds. These changes will adversely alter the design, setting, and feeling of the White House and the grounds over the long-term. In addition, construction activities will also introduce temporary risks to the historic building, including noise, vibration, and potential settlement effects, which could affect the structural stability or finishes of the Executive Mansion and adjacent features.

The selected alternative will also provide long-term benefits by reducing reliance on temporary event infrastructure, minimizing wear on the grounds, and improving functionality for large gatherings through the addition of a permanent ballroom.

The selected action will result in a substantial change to one portion of the NHL. However, the essential features that make it nationally significant, particularly its role in establishing the nation's capital and its resilience during the War of 1812, will remain unchanged. Moreover, the NHL documentation identifies the period of significance as 1792-1955, a period that saw significant changes in the configuration of the White House, namely the addition of the East and West Wings. Therefore, the overall impact will not significantly affect the property's significance as an NHL and it retains the qualities that caused it to be designated as an NHL.

Further, mitigation measures, including documentation of the current East Wing as well as salvage and storage of some of the existing historic building materials, will be reused in the new modernized East Wing, and to ensure their availability for future preservation or restoration projects at the White House or for other significant buildings in the district. These efforts will support preservation efforts by providing hard-to-replicate or replacement building materials that can be used at the White House and other historic buildings in the area, including the Smithsonian Castle, limiting potential significant adverse impacts to these resources in the future.

The White House is also unique in that, while it is a historic structure, it continues to evolve to meet the operational needs of the Executive Office of the President. This ongoing adaptation is part of its historical significance. Thus, the selected action will not result in a significant adverse impact to historic buildings.

Visitor Access and Experience

President's Park, excluding the White House and its grounds, is open to the public without the need for a scheduled tour, however, temporary area closures may be in place due to events and activities. U.S. Secret Service operations may also temporarily affect access to areas of the park to ensure necessary security and safety for the adjacent White House grounds, its occupants, and the public. These closures are frequent, given the high level of activity that occurs in and around the park.

Under the selected alternative, certain areas within both President's Park and the White House and its grounds will become temporarily inaccessible. Visitors to these areas will also experience increased noise and visual intrusions, resulting in adverse effects. However, these impacts are expected to be temporary and will conclude with the completion of construction, anticipated to be summer 2028, limiting the duration and extent of the adverse impacts.

Construction will interrupt normal tour flow through the East Wing, necessitating rerouting (e.g., alternate entry point) or postponement. Historically, tours have been suspended or altered during renovations or heightened security conditions. At the time of the EA's preparation, new tour bookings have been paused while a collaborative group of White House, NPS, and U.S. Secret Service staff work to determine the best way to ensure public access to the White House as this project begins and for the duration of construction. While the selected alternative will temporarily alter the existing White House tour route and potentially reduce tour availability during construction, tours will continue in some capacity and will include access to the State Floor of the Executive Mansion. This will help minimize the overall impact on visitors seeking to tour the interior of the White House. Because these closures are temporary, limited to the construction period, and consistent with previous renovation practices, they do not constitute significant adverse impacts.

The removal of the current East Wing will result in a permanent adverse impact for those who value the experience of this specific space. However, in the long term, the selected alternative will provide a modernized East Wing and a permanent ballroom designed to enhance functionality, accessibility, and visitor amenities, while reducing reliance on temporary event spaces. Additionally, the documentation of the East Wing before deconstruction and potentially during the construction process will provide a new interpretive opportunity in the future. As a result, the loss of the existing structure is not considered a significant adverse impact. Collectively, these improvements will strengthen the White House's capacity to host large indoor events, reinforce its status as a national landmark, and contribute to an improved long-term visitor experience.

Effects on Public Health and Safety

The selected action will not result in significant adverse effects on public health and safety. As detailed in Appendix A of the EA, the project's limited grading area, short duration of construction equipment use, and minimal vehicle trips will not significantly affect regional air quality. Emissions will remain below applicable pollutant thresholds.

Vehicle traffic is already restricted on streets near the project area, and additional restrictions will be clearly marked and enforced to ensure public safety. Pedestrian access may also be limited or rerouted in certain areas, as described in the EA under Visitor Access and Experience, to maintain a safe environment during construction. Finally, the selected action does not involve the release of hazardous or solid waste or other hazards to human health.

Economic Effects

NPS considered socioeconomic impacts but dismissed them from detailed analysis, as explained in Appendix A of the EA. While White House tours and visits to President's Park offer valuable experiences, they are not major economic drivers for the region. These sites are typically one of many stops for visitors, and temporary changes to tour availability or site access are not expected to significantly affect the regional economy, tourism sector, or local employment. Although construction may generate some limited opportunities for local businesses, these effects are expected to be minor and likely undetectable.

Effects on the Quality of Life of the American People

As described in the EA, the selected action will affect visitor access and experience, resulting in both adverse and beneficial impacts. In the short term, temporary site closures and reduced tour capacity will create adverse effects. However, over the long term, these areas will reopen and remain accessible, benefitting the American people. The selected action will not significantly alter educational opportunities or public understanding of the park. As noted, White House tours will continue, allowing visitors to engage with the park's purpose and unique resources. The modernized East Wing and new State Ballroom will directly benefit the American people by expanding the White House's ability to host large indoor events, celebrate America's history through new interpretive opportunities, and create a symbolic space for events of national importance, reinforcing shared civic identity and pride. It will also directly benefit the American people by providing comfort facilities that may be used for outdoor events on the South lawn. The selected action will also indirectly benefit the American people by providing modern office space for the Executive Office of the President.

The selected action will not restrict the public's ability to consume, purchase, or use products from public lands. It will also have no impact on public services, traditional land and water use practices, or the cultural heritage of Native American communities. Additionally, the selected alternative will not affect passive recreational use of ecosystems.

Rationale for the Decision

The proposed action to modernize the White House East Wing and construct a new State Ballroom is the selected action. The EA evaluated two alternatives: a no action alternative and proposed action, which is the selected action. In addition, the Executive Office of the President and the NPS considered several other options for renovating the East Wing and creating space for large events. These alternatives were dismissed from detailed analysis because they did not adequately support the functional goals identified by the Executive Office of the President. The no action alternative was not selected because it does not meet the project's purpose and

need, as it lacks a permanent, secure event space within the White House grounds, and will continue reliance on temporary tents and associated infrastructure.

As described in the EA, successive administrations, including the current one, and existing planning documents have consistently recognized the need for a secure event space capable of hosting large official functions without reliance on temporary tents and associated infrastructure. The selected action fulfills this need by providing permanent facilities to support the operational needs of the Executive Office of the President, including both office and large event space, in a manner consistent with the park's enabling legislation, described below.

Congress established the White House as a unit of the National Park System in 1961 and it is managed by the NPS through President's Park. The enabling legislation (Pub. L. No. 87-286, 75 Stat. 586 (1961)) directs the NPS to prioritize the preservation and interpretation of the museum character of the principal corridor on the ground floor and the main public rooms on the first floor of the White House. The legislation provides that NPS management of the park shall not conflict with the administration of the Executive Offices of the President or with the use and occupancy of the buildings and grounds as the home of the President and their family or for official purposes.

Although the number and format of White House tours will differ from past practice resulting in some temporary effects to the NPS's ability to interpret the unit, tours will resume as soon as practicable and will continue to include access the principal ground floor corridor and the public rooms on the State Floor of the Executive Mansion, consistent with the enabling legislation of the park. Some ground floor rooms adjacent to construction zones or temporarily repurposed as offices for East Wing staff will be unavailable during construction, but this limitation will be temporary, lasting only for the duration of construction. As a result, the selected action will continue to preserve and interpret the museum corridor and principal public rooms of the White House, ensuring that visitor access and the park's core interpretive mission are maintained.

Additionally, under the selected action, museum objects on display in the East Wing and some objects in the Executive Mansion will be relocated or removed. Items not currently in use or on display are curated or stored. The routine removal of museum objects from the White House and off-site storage of those objects when they are not in use or being displayed is consistent with the park's enabling legislation and institutionalized through longstanding regular practice.

As described in the EA, the White House is unique in that, while it is an historic building, it is also a building that has evolved over time. Since 1805, Presidents have expanded and updated the White House to meet the needs of the Executive Office of the President. The selected action is consistent with this historic pattern of use and with the park's enabling legislation. Finally, as further explained in the NPS's Non-Impairment Determination (Appendix A), the action will not result in impairment of, or unacceptable impacts to, the park's resources.

In summary, the selected action best meets the project's purpose and need by providing permanent, secure space for large official events within the White House grounds, eliminating reliance on temporary tents. It aligns with the long-standing functional goals of the Executive Office of the President, meets the current operational needs of the Executive Office of the President, and is consistent with the White House's historical evolution and the park's enabling legislation. The action maintains public access to key interpretive areas, and ensures that the museum character of the principal ground floor corridor and State Floor public rooms is upheld. As documented in the EA and the Non-Impairment Determination attached, the selected action will not result in significant environmental impacts or impair the park's resources, allowing the NPS to continue fulfilling its stewardship and interpretive mission.

Decision

Based on the information contained in the EA and described above, the NPS has determined that the selected action does not constitute a major federal action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). Therefore, an EIS will not be required. Lastly, the NPS certifies that it has considered all relevant information raised during the NEPA process and that the NEPA process is closed (516 DM 1 Handbook § 4.1).

Appendix A

Non-Impairment Determination

Compliance with National Park Service (NPS) Management Policies Unacceptable Impacts and the No-Impairment Standard

As described in 2006 NPS Management Policies (Management Policies) (NPS 2006), Section 1.4.4, the National Park Service Organic Act of 1916 (54 USC 100101) prohibits the impairment of park resources and values. *Guidance for Non-Impairment Determinations and the NPS NEPA Process* (NPS 2025) provides guidance for completing non-impairment determinations for NPS actions requiring preparation of an environmental assessment (EA) or environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA). The NPS completed a non-impairment analysis for the White House East Wing Modernization and State Ballroom EA and determined that it will not result in impairment of park resources, or in unacceptable impacts as described in § 1.4.7.1 of Management Policies. Sections 1.4.5 and 1.4.6 of Management Policies further explain impairment.

Section 1.4.5 defines impairment as an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values.

An impact to any park resource or value may, but does not necessarily, constitute an impairment, but an impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance (NPS 2006, 1.4.5).

Section 1.4.6 of Management Policies identifies the park resources and values that are subject to the no-impairment standard. These include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;

- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

NPS non-impairment analysis normally does not include discussion of impacts to visitor access and experience, socioeconomics, public health and safety, environmental justice, land use, park operations, wilderness, etc., as these do not constitute impacts to park resources and values subject to the no-impairment standard under the Organic Act. See Management Policies § 1.4.6.

Non-Impairment Determination for the Selected Action

As a basis for evaluating the potential for unacceptable impacts or impairment on the park's resources, the NPS relied on the EA which is incorporated by reference herein. The EA includes analysis of impacts to cultural resources, including cultural landscapes and historic buildings and visitor access and experience. The NPS analyzed a no action alternative and proposed action in detail in the EA.

The proposed action was selected for implementation, because the Executive Office of the President identified the selected action as the only alternative that meets its functional goals and operational needs. The proposed action is referred to as the selected action in this document. The selected action will establish a permanent, secure event space within the White House grounds. This will be accomplished by replacing the existing East Wing of the White House with a new building that will house the White House State Ballroom. The selected action will necessitate some modifications to the existing landscape.

Under the selected action, the existing East Wing and portions of the East Colonnade will be largely deconstructed. Prior to deconstruction, the NPS will remove all collections, artifacts, and paintings (collectively "museum objects") from the East Wing of the White House and some museum objects from the Executive Mansion. Museum objects will be either re-displayed or properly stored.

The new building will be approximately 90,000 square feet and will be connected to the Executive Mansion through the East Colonnade. The East Colonnade will be renovated to include a secure second story that will provide direct access from the East Room to the State Ballroom, while maintaining existing ground-floor access to and from the main Executive Mansion. The second floor of the new building will feature a State Ballroom, while the first floor will accommodate guest suites, executive offices, restrooms, and a visitor entrance with expanded interpretive areas.

Purpose and Fundamental Resources and Values of The White House and President's Park

The purpose of the park and its fundamental resources and values are important context for a non-impairment determination. The purpose of the White House and President's Park is described in the enabling legislation. The enabling legislation states:

Primary attention shall be given to the preservation and interpretation of the museum character of the principal corridor on the ground floor and the principal public rooms on the first floor of the White House, but nothing done under this Act shall conflict with the administration of the Executive offices of the President or with the use and occupancy of the buildings and grounds as the home of the President and his family and for his official purposes (Pub. L. No. 87-286, 75 Stat. 586 (1961)).

The White House and the surrounding cultural landscapes are fundamental resources of the park as well as visitor experience and public access, First Amendment activities, museum collections, and the park's iconic views and vistas. The park is also significant for its historical importance and its enduring role as a symbol of democracy (NPS 2014). The EA discusses impacts to the White House building and cultural landscapes in detail and acknowledges the importance of views and vistas as part of the cultural landscape. The analysis below further addresses these resources in the context of the Organic Act.

Other park resources subject to the no-impairment standard may experience some effects; however, these effects are minimal and were determined not to warrant detailed analysis in the EA. Museum collections and objects, which are fundamental resources of the park, were not carried forward for detailed analysis. As described in the EA, museum objects will be properly stored to ensure their preservation for the future enjoyment of the American people. Also, resources such as noise, wildlife and wildlife habitat, archeology and air quality are not discussed further here, as the anticipated effects are so minor that they have no potential to result in unacceptable impacts or impairment. For a detailed description of park resources considered but dismissed from detailed analysis, see Appendix A of the EA.

As noted above, the NPS does not include a non-impairment analysis for visitor access and experience, as it is not identified in Section 1.4.6 of Management Policies as a resource subject to the no-impairment standard. However, as described in the Finding of No Significant Impact (FONSI) and in greater detail in the EA, the selected action does not permanently restrict visitor access to the White House. While some areas of the White House and grounds will be temporarily restricted or closed, White House tours and events are expected to occur in some capacity. Thus, this fundamental value will be maintained under the selected action.

In most cases, the evaluation of unacceptable impacts or impairment to the resources discussed in this document, specifically cultural landscapes and historic buildings, considers the extent to which the selected action changes characteristics from the period of significance, such as whether a building still reflects its appearance during an important historical event or period. In this case, however, the analysis must be guided not only by the preservation requirement in the Organic Act, but also by the park's unique enabling legislation and its primary purpose, which recognizes the White House as both a residence and a workplace. The Organic Act's preservation mandate is constrained by the purposes of the park to support the use and

occupancy of the buildings and grounds by the President and First Family, and to facilitate official Executive functions. As described in the FONSI, the selected action meets the needs identified by the Executive Office of the President. The non-impairment analysis below appropriately considers potential impacts not only through the lens of the Organic Act and NPS Management Policies, but also consistent with the park's enabling legislation.

Cultural Resources Non-Impairment Analysis

Cultural Resources – Cultural Landscapes

The White House and President's Park include three distinct cultural landscapes that were identified as contributing features to the L'Enfant Plan of the City of Washington, DC, a historic district listed in the National Register of Historic Places (NPS 1997). The White House Grounds Cultural Landscape, which was originally designed by Thomas Jefferson and later modified by the designs of Andrew Jackson Downing, Frederick Law Olmsted Jr., and others, will be altered through an expansion of the White House footprint and the addition of a larger structure on its east side. Similarly, views of the White House from Lafayette Park and the Ellipse will be permanently altered due to the modifications to the East Wing. In the short term, construction activities, including the presence of equipment and the removal and replanting of vegetation, will result in temporary adverse effects on these landscapes.

While the selected action introduces adverse impacts to the park's cultural landscapes, these impacts do not rise to the level of impairment, particularly in relation to the historic views and vistas central to the L'Enfant Plan of 1791. The long vista, connecting the White House, Washington Monument, and Jefferson Memorial, has been a defining feature of Washington D.C. for over two centuries. The White House, situated at a prominent high point, has undergone many modifications over time, including the construction of the East and West Wings. These changes, while altering the immediate setting, did not compromise the broader visual and spatial relationships that define the L'Enfant Plan. The selected action is consistent with these past changes in that it does not obstruct or diminish the visual connection between these landmarks. The integrity of the long vista, a defining element of the original city plan, remains unobstructed, and thus unimpaired, under the selected action.

Under the selected action, the White House Grounds Cultural Landscape will be affected by a reduction in architectural symmetry and alterations to the manicured environment and built features of the landscape. However, as noted in the EA, mitigation measures such as replanting historically significant trees, salvaging and reusing historic materials, and preserving or reinstalling garden features will help maintain continuity between the site's historic character and its contemporary functions. These measures ensure that significant elements of the landscape are preserved and adapted for continued use, eliminating the potential of impairment.

Most importantly, the historical significance of the park's cultural landscape reflects its continuous adaptation to meet the evolving needs of the Executive Office of the President. The selected action continues a long-standing tradition reflected in the park's enabling legislation of adapting the White House grounds to accommodate essential executive goals. The changes to

the cultural landscapes for this purpose are consistent with its historic character and thus do not rise to the level of impairment.

Cultural Resources – Historic Buildings

The White House was designated as a National Historic Landmark (NHL) in 1960. Under the selected action, the existing East Wing will be removed and replaced with a new building, resulting in the permanent loss of a component that has supported White House operations since 1942. The second story addition on the East Colonnade will further modify the traditional spatial organization and sightlines of the grounds. These changes will adversely alter the design, setting, and feeling of the White House and its grounds over the long term. Also, the selected action may introduce temporary risks to the historic building, including noise, vibration, and potential settlement effects, which could affect the structural stability or finishes of the Executive Mansion and adjacent features.

While the selected action will alter the design, setting, and feeling of the White House and its grounds, mitigation measures, including HABS, LiDAR, and photographic documentation and the salvage and storage of select historic building materials, will preserve important elements of the historic fabric. These materials are intended to be reused in the modernized East Wing or retained for future preservation or restoration efforts. Thus, despite the changes, these historic building materials will remain available for the appreciation and benefit of the American people.

Finally, the White House is unique in that, although it is a historic structure, it continues to evolve to meet the operational needs of the Executive Office of the President, a quality that contributes to its historical significance. Indeed, when the NHL was designated, the East Wing had existed in its current form for only 18 years. Under the selected action, the White House retains its designation as an NHL, along with its historical value and iconic status. The modernized East Wing and new State Ballroom will directly benefit the American people by expanding the White House's ability to host large indoor events, celebrate America's history through new interpretive opportunities, and create a symbolic space for events of national importance, reinforcing shared civic identity and pride. It will continue to serve both as a symbol of democracy and as a functioning seat of the executive branch. Therefore, the selected action does not result in unacceptable impacts or impairment, as the changes are consistent with the ongoing historical significance of the White House and its grounds.

Conclusion

As demonstrated here and supported by the analysis in the EA, the impacts from the modernization of the East Wing and the construction of a State Ballroom, do not prevent the National Park Service from fulfilling the park's purpose or result in impairment of park resources. Additionally, the selected action will not unreasonably interfere with park programs or activities, including tours and special events; with other appropriate uses; with the overall atmosphere of peace and tranquility; with the natural soundscape; or with NPS concessioner or contractor operations. Therefore, the selected action will not cause impairment of, or unacceptable impacts to, the park's resources or visitor experience.

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National Park Service
US Department of the Interior



The White House and President's Park

**White House
East Wing Modernization and State Ballroom
Environmental Assessment**
Washington, DC

August 2025

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Chapter 1 – Purpose and Need

Background

The White House is the oldest public building in the District of Columbia and has been the home and office of every President of the United States except for George Washington. The White House, including its wings and grounds, serves as the residence of the First Family, offices for the President and staff, and an evolving museum. It sits within President's Park, which includes Lafayette Square, the First Division Monument, Sherman Park, and various sites in and around the Ellipse.

The White House itself has expanded since its original construction and has been subject to many major and minor renovations since its first cornerstone was laid in 1792. Although the White House has undergone expansions and many presidents have proposed large changes to the White House, its design remains a timeless representation of stability and resilience in our nation (Bushong 2005).

Beginning in 1805, various presidents have expanded the colonnade leading to the east of the White House. In 1902, the East Wing colonnade was reconstructed in the same location. During excavations, the contractors found and dug up the original East Wing's foundations (McDonald 2011). The East Wing, as we know it today, includes the colonnade leading to a two-story building that was added to the White House in 1942.

Congress established The White House as a unit of the National Park System in 1961, and it is managed by the National Park Service (NPS) through President's Park. The enabling legislation (Pub. L. No. 87-286, 75 Stat. 586 (1961)) states that the NPS will give primary attention to the preservation and interpretation of the museum character of the principal corridor on the ground floor and the principal public rooms on the first floor of the White House. The enabling legislation provides that NPS management of the park shall not conflict with the administration of the Executive Office of the President or with the use and occupancy of the buildings and grounds as the home of the President and his family or his official purposes.

Purpose and Need

The White House stands as one of the most stunning and historically significant buildings in the world. However, it faces a fundamental limitation: it cannot host large events without resorting to the installation of huge, unsightly tents positioned over 100 yards from the Executive Mansion and within view of visitors to President's Park. For 150 years, Presidents, administrations, and White House staff have needed a permanent indoor event space at the White House that can hold substantially more guests than currently allowed.

The continued use of temporary tents and outdoor set-ups for high-profile events has taken a toll on the cultural landscape and architectural integrity of the area. These installations pose threats to vital infrastructure and landscaping, while diminishing the overall visitor experience. During events, large stakes are driven into the ground, risking damage to underground utilities.

Meanwhile, temporary flooring damages the turf, leading to a need for expensive repairs, and the lack of sufficient restrooms adds to the growing urgency to establish a permanent event space and event support facilities. Visual distractions and the aged appearance of these temporary facilities further undermine the experience for visitors to the White House and President's Park (NPS 2000).

The Comprehensive Design Plan for the White House and President's Park (2000) identified the need for expanded event space to address growing visitor demand and provide a venue suitable for significant events. Successive administrations have recognized this need as an ongoing priority. To meet this need, the Executive Office of the President outlined three functional goals for any permanent event space: (1) immediate adjacency to the White House Executive Mansion, (2) a direct ceremonial procession from the East Room into the venue, and (3) enclosed second-story access from the Executive Mansion.

The purpose of the proposed action is to establish a permanent, secure event space within the White House grounds that provides increased capacity for official state functions, eliminates reliance on temporary tents, temporary support facilities, and associated infrastructure strains, and protects the historic integrity and cultural landscape of the White House and its grounds while maintaining a high-quality visitor experience, consistent with essential functional requirements of the Executive Office of the President.

The NPS has prepared this environmental assessment (EA) consistent with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), the Department of the Interior (DOI) NEPA regulations, 43 CFR 46, and the 2025 DOI Handbook of NEPA Implementing Procedures (516 DM 1 Handbook).^{1,2}

Project Area and Issues

The project area includes the East Colonnade, portions of the east side of the Executive Mansion where the colonnade meets the building, the East Garden, the East Wing of the White House, and space west and south of the East Wing extending down to the South Drive. The project area extends from Pennsylvania Avenue, running south along the East Executive Park (East Executive Avenue), and reaching Hamilton Place (Figure 1). Hereafter, when this document refers to the East Wing, it collectively includes the East Colonnade. Where necessary, the East Colonnade will be specifically called out.

¹ Certification related to Page Limits: The NPS certifies it has considered the factors mandated by NEPA; that this EA represents its good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits; that this prioritization reflects NPS's expert judgement; and that any considerations addressed briefly or left unaddressed were, in NPS's judgment, comparatively not of a substantive nature that meaningfully informed the consideration of environmental effects and the resulting decision on how to proceed.

² Certification related to Deadline: The NPS certifies that this EA represents a good-faith effort to fulfill NEPA's requirements within the congressional timeline; that such effort is substantially complete; that, in NPS's expert opinion, it has thoroughly considered the factors mandated by NEPA; and that, in NPS's judgment, the analysis contained therein is adequate to inform and reasonably explain its decision regarding the proposed Federal action.

Impacts to Cultural Resources and Visitor Access and Experience are evaluated for each alternative. The following issues were considered but dismissed from detailed analysis (see Appendix A): Air Quality, Archeological Resources, Floodplains, Museum Collections, Noise and Noise-Compatible Land Use, Socioeconomics, Soils, Traffic and Pedestrian Access, Vegetation, Wildlife and Wildlife Habitat.

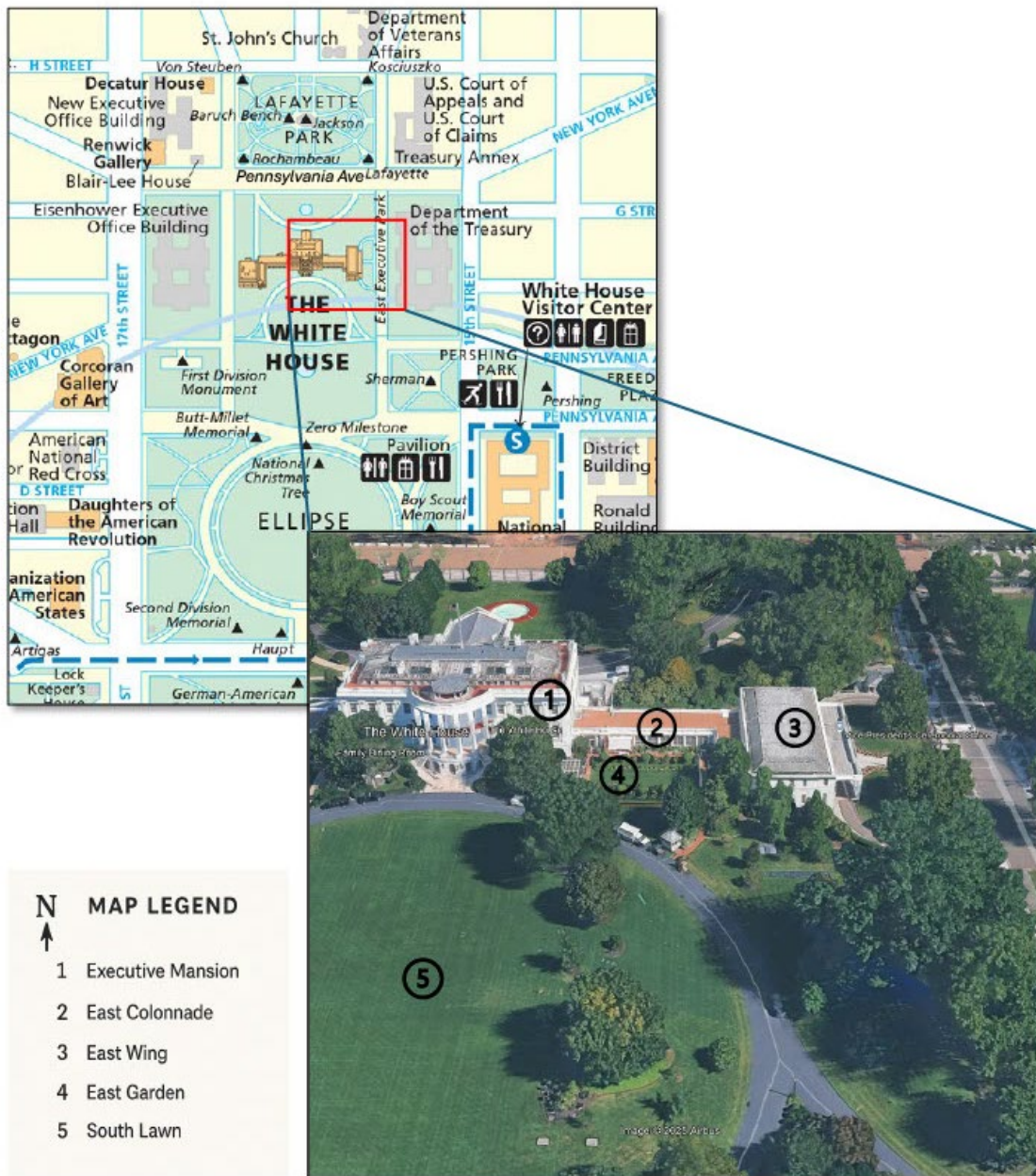


Figure 1. The East Wing Modernization Project Area within The White House and President's Park.

Chapter 2 – Alternatives

This section describes the no action alternative and the proposed action. The proposed action is informed by concept-level designs developed in collaboration with the Executive Office of the President’s planning team and architects. A discussion of alternatives considered but dismissed is included in Appendix B.

No Action Alternative

Under the no action alternative, there would be no physical changes to the White House or its grounds or the ongoing and continuing management of the site. Tents and other temporary facilities would continue to be erected on the South Lawn to host large White House events, such as State dinners.

Proposed Action

The proposed action would establish a permanent, secure event space within the White House grounds. This would be accomplished by replacing the existing East Wing of the White House with a new building that would house the White House State Ballroom.

Deconstruction and Design

The existing East Wing and East Colonnade would be deconstructed. Prior to deconstruction, the NPS would remove all museum collections, artifacts, and paintings (collectively “museum objects”) from the East Wing and some museum objects from the Executive Mansion. Museum objects from the East Wing may be relocated to other areas within the White House, which could result in temporary removal or modification of interior designs or museum objects in those spaces. If removed from the White House, all items would be stored in accordance with White House standards to ensure proper preservation and accountability.

The interiors and exteriors of the East Wing and East Colonnade have been evaluated to identify historic fabric with potential for salvage and possible reuse. Both buildings would be documented as outlined in the Documentation section below prior to removal of any features or finishes. Selected interior features would be documented, removed, and stored for potential reinstallation including wood paneling, light fixtures, movie theater elements, and interior columns. Selected exterior features, such as exterior columns, Seneca sandstone, the East Wing commemorative cornerstone and bronze plaque from the 1942 renovation, wrought iron fencing and gate, the Kennedy Garden arbor, two fanlight windows from the East Colonnade, and cobblestone paving, would be documented, removed, and stored for potential reinstallation. Some interior and exterior features would be reinstalled at and around the new building.

The new building would be approximately 90,000 square feet and would be connected to the Executive Mansion through the East Colonnade. The East Colonnade would be renovated to include an enclosed second story that would provide direct access from the East Room to the State Ballroom, while maintaining ground-floor access to and from the Executive Mansion.

Limited portions of the east façade of the Executive Mansion would be carefully removed to tie in both levels; stones removed for this work would be cataloged and reinstalled.

The exterior design of the new East Wing building would be compatible with the Executive Mansion through classical elements such as columns and pediments. Materials would include a white painted exterior, historically compatible windows and doors, and an architecturally compatible roof. Interior finishes would include stone slab flooring, decorative plaster moldings, and high-quality finishes for elevator cabs. Mechanical, electrical, and plumbing (MEP) upgrades would include custom chandeliers, fixture updates, and architectural grilles, along with advanced audio-visual (AV) system enhancements.

The second floor would contain the State Ballroom with capacity for over 1,000 guests, depending on final design configuration. The State Ballroom would allow flexible staging on the south or east sides and provide views to the west, south, and east. A flat tray ceiling with decorative chandeliers is proposed. The first floor would continue to serve as the visitor entrance to the building with monumental stairs to the ballroom and would house storage, mechanical equipment, and mission space. Ground-floor restrooms are proposed to support events on the South Lawn.

Construction and Staging

Under the proposed action, a temporary construction zone would be established near the East Wing until project completion (summer 2028). This zone would close Madison Place NW from H Street NW to E Street NW and portions of Pennsylvania Avenue NW, extending approximately 260 feet east and 350 feet west from the Madison Place NW centerline to non-construction or emergency vehicles. The construction area would extend south from the East Colonnade, with the South Drive as the western boundary and East Executive Drive as the eastern boundary. The construction zone would extend south to Hamilton Avenue. The construction would not impede visitation to other parts of President's Park.

A tower crane would be erected on site, with its final location determined upon completion of the final design documents. Other heavy construction equipment would be used, and contractors would employ ground protection to prevent turf and utility damage. Given the project's size and duration, turf replacement and ground remediation, such as decompaction of compacted topsoil, are expected to occur during project closeout, along with the repaving of affected roadway areas.

Landscaping

The proposed action would expand the footprint of the East Wing, resulting in adjustments to landscaping in the project area. To accommodate the larger building, a variety of ornamental trees and shrubs would be removed from the project site. The commemorative Southern Magnolias on the east front of the East Wing would be removed due to the proposed footprint of the building (north magnolia planted in 1947, south magnolia planted in 1942 by Franklin D. Roosevelt). The East Garden would be carefully removed during construction and reinstalled similar to its existing design. The arbor in the East Garden would be removed, restored, and reinstalled in the East Garden once exterior construction is complete.

The brick pavers along the garden paths would be carefully removed. The bricks would be stored and ready to be relaid as part of the garden reinstallation. The fountain, including its statue, a centerpiece of the garden, would also be carefully dismantled and preserved for future reinstallation. Meanwhile, the Laura Bush Silver Linden Tree would be fenced and protected with a rigid barrier to ensure its safety throughout the construction period.

Documentation

The NPS would continue to survey and record the current interior and exterior conditions of the East Wing, East Colonnade, and Jacqueline Kennedy Garden (East Garden) of the White House.

The documentation would consist of two components:

1. Digital Survey: A 3-dimensional digital survey of the property using Light Detection and Ranging (LiDAR) laser scanning equipment would be done. Scanning would be conducted using Leica P50 and RTC360 terrestrial laser scanners. A Leica TS16i total station would be used to create a control network for the scanned data. A single three-dimensional model of the building and site would be completed.
2. High-Resolution Digital Photography: The NPS would capture high-resolution digital photographs of the building and site to include the primary interior and exterior spaces, significant features, and contextual views. Photographs would be executed using a Phase One medium-format digital system and a Canon R5 full-frame digital mirrorless system.

Chapter 3 – Affected Environment and Environmental Consequences

This chapter is organized by issue. The current and expected future conditions of the resource, including reasonably foreseeable future actions and trends, are presented first, followed by an analysis of the environmental consequences of the alternatives on each resource.

Cultural Resources

Cultural Landscapes

Current and Expected Future Conditions of the Environment if No Action is Taken

The White House and President's Park includes three distinct cultural landscapes that were identified as contributing features to the L'Enfant Plan of the City of Washington, DC, a historic district listed in the National Register of Historic Places (NPS 1997). These cultural landscapes are fundamental to the park and provide the setting for the "President's Park" as defined by Pierre L'Enfant in 1791. The period of significance of the historic district is 1790 to 1942 (NPS 1997; 2016).

- **Lafayette Park.** Lafayette Park, located north of the White House, is a 19th-century public park redesigned in the 1960s. H Street bounds the park to the north, Madison Place to the east, Pennsylvania Avenue to the south, and Jackson Place to the west. Two brick elliptical paths bisected by two brick parallel straight walkways inscribe the rectangular park. Elliptical fountains accent the east-west line of the park. Monuments to Revolutionary War heroes (Marquis Gilbert de Lafayette, Comte Jean de Rochambeau, Tadeusz Kosciuszko, and Baron Frederick Wilhelm von Steuben) anchor the corners, and an equestrian statue honoring President Andrew Jackson in the War of 1812 sits in the center of the park. Two 19th-century urns, known as the Navy Urns, flank the south-central entrance to Lafayette Park.
- **White House Grounds.** The White House Grounds cultural landscape consists of the gardens and grounds within the iron fence line of the White House that provide privacy, protection, and recreation for the first family, as well as the backdrop for official events. Thomas Jefferson originally designed the grounds and they have evolved through designs by Andrew Jackson Downing and Frederick Law Olmsted, Jr., as well as others. The north grounds consist of a semi-circular drive arching around a circular fountain centered on the house. Groves of trees, many commemorative, flank the drive to the east and west. The south grounds consist of a circular drive reached by a tangential road on the south with entrances at the east and west ends. A circular fountain, centered on the house, is located further south of the drive. Groves of trees and bushes, many commemorative, flank the east and west sides of the south lawn.
- **The Ellipse (President's Park South).** The Ellipse area, or President's Park South, to the south of the White House grounds, is another important cultural landscape. President's Park South consists of the park area including the Ellipse, Sherman Park to the

northeast, and First Division to the northwest. An elliptical roadway serves as the centerpiece of the Ellipse with narrow curved roads, referred to as dog legs, in the northeast, southeast, and southwest corners. President's Park South is ringed with a series of monuments and memorials that include: the First Division Monument, the Zero Milestone, the General William T. Sherman Monument, the Boy Scout Commemorative Tribute, and the Second Division Memorial. The park is also significant for its views of and from the National Mall, the Washington Monument, and the Jefferson Memorial.

Views and vistas were among the most essential features of the first plan of Washington, DC, drawn by Pierre Charles L'Enfant in 1791. Situated on a high point within the city, the White House is a focal point on the principal north-south axis of L'Enfant's plan. Perhaps the most critical view associated with the site is the long vista linking the White House, Washington Monument, and Jefferson Memorial. The NPS has worked to maintain this historically significant corridor between these preeminent sites. The axial relationship is evident and remains one of the defining attributes for the entirety of Washington, DC's monumental core. Other significant vistas include views north from the First Division Monument to the Eisenhower Executive Office Building and south to E Street, the view from Sherman Park north to the Treasury Building, the view from Constitution Avenue north to the Second Division Memorial, and the view to and from the North Portico across Lafayette Park and up 16th Street. During special events, views of the White House and other features of President's Park are impacted by the installation of large white event tents on the south lawn of the White House. These installations include large stakes driven into the ground and temporary flooring, which impacts utilities and the turf at the White House. These tents detract from views of the White House and President's Park during the special events as well as a period of construction before and after the events for setup and take down of the tent structures (The White House – Office of the President 2025b).

The White House grounds are constantly changing with the seasons and to support essential executive functions, and vegetation is moved and removed frequently. Recent changes include major renovations to the Rose Garden in 2020 and 2025. The 2020 project improved accessibility and sustainability by widening walkways, reconfiguring flower beds, and upgrading drainage, while removing crabapple trees to open sightlines and reduce shading of the roses to encourage floral propagation. In 2025, the central grass panel was replaced with a diamond-patterned concrete paver patio to better support events in the space and existing rose bushes and ornamental planting beds were retained. That same year, the historic Jackson Magnolia, a long-defining feature of the South Lawn, was removed due to advanced decline. A 12-year-old sapling that is a direct descendant of the Jackson Magnolia was planted in its place (The White House- Office of the President 2025a). Also in 2025, the NPS relocated a commemorative tree from the Biden Administration and a few non-commemorative plants to other locations on the White House grounds.

Environmental Consequences

Proposed Action

Replacing the existing East Wing with a new building that is approximately 90,000 square feet and 55 feet tall would have permanent adverse impacts on the cultural landscape, particularly the White House Grounds cultural landscape. Its removal would alter the architectural symmetry and historical continuity of the White House. The increased footprint and the addition of a second story along the colonnade, compared to the existing East Wing, would increase the massing and scale of the eastern portion of the property, potentially deemphasizing the prominence of the West Wing and the Executive Mansion. This change could be seen as a departure from the traditional aesthetic values and architectural integrity that have been maintained over the years.

However, the introduction of a new building to house the State Ballroom would also bring certain improvements to the cultural landscape. The permanent event space would eliminate the need for temporary event tents, enhancing the overall appearance and functionality of the White House grounds, providing a more seamless and dignified setting for large gatherings. This change would also reduce the wear and tear on the lawn, utilities, and surrounding areas, preserving the landscape's integrity into the future. While the new ballroom would represent a shift in the White House's architectural narrative, it would offer practical benefits that align with the longstanding needs of the White House and essential executive functions.

The viewscape and axial relationships as identified in the L'Enfant Plan of the City of Washington, DC and the 1901 McMillan Plan would not be affected by the new building. The primary vista related to the White House extends north-south from the Ellipse to the Jefferson Memorial and the southern horizon (NPS, 2016). This view is maintained since the new building would be sited on the east side of the property and bordered by the U.S. Treasury Building, which is of nearly equal scale.

Impacts on landscaping within the cultural landscape would include both temporary and permanent effects. The temporary removal of the 1960 Holly Trees surrounding the East Garden would be a notable change, as these trees have long contributed to the garden's historical and aesthetic value. To mitigate this impact, the construction contractor would carefully uproot, preserve, and replant the trees, ensuring their continued role in the landscape. The Laura Bush Silver Linden Tree, planted by the former First Lady and of historical significance, would be protected with a rigid barrier during construction. Other non-commemorative shrubs, bushes, trees, and turf would be removed, altering the garden's appearance and ecosystem during construction, but allowing for new landscaping plans. Overall, while the project would alter the manicured environment of the cultural landscape during construction, preserving and reintroducing significant elements would help maintain the historical and aesthetic value of the White House and its grounds.

Several hardscape features on the landscape would also be modified. Features of the East Garden, like the brick pavers along the garden paths and pergola, would be carefully removed and stored for reinstallation following construction. The fountain, including its statue, a centerpiece of the garden, would be dismantled and preserved, ensuring that this feature can be reinstalled and would continue to contribute to the garden's aesthetic and historical value.

The period of significance for the L'Enfant Plan historic district is 1790-1942. Many of these features were installed after 1947 and, therefore, their removal or change would not impact the cultural landscape. In addition, specific planned landscapes such as public parks are generally considered contributing, but their individual component elements are not enumerated for each site (NPS, 1997).

Conclusion

Overall, the proposed modernization of the East Wing would introduce both adverse and beneficial effects on the White House Grounds cultural landscape. Permanent changes would include the reduction in architectural symmetry and alterations to the manicured environment and built features of the East Garden. During construction, the White House grounds, Lafayette Park, and the Ellipse would also be visually altered. However, nothing in the proposed action would permanently alter the critical view associated with the site, the long vista linking the White House, Washington Monument, and Jefferson Memorial. Impacts would be offset in part by mitigation measures, such as replanting historically significant trees, salvaging and reusing historic materials, and preserving or reinstalling garden features. The addition of a permanent ballroom would further reduce the need for temporary event infrastructure and lessen physical stress on the surrounding grounds. While the project would alter aspects of the cultural landscape that have developed over centuries, measures to preserve significant elements and adapt the grounds for continued use would help maintain continuity between historic values and contemporary functions. The cultural landscape's period of significance ending after 1947 reflects the understanding that continual changes would be needed by the Executive Office of the President, demonstrating that this project aligns with the long-standing practice of adapting the White House to meet evolving essential executive functions. There are no other reasonably foreseeable future actions that may affect cultural landscapes. For this reason, the proposed action would contribute all of the effects to this resource.

Historic Buildings

Current and Expected Future Conditions of the Environment if No Action is Taken

Today, the Executive Mansion encompasses approximately 55,000 square feet, not including the West and East Wings and colonnades. This historic main building is organized into three primary sections: the Ground Floor, the State Floor, and the Executive Residence floors. The iconic porticoes extend beyond the main structure, contributing to the building's grand and welcoming presence for visitors. On the northern façade, the building attains a height of 60 feet 4 inches, while the southern façade reaches an elevation of 70 feet. The interior consists of a sophisticated arrangement of 132 rooms, each steeped in historical significance, including 16 family and guest suites, three kitchens, and 35 bathrooms.

The East Wing has undergone many notable transformations since its original construction. President Thomas Jefferson was the first to expand the White House, adding colonnaded terraces to both the east and west sides, which not only enhanced the functionality of the building but also augmented its aesthetic appeal. It was during the renovations undertaken by President Theodore Roosevelt in 1902 that the East Wing assumed its more formal architectural style. This initial building served to welcome dignitaries and the public, featuring a long

cloakroom designed for the accommodation of guests' coats and hats during grand social gatherings.

During a substantial remodeling project in 1902, President Theodore Roosevelt enlisted the expertise of architect Charles McKim. McKim sought to instill a sense of Beaux-Arts order into the exterior and advocated for the removal of the greenhouses. He revitalized Jefferson's vision for a graceful flat-roof promenade and was able to construct a more harmonious architectural balance with the West Wing, thereby transforming it into a secondary entrance serving this historic residence (McDonald 2011).

In 1942, under the presidency of Franklin D. Roosevelt, the East Wing as it exists today was constructed. This addition incorporated an underground facility, currently referred to as the Presidential Emergency Operations Center, illustrating the complexities of governance during the turbulent period of World War II (White House n.d.).

Although the exterior of the Executive Mansion has largely retained its original design since its reconstruction following the War of 1812, the interior has experienced notable renovations, particularly between 1949 and 1952 during the administration of President Harry S. Truman. This extensive renovation prioritized the preservation of the historic floor plan while enhancing the interior's beauty and functionality.

On December 19, 1960, the White House was designated as a National Historic Landmark (NHL) under Criterion 1 (Significant Historical Events) for its critical role in the establishment of the nation's capital and its resilience during the British invasion in 1814. Significant documentation of the building has been completed over the years, including a Historic American Building Survey (HABS), Nos. DC 37A and DC 37B.

Currently, the East Wing provides office space for the First Lady and her staff, which includes the White House Social Secretary, Graphics and Calligraphy Office, and correspondence teams. In addition, visitors are welcomed at the ground floor entrance, which leads into the East Colonnade, a corridor connecting the East Wing to the Executive Mansion. The East Wing also features a movie theater for the First Family which also serves as a cloakroom for events. The East Wing encompasses approximately 60,000 square feet, forming an essential operational space for the First Lady and her team.

Each administration has left its imprint, shaping the building to reflect the evolving administrative needs, culture, and ideals of the nation (Table 1). The evolution of Jefferson's wings illustrates a continuous cycle of usage and adaptation, reflecting the dynamic nature of the White House itself. While innovation remains essential, the preservation of the historical significance of this landmark is equally paramount. This balance underscores the enduring legacy of the White House as an institution, one that embodies both a vibrant present and a promising future (McDonald 2011).

Table 1. Notable changes to the White House.

Year	Notable Change
1814-1815	Rebuilding following the War of 1812
1824-1829	Addition of the South and North Porticos
1902	Classical renovation of the White House interior and construction of the West and East Wings under President Theodore Roosevelt
1909-1930	Expansion of the West Wing, including the addition of the Oval Office and various renovations
1942	Second story of the East Wing constructed
1948-1952	Major structural renovation under President Harry S. Truman
1961	Redecoration by First Lady Jacqueline Kennedy
1979-1980	Exterior paint and stonework restored
2019-2020	Tennis Pavilion constructed to replace an existing facility
2019-2023	Replacement and upgrade of White House perimeter fence
2020	First Lady Melania Trump renovated the Rose Garden
2024	First Lady Jill Biden expanded the White House tour route and upgraded interpretive exhibits within the tour experience
2025	President Donald J. Trump renovated the Rose Garden

Environmental Consequences

Proposed Action

The proposed action is the addition of an approximately 90,000-square-foot building to house the State Ballroom, which would require replacing the existing East Wing and adding a second story to the East Colonnade. This action would result in both adverse and beneficial effects on historic buildings and their character.

Deconstruction and replacement of the East Wing would result in the permanent alteration of a component that has been integral to White House operations since its construction in 1942. Both the exterior and interior spaces of the East Wing, including circulation corridors, office suites, and the theater, would be removed. This would disrupt the historical continuity of the White House grounds and alter the architectural integrity of the east side of the property. The new building's larger footprint and height would dominate the eastern portion of the site, creating a visual imbalance with the more modestly scaled West Wing and Executive Mansion. Adding a second story to the East Colonnade would further modify the setting, contrasting with the single-story design of the West Colonnade and changing the traditional spatial organization and sightlines of the grounds. Construction activities would also introduce temporary risks to the historic building, including noise, vibration, and potential settlement effects, which could affect the structural stability or finishes of the Executive Mansion and adjacent features.

While the proposed modifications would alter the design, setting, and feeling of the White House grounds, they are not anticipated to affect its continued designation as a National Historic Landmark. The designation is based on the White House's historical and cultural

significance, particularly its association with the presidency and role in American history. Core elements that contribute to its national significance would remain intact, although the project would represent a substantial change to one portion of the landmark.

Mitigation would include comprehensive documentation of the affected buildings. Existing HABS records would be supplemented with new documentation, including three-dimensional digital surveys using LiDAR scanning and high-resolution photography of exterior and interior spaces. This process would create a permanent record of the East Wing, East Colonnade, and related features prior to construction. Salvage and storage of some of the existing historic building materials would be reused in the new modernized East Wing, and to ensure their availability for future preservation or restoration projects. These measures would help preserve knowledge of the buildings' architectural and historical qualities for future generations, even as the project introduces functional and physical changes to the site.

The deconstruction of the East Wing and East Colonnade would likely impact other features of the building through the removal of historic materials, like Seneca sandstone.³ The Seneca sandstone extant in the East Colonnade parapet walls would be salvaged and stored for future preservation projects, either at the White House or for other significant structures in Washington, DC. This effort would ensure this finite material remains available for restoration, helping maintain the architectural integrity of the White House and other historic buildings in the area.

Conclusion

In conclusion, the proposed action would alter the scale and architectural balance of the White House grounds through the replacement of the existing East Wing and modification of the East Colonnade. These changes would affect elements that have shaped the property's character since the early 20th century. Mitigation measures, including salvage of historic materials and comprehensive documentation, would preserve a record of the affected features and support future preservation needs. The addition of a permanent ballroom would also reduce reliance on temporary event infrastructure, limit wear on the grounds, and provide functional benefits for large gatherings. Taken together, the project would introduce both adverse and beneficial effects, but the White House and its grounds would continue to retain the core characteristics that convey its national significance, and thus its designation as a National Historic Landmark. Although there could be further changes to the building during this, or future, administrations, there are currently no reasonably foreseeable actions or projects that would affect the White House and its grounds. For this reason, the proposed action would contribute all of the effects to this resource.

³ Seneca sandstone, known for its rich, reddish-brown color and durability, was quarried from the Seneca Creek area in Maryland and was a popular building material in Washington, DC, during the 19th century. Seneca Quarries provided building stone to Washington, DC from 1781 to 1901, and supplied distinctive red sandstone for some of the most significant structures and infrastructures in Washington, DC, including the East Wing of the White House. The quarries were closed in 1901, largely depleted. While the primary construction of the East Wing did not heavily rely on Seneca sandstone, it was used in various structural and decorative elements throughout the White House grounds.

Visitor Access and Experience

Current and Expected Future Conditions of the Environment if No Action is Taken

President's Park

As noted above, the White House sits within President's Park, which also includes Lafayette Park, the Ellipse and its side panels, the First Division Monument Park, and Sherman Park. These locations, excluding the White House and its grounds, are open to the public without the need for a scheduled tour, however, temporary area closures do occur due to events and activities. U.S. Secret Service operations may also temporarily affect access to areas of the park to ensure necessary security and safety for the adjacent White House grounds, its occupants, and the public. These closures are frequent, given the high level of activity that occurs in and around the park.

Most visitors to President's Park view the White House from Lafayette Park or the north end of the Ellipse. Views of the White House from Lafayette Park include the northern façade of the East Wing. The East Wing is currently obscured from view by trees from the Ellipse, while the East Colonnade is partially visible. During special events, visitors can see large event tents on the south lawn of the White House. These tents detract from views of the White House and President's Park during special events as well as a period of construction before and after the events for setup and take down of the tent structures (The White House – Office of the President 2025b). Additionally, the setup and teardown for these events require a portion of President's Park to be temporarily closed to the public, resulting in impacts to visitor access.

Visitors to President's Park experience an urban environment with frequent noise from crowds, vehicles, construction, and overflights. Between 2014 and 2024, excluding 2020 and 2021 due to COVID-19 restrictions, President's Park welcomed an average of approximately 1.5 million⁴ visitors annually (NPS 2025a).

The White House

A distinctive feature of the White House, as one of the few official residences of a head of state regularly open to the public, is its role in providing unique visitor opportunities. The White House hosts major public events such as the Garden Tours, the Easter Egg Roll, and the National Christmas Tree Lighting. President's Park offers open space for recreation, First Amendment expression, and community programming. The NPS provides visitor access, interpretation, and educational services throughout these areas (NPS 2014).

One purpose of the White House as a unit of the National Park System is to provide public access to the principal corridor on the ground floor and to the state rooms on the first floor (NPS 2000, NPS 2014). Public tours have been offered since the early 1800s. Availability has periodically been suspended or rerouted due to security concerns, renovations, wartime restrictions, budget limitations, pandemics, or significant presidential events.

⁴ The years 2020 and 2021 were excluded from the calculation due to the impact of the COVID-19 pandemic, which drastically reduced visitation numbers.

Today, tours are coordinated by the White House Visitors Office, part of the Executive Office of the President, with day-of security screening and logistics overseen by the U.S. Secret Service. Members of the public request tours through their Member of Congress, which naturally limits the number of tour visitors. Once approved, visitors are notified of their scheduled tour date and time. Visitors enter the area through Sherman Park and start their tours in the East Wing. Interpretation within the tour is provided through interpretive exhibits and the tour itself is self-guided. The focus on maximizing tour capacity can limit the depth of visitor engagement. Security and event requirements often result in the closure of Sherman Park, the First Division Monument, and portions of President's Park South. These closures can affect circulation and reduce opportunities for interpretation.

While proposals to construct a permanent visitor screening facility have been made for more than two decades, this has not occurred. As a result, visitors pass through temporary screening tents before entering the East Wing. The current tour includes public rooms such as the Vermeil Room, Library, China Room, East Room, Blue Room, Red Room, Green Room, State Dining Room, and a view of the East Garden. U.S. Secret Service officers are stationed along the route and are knowledgeable about each room's history, art, furnishings, and current use. The White House tour route has evolved over presidencies, with new routes proposed and created in accordance with each administration's priorities and needs.

Tours are currently offered Tuesday through Thursday from 7:30 a.m. to 11:30 a.m., and on Friday and Saturday from 7:30 a.m. to 1:30 p.m. However, tours are subject to change or cancellation due to various special events and security reasons. Between 2014 and 2024, excluding 2020 and 2021 due to COVID-19 restrictions, the White House welcomed an average of approximately 488,200⁵ visitors annually (NPS 2025b).

Multiple tourism sources identify the White House and President's Park as among Washington, DC's top attractions (Tripadvisor n.d., Washington.org n.d.a, U.S. News and World Report n.d.). The city recorded its highest-ever visitation in 2023 and 2024, a trend that is expected to continue. Visitor numbers are projected to peak in 2026, coinciding with the nation's 250th anniversary (Washington.org n.d.c). These visitation trends, coupled with the popularity of the White House and President's Park, indicate that visitation to the park and pressure for tours is likely to increase in the near future.

Construction activity around the White House and President's Park is expected to increase, coinciding with proposed East Wing work. Nearby, the National Mall is slated for renovations to landmarks such as the Lincoln Memorial, Constitution Gardens, Jefferson Memorial, and other event plazas (Washington.org n.d.b). In 2024, Washington, DC released its Downtown Action Plan, which covers areas east of the White House and President's Park and proposes new apartments, expanded pedestrian space, cultural hubs, and other construction projects (District of Columbia 2024). Lastly, as part of the President's Executive Order, *Making the District of*

⁵ The years 2020 and 2021 were excluded from the calculation due to the impact of the COVID-19 pandemic, which drastically reduced visitation numbers.

Columbia Safe and Beautiful, (The White House 2025c) NPS and other federal agencies in the area will be taking actions such as removing graffiti, upgrading public benches, restoring buildings, cleaning public parks, and refurbishing fountains, among other actions. These actions, including construction projects, could result in short-term disruptions, lasting the length of construction, to visitor access and experience near President's Park through increased noise, changes in circulation patterns, and views. However, these projects are intended to improve the visitor experience in the long term.

Environmental Consequences

Proposed Action

Under the Proposed Action, construction activities would be ongoing from fall 2025 to summer 2028. During deconstruction and construction of the new building, heavy equipment, increased heavy truck traffic, and construction noise would temporarily detract from the aesthetics and setting of President's Park and the White House. For approximately three years, construction fencing, cranes, and staging areas would disrupt the site's visual integrity and historic character from certain viewpoints as described above in the cultural landscape section. Views from Lafayette Park would be most affected, while views of the main White House façade and North Portico would remain unobstructed. Views from the Ellipse to the White House may change, as construction activities and portions of construction fencing would be visible. Visitors are likely to see construction from this vantage point which would impact the visitor experience until construction concludes. Pedestrian access to sites in President's Park would remain largely unchanged both during and after construction (more detail provided in Appendix B, *Impact Topics Considered but Not Carried Forward for Analysis- Traffic and Pedestrian Access*).

The East Wing currently functions as the entry for White House tours. If deconstructed, visitors would no longer experience this space directly in its current state, which would represent a permanent change to the visitor experience. However, extensive documentation conducted prior to deconstruction, including HABS records, LiDAR scanning, and photography, would provide a detailed archival record of the East Wing, thereby reducing the intensity of effects on the visitor experience in this one location.

Construction would interrupt normal tour flow through the East Wing, necessitating rerouting (e.g., alternate entry point) or postponement. Historically, tours have been suspended or altered during renovations or heightened security conditions. At the time of this EA's preparation, new tour bookings have been paused while a collaborative group of White House, NPS, and U.S. Secret Service staff work to determine the best way to ensure public access to the White House as this project begins and for the duration of construction (DiMella 2025, Kurtz 2025). The President and First Lady have expressed commitment to continuing the tradition of public access to the White House (DiMella 2025, Kurtz 2025). Current plans anticipate that tours would continue to include the State Floor, comprising the Cross Hall, East Room, Green Room, Blue Room, Red Room, and State Dining Room. The Ground Floor State Rooms (Vermeil Room, Library, China Room, and Diplomatic Reception Room) would remain closed during construction. The NPS and the Executive Office of the President are also committed to continuing major public events at the White House. Based on these measures and the

Administration's stated commitment, any impacts on visitor access would be temporary, with the potential for enhanced public access to new spaces once construction is complete.

Upon completion, the modernized East Wing could incorporate accessible design, interpretive exhibits, enhanced tour features, and upgraded visitor amenities. Designed for a larger capacity than can currently be accommodated indoors, the State Ballroom would eliminate reliance on large temporary tents on the White House lawn, along with associated temporary flooring, generators, and portable restrooms, and would therefore avoid repeated staging, set-up, and tear-down that currently requires short-term closures of portions of President's Park and recurring turf repairs (The White House- Office of the President 2025b). Consolidating major events indoors would reduce the frequency and duration of lawn closures and lessen visual and noise intrusions during event preparation. These improvements would strengthen the White House's role as a national symbol and enhance the overall visitor experience.

Conclusion

Implementation of the proposed action would result in temporary but noticeable effects on visitor access and experience at President's Park and the White House during the approximately three-year construction period, due to the presence of heavy equipment, construction noise, and temporary visual obstructions. While views from certain locations, particularly Lafayette Square and portions of the Ellipse, would be altered, primary views of the White House façade, including the North and South Portico, would remain unaffected. Public access to the White House would be modified but maintained through adjusted tour routes, consistent with past practices during renovations, and supported by the Administration's stated commitment to preserving public access and hosting major events. These changes would be temporary, with no lasting restrictions on access once construction is completed. The design intent is for visitors to continue to enter through the ground floor of the modernized East Wing building for public White House tours and events. Upon completion, the project would provide a modernized East Wing and permanent Ballroom space designed to improve functionality, accessibility, and visitor amenities, while reducing the need for temporary event spaces. Collectively, these improvements would enhance the White House's ability to host large indoor events, reinforce its role as a national landmark, and contribute to an improved long-term visitor experience.

When combined with other reasonably foreseeable future actions described in the *Current and Expected Future Conditions of the Environment if No Action is Taken* section, visitors to and near the White House and President's Park are likely to experience greater short-term impacts while construction projects are underway. However, once construction is complete, both visitor access and experience will be largely beneficial, with the proposed action contributing most of the effects.

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Appendix A – Impact Topics Considered But Not Carried Forward for Analysis

Air Quality

The proposed action would result in the following short-term, construction-related emissions:

- Tailpipe emissions from construction equipment (e.g., dozer, backhoe) and trucks hauling construction materials to the site.
- Vehicle emissions from construction workers commuting to and from the site.
- Fugitive dust from soil excavation, site disturbance and deconstruction.

To protect air quality, the Clean Air Act (CAA) requires the Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for six pollutants (called "criteria" air pollutants) which can be harmful to public health and the environment.⁶ The primary NAAQS are established at levels considered protective of public health, including "sensitive" populations such as children, the elderly and people with heart and lung conditions. Areas where monitored air quality does not meet the NAAQS are designated as nonattainment and the appropriate air regulatory agency must develop an implementation plan to address air pollutants contributing to the NAAQS violations.

The Washington, DC, area (DC-MD-VA) is in moderate nonattainment for the current ozone standard (U.S. EPA 2025a, b),⁷ and is a maintenance area for particulate matter less than 2.5 microns (U.S. EPA 2025c).⁸ Section 176(c) of the Clean Air Act requires federal agencies to ensure that air emissions from federal actions located in nonattainment areas will not cause new violations of the NAAQS or increase the frequency or severity of existing NAAQS violations (called a "general conformity" determination). To assist federal agencies in making conformity determinations, the associated regulations provide "de minimis thresholds" which are emission thresholds (in tons per year) below which federal actions are assumed to conform, and a conformity determination is not required.⁹

⁶ These include carbon monoxide (CO), lead, nitrogen dioxide (NO_x), ozone (O₃), particulate matter (less than 10 microns, referred to as PM₁₀ and less than 2.5 microns, referred to as PM_{2.5}) and sulfur dioxide (SO₂).

⁷ The Washington, DC (DC-MD-VA) area is classified as moderate nonattainment status for the 2015 eight-hour ozone standard and maintenance for the 2008 eight-hour ozone standard marginal designation. See EPA's Green Book at <https://www3.epa.gov/airquality/greenbook/jbca.html> (U.S. EPA 2025a) and <https://www3.epa.gov/airquality/greenbook/hmca.html> (U.S. EPA 2025b). Information current as of July 31, 2025.

⁸ The Washington, DC (DC-MD-VA) area is a maintenance area for the 1997 PM_{2.5} NAAQS. See EPA's Green Book at <https://www3.epa.gov/airquality/greenbook/qmca.html> (U.S. EPA 2025c). Information current as of July 31, 2025.

⁹ See [40 CFR § 93.153\(b\)\(1\) and \(b\)\(2\)](#) and EPA de minimis emission threshold rates information at <https://www.epa.gov/general-conformity/de-minimis-emission-threshold-rates>.

It is expected that the proposed action emissions would be well below the minimum pollutant thresholds established in the regulations for PM_{2.5} and ozone¹⁰ based on (1) the limited potential grading area, (2) the limited duration of construction equipment use, (3) the relatively small emissions generated by individual pieces of equipment, and (4) the limited numbers of equipment used in a project of this scope. In addition, it is expected that construction activities would conform with Washington, D.C. on-road and non-road diesel engine idling requirements, which would further reduce construction-related emissions.¹¹ Therefore, this impact topic was dismissed from detailed analysis.

Archeological Resources

The construction of an approximately 90,000 square foot building in an area with a history of substantial ground disturbance poses a small risk of uncovering unknown archeological sites. Given the extensive past disturbances, any artifacts or features uncovered during excavation are likely to be out of context, meaning they may not be found in their original locations or conditions. This can complicate the potential interpretation and preservation of these materials, as their historical and cultural significance might be harder to ascertain. In addition, out-of-context archeological materials would be difficult to assess for their integrity and archaeological interest. The White House Curator's Office has trained staff on site who can identify signs of archeological materials and has established standard operating procedures in the event archeological remains are found. Therefore, because of the low likelihood of uncovering an unknown and undisturbed archeological resource, and the presence of trained staff and standard operating procedures for found items, this topic has been dismissed from detailed analysis.

Floodplains

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map 1100010018C, the project area is located within an area determined to be outside the 0.2 percent annual chance floodplain (FEMA 2010). Additionally, the project does not propose any new structures or uses within the floodplain. The actions proposed in this environmental assessment would not have any impact on flood storage capacity or downstream flood elevations, nor would they obstruct, restrict, or redirect flood flows. Therefore, impacts to floodplains were considered but dismissed from detailed analysis.

Museum Collections

The NPS, in partnership with the White House Office of the Curator, manages the museum collections and archives for the White House. These collections include historic artifacts, American and European furnishings, fine art, and archival materials that expand with each

¹⁰ Ozone is a secondary air pollutant, formed through atmospheric reactions of NO_x and. For this reason, de minimis thresholds are established for NO_x and VOC emissions. PM_{2.5} is both a primary pollutant (e.g., emitted directly from a tailpipe), and a secondary pollutant formed through atmospheric reactions of particle-forming pollutants such as SO₂, NO_x, VOC and ammonia. For this reason, de minimis thresholds for PM_{2.5} are established for primary PM_{2.5} as well as SO₂, NO_x, VOC and ammonia.

¹¹ See DC municipal regulation 20-900.

administration. Exhibits at the NPS's White House Visitor Center make portions of the collection publicly accessible, linking visitors to the presidency and White House history.

As part of the proposed action, the NPS would remove all collections, artifacts, paintings, and other museum objects (collectively "museum objects") from the East Wing of the White House. Museum objects from the East Wing may be relocated to other areas within the White House, which would result in the temporary removal or modification of interior designs and museum objects in those spaces. All handling, relocation, and storage would follow established White House preservation standards, minimizing the potential for accidental damage.

The museum objects proposed for removal represent a small portion of the larger White House museum collection. Effects would be temporary, limited to the period of construction, and fully reversible. The NPS routinely relocates museum objects as part of White House operations, including building maintenance, renovations, and changes in administration. Such practices are authorized by the park's enabling legislation and institutionalized through longstanding practices between NPS and the White House Office of the Curator. Objects not on display are curated or stored within the White House or at the Executive Support Facility and may be returned to display at any time.

Because the proposed modernization of the White House East Wing primarily targets structural and functional improvements, the White House museum collections and archives would remain largely unaffected. The proposed action does not involve changes to the collections or how they are managed. For this reason, the White House would continue to function as a living museum, preserving museum collections for future generations. Impacts to museum collections were dismissed from detailed analysis.

Noise and Noise-Compatible Land Use

Once complete, the project would not result in any material changes to the acoustic environment. Temporarily, construction noise would be present.

The NPS defines acoustic resources as physical sound sources, including both natural sounds (wind, water, wildlife, vegetation) and cultural and historic sounds (battle reenactments, tribal ceremonies, quiet reverence) (NPS 2006). The White House and President's Park are located in downtown Washington, DC, and experience noise common to most urban areas (e.g., traffic noise, construction noise, social gatherings). The existing median summer daytime sound pressure level is approximately 56 dBA (Mennitt et al. 2014; Mennitt 2015). This background sound pressure is high enough that group discussions, such as interpretive programs in President's Park, would not be fully audible to an audience around 5 meters apart (U.S. EPA 1974). Finally, 56 dBA is a median measure- meaning that the background noise in the area is higher than this 50% of the time.

The proposed action includes construction for approximately three years. For outdoor noise considerations, construction noise would be limited to the deconstruction and exterior builds (i.e., not noise in the interior of the building). Therefore, it would be more limited than the full

construction schedule, which includes interior buildouts. Further, the project proposes using standard construction equipment.

The U.S. Department of Transportation Construction Noise Handbook lists equipment and operation noise levels associated with common construction equipment (U.S. Department of Transportation 2017). Equipment such as backhoes, concrete mixer trucks, cranes, and excavators have actual measured Lmax values at 50 feet of around 80 dBA.

Like many cities, Washington, DC has noise regulations, promulgated through the District of Columbia Noise Control Act (1977), as amended. The area of the White House is listed as Zone D-2 (District of Columbia n.d.). The purposes of the D-2 zone are to accommodate high-density housing with a limited amount and type of commercial use on only the ground floor and to ensure the scale of new development is compatible with the scale of the historic areas in the vicinity of lower 16th Street, NW, 17th Street, NW near the White House, President's Park, and Judiciary Square. The Washington, DC, noise regulations have different considerations for daytime and nighttime noise, including construction noise. Specifically, daytime construction noise (7 am to 7 pm) is limited to a maximum level of 80 dB at 25 feet from the edge of the site, while construction at night is limited to the zone maximum, in this case 60 dB at 25 feet from the edge of the site.

Construction noise associated with the proposed action would elevate noise levels. However, noise attenuation from the construction site would likely fall below the maximum allowable noise regulations in Washington, DC. For example, a noise of 80 dB at 50 feet would attenuate to a level of 74 dB at 100 feet and 68 dB by 200 feet. Given the unique challenges of construction projects at the White House, the NPS and the Executive Office of the President would work closely to implement best management practices related to construction during the duration of the project.

Considering the elevated existing acoustic ambient noise of downtown Washington, DC, the temporary nature of the noise (i.e., construction noise), the attenuation of noise from off the construction site, and that construction noise is expected to be below local noise regulations, the NPS has dismissed noise as an impact topic from detailed analysis.

Socioeconomics

The socioeconomic environment of the project area consists of local, regional, and national businesses, government agencies, residences, and tourist attractions. White House tours and some major events would likely continue during construction, although the extent and number of tours offered could change for a period of approximately three years. These tours represent a valued public opportunity to access the White House and experience its history, but they do not constitute a major economic driver for the region. Visitors to the White House typically combine tours with broader trips to Washington, DC, where numerous museums, monuments, and cultural institutions remain available year-round at no cost. A temporary change in tour capacity or events represents a limited inconvenience to some visitors but is not expected to meaningfully affect the regional economy, tourism sector, or local employment. Following

construction, tour capacity and events would be expected to return to current levels, with no lasting socioeconomic effects.

Construction of the modernized East Wing and State Ballroom would result in a short-term need for construction workers, but the number of workers would be minimal and most of them would already be employed, and there would be no effect on the population, income, or employment base of the surrounding community. The need for construction workers would provide minimal increases in employment opportunities and revenues for local businesses, but any increases would be below the level of detection due to the scale of the local economy. For these reasons, impacts related to socioeconomics were dismissed from detailed analysis.

Soils

Construction of the modernized East Wing and State Ballroom would temporarily disturb soils within the project footprint over an estimated three-year period. The site has been heavily excavated and reworked during past construction episodes, and soils are already highly disturbed. As a result, impacts would be limited to short-term compaction, mixing, and handling of fill material during excavation and construction. No unique or undisturbed soil resources are present, and effects would end once construction is complete. For these reasons, impacts related to soils were dismissed from detailed analysis.

Traffic and Pedestrian Access

Roads near the White House have greater security restrictions than most areas of Washington, DC. Pennsylvania Avenue NW, north of the White House, is closed to public vehicles between 17th Street NW and 15th Street NW but remains open to pedestrians. West Executive Avenue, East Executive Avenue, State Place, and Hamilton Place on the west and east sides of the White House are closed to public vehicles from Pennsylvania Avenue to E Street, with access limited to White House staff. Pedestrians can access Lafayette Square from Pennsylvania Avenue, Madison Place, Jackson Place and H St NW.

Under the proposed action, a temporary construction zone would be established near the East Wing until project completion (summer 2028). This zone would close Madison Place and portions of Pennsylvania Avenue, extending approximately 260 feet east and 350 feet west from the Madison Place centerline. Access would be limited to construction and emergency vehicles. Pedestrian access would remain along portions of both streets.

Because existing restrictions already prohibit public vehicle access on these road segments, the additional closures would not result in any change in vehicle circulation patterns. Primary pedestrian and authorized vehicle routes would remain available, and no measurable change in regional traffic operations or pedestrian connectivity is anticipated. Therefore, traffic and pedestrian access impacts were dismissed from detailed analysis.

Vegetation

The project area is in a highly developed region and urbanized setting. Vegetation within the project area consists primarily of maintained lawn and landscape trees. All of the plant species

are common in the Washington, DC area. Vegetation within the White House grounds has historically been subject to frequent change and management, reflecting both evolving functional needs and aesthetic updates to the property. Examples include the redesign of the Rose Garden in 2020 and 2025, which altered lawn and planting configurations, the 2025 removal of the Jefferson Magnolia due to advanced decline, and 2025 relocation of a commemorative tree. Routine arboreal and horticultural activities, such as tree removals, pruning, and replacement of shrubs or turf, are common and ensure that the grounds remain safe, healthy, and visually consistent with their historic character. Following larger construction projects, notable species have often been replanted or otherwise reintroduced to preserve the cultural and historic values of the grounds.

Because the White House grounds have a long history of managed vegetation changes, and because replanting or replacement would occur after project completion, the effects of vegetation removal or alteration during construction would be small and temporary. No rare, threatened, or sensitive plant species are present, and no long-term ecological consequences would occur. For these reasons, impacts to vegetation were dismissed from detailed analysis.

Wildlife and Wildlife Habitat

Construction activities associated with the proposed action could temporarily damage or remove vegetation and displace wildlife that use landscaped features for food, cover, or nesting. Wildlife present in the project area is typical of an urban environment and consists primarily of species adapted to human activity. Birds commonly observed include house sparrows, European starlings, common grackles, and rock pigeons, as well as edge-associated species such as gray catbirds, northern mockingbirds, eastern phoebes, blue jays, and northern cardinals. Canada geese and mallards are common along the nearby Potomac River, and small mammals such as eastern chipmunks, gray squirrels, and occasional Norway rats, and house mice may occur. These species rely on ornamental trees and shrubs for nesting and foraging, but habitat within the project area is limited and fragmented by surrounding roads and development. Any effects would be temporary and minor, limited to the approximately three-year construction period. Habitat altered during construction would be revegetated following project completion.

The NPS reviewed the U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) website to identify federally listed species that may occur within the project area. The northern long-eared bat, tri-colored bat, and monarch butterfly were identified as potentially present (U.S. FWS 2025). However, there are no known observations of these species or suitable habitat within the project area. Based on this information, the NPS determined that the project would have no effect on these species.

Following construction activities, there will be a permanent reduction of approximately 33,000 square feet, less than an acre, in available wildlife habitat. Disruption to migratory birds is not anticipated because birds would return as vegetation regenerates or is replanted. Given the common and urban-adapted nature of wildlife present, the limited scale of potential effects,

and the planned restoration of vegetation, impacts on wildlife would not be significant and were dismissed from detailed analysis.

Appendix B – Alternatives Considered but Dismissed

Alternative Design Concepts- Multiple locations, layouts, and design concepts were considered, including options that preserved the entire East Wing with a new building that would include a state ballroom built south of the East Wing and attached to the East Wing through a walkway, locating the State Ballroom to the north façade of the East Wing, and concepts that matched the East Wing height without additional stories while retaining second-story access from the Executive Mansion. The park's enabling legislation (Pub. L. No. 87-286, 75 Stat. 586 (1961)) states that the NPS's management of the park may not conflict with the administration of the Executive offices of the President or the President's residential and official use of the buildings and grounds. As identified in the *Purpose and Need* statement in Chapter 1, there has been a longstanding need to construct a large event space at the White House to facilitate the hosting of large events, such as State Dinners. The Executive Office of the President identified executive functional goals for any event space: immediate adjacency to the Executive Mansion, a direct ceremonial procession from the East Room into the venue, and enclosed second-story access from the Executive Mansion. Alternatives that placed the venue farther from the Executive Mansion, interrupted the East Room procession, or removed second-story access would not meet these operational goals. Concepts that shifted the footprint outside the East Wing or reduced the project scale would limit capacity and create circulation and security conflicts that could disrupt executive functions. Additionally, design concepts set further from the Executive Mansion of the White House would require the continued use of tents for security and would subject guests to weather events like rain when moving to and from the event space. Because these alternative design concepts would not meet the purpose and need, they were dismissed from detailed analysis.

Annex 1

The National Trust submits the below chart in response to the Court’s question of “[w]hether and to what extent, past Presidents have obtained congressional authorization and/or regulatory approval for construction and modifications to the White House structure and grounds.” ECF 17 at 4. The chart contains the projects of which the National Trust is aware that involved either the construction or the modification of the White House or structures on its grounds, dating back 235 years to the Residence Act of 1790. The chart does not include interior redecoration or minor interior renovations of the White House, exterior maintenance projects (like repainting), landscaping of the White House grounds, or other similar projects.

To the National Trust’s knowledge, Congress authorized almost every project—and every *major* project—constructing or modifying the White House or structures on its grounds, either through (a) a project-specific authorization or (b) an authorization to the President to make certain minor repairs and alterations up to the limits of the funds Congress appropriated for those purposes, under which the project at issue was qualified both in its nature and its cost. The only exceptions of which the National Trust is aware are a pool and cabana built by President Gerald Ford in 1975, and a tennis pavilion built by President Trump between 2019 and 2020. To the Trust’s knowledge, neither of those two projects, which were comparatively *de minimis*, were subject to a legal challenge.

To the National Trust’s knowledge, based on records reasonably available to it, it appears that every time regulatory review and approval of a project was required, review was sought and approval, where necessary, was received.

Project	Approximate Duration	Nature of Project and Authorization
Initial Construction	1792-1812	Congress authorized and funded the initial construction of the White House by several statutes. First, the Residence Act of 1790 authorized three commissioners, appointed by the President, to

Project	Approximate Duration	Nature of Project and Authorization
		“purchase or accept” land in what is now the District of Columbia, and provided that the commissioners “shall . . . provide suitable buildings for the accommodation . . . of the President.” <i>See An Act for establishing the temporary and permanent seat of the Government of the United States</i>, ch. 28, 1 Stat. 130, 130 (July 16, 1790). The selection of James Hoban, the White House’s architect, was made through a design competition announced by these commissioners in 1792. <i>See Lina Mann, Building the White House</i>, The White House Historical Association (Jan. 3, 2020), https://www.whitehousehistory.org/building-the-white-house (last accessed Dec. 29, 2025). Construction of the White House continued through the 1790s. Subsequent legislation authorized the commissioners to borrow several hundred thousand dollars. <i>See An Act authorizing a Loan for the use of the City of Washington, in the District of Columbia, and for other purposes therein mentioned</i>, ch. 21, 1 Stat. 461, 461 (May 6, 1796); <i>An Act supplementary to an act intituled [sic] “An act authorizing a loan for the use of the City of Washington, in the District of Columbia; and for other purposes therein mentioned,”</i> ch. 30, 1 Stat. 551, 551 (Apr. 18, 1798). Legislation passed in 1812 discharged remaining claims related to the building’s construction. <i>See An Act making an appropriation for the purpose of discharging all the outstanding claims for the construction and repair of the Capitol and the President’s House; for the compensation of the late Surveyor of the Public Buildings, and for furniture for the different apartments of the Capitol, and for other purposes</i>, ch. 121, 2 Stat. 775, 775 (July 5, 1812).
Repairs Following the War of 1812	1815-1820	The White House suffered significant damage during the War of 1812. After the war, Congress authorized repairs through several appropriations. <i>See An Act making appropriations for repairing or rebuilding the public buildings within the city of Washington</i>, ch. 41, 3 Stat. 205, 205 (Feb. 13, 1815) (“That the President of the United States cause to be repaired or rebuilt forthwith, the President’s House, Capitol and public offices, on their present sites in the city of Washington, and that he be authorized to borrow, at an interest not exceeding six per centum per annum, from any bank or banks within the District of Columbia, or from any individual or individuals, a sum not exceeding five hundred thousand dollars, to be applied exclusively to that object.”); <i>An Act making appropriations to supply the deficiency in the appropriations heretofore made for the completion of the repairs of the north and south wings of the Capitol, for finishing the President’s house, and the erection of two new executive offices</i>, ch. 10, 3 Stat. 541, 541 (Feb. 10, 1820) (“For

Project	Approximate Duration	Nature of Project and Authorization
		finishing the President’s house, the sum of thirteen thousand one hundred and seventy-four dollars and sixty-six cents.”). The White House reconstruction was overseen by Congress.¹ <i>See</i> Report of the Commissioner of Public Buildings, H. Doc. 15-18, at 14-16 (Nov. 26, 1818) (detailing progress on repairs to White House).
Addition of South Portico	1823-24	The South Portico—the covered entrance to the White House facing the Ellipse—was added to the White House in or about 1824. Congress authorized the project by appropriating funds for it in 1823. <i>See</i> An Act making appropriations for the public buildings, ch. 62, 3 Stat. 784, 784 (Mar. 3,

¹ The Court asked whether past presidents had obtained regulatory approval for past projects, in addition to congressional authorization. *See* ECF 17 at 4. For most of the country’s history, the two regulatory bodies currently charged with oversight of projects at the White House—the Commission of Fine Arts (“CFA”) and the National Capital Planning Commission (“NCPC”)—did not exist. The CFA was established in 1910, and the NCPC was established in 1952. *See* An Act Establishing a Commission of Fine Arts, Pub. L. 61-181, 36 Stat. 371, 371 (May 17, 1910); An Act to amend the act of June 6, 1924, as amended, relating to the National Capital Park and Planning Commission, and for other purposes, Pub. L. 82-592, 66 Stat. 781, 782-83 (July 19, 1952) (creating the NCPC and charging it with functions similar to its present responsibilities).

Although predecessor entities of the NCPC date to 1924, the statutes establishing those entities did not grant general federal-project-review authority. *See* An Act Providing for a comprehensive development of the park and playground system of the National Capital, Pub. L. 68-202, 43 Stat. 463, 463-64 (June 6, 1924) (establishing National Capital Park Commission, principally to develop and acquire parkland); An Act Amending the Act entitled “An Act providing for a comprehensive development of the park and playground system of the National Capital,” approved June 6, 1924, Pub. L. 69-158, 44 Stat. 374, 374-76 (Apr. 30, 1926) (amending the 1924 act to, *inter alia*, change the commission’s name to the National Capital Park and Planning Commission, and charge it with planning authority for parkland and highways). As a result, many of the projects listed in this chart were not reviewed by the NCPC or the CFA simply because those projects predated the establishment of those commissions.

Before the establishment of the CFA and the NCPC, Congress generally oversaw projects directly through congressional committees or through a project commission established for that purpose. The National Trust has provided details about such committee or commission oversight, which functioned as a rough early analog of modern regulatory review, where the relevant records survive and are available to the Trust.

Project	Approximate Duration	Nature of Project and Authorization
		1823) (“For finishing the south portico to the President’s house, the sum of nineteen thousand dollars.”). Work on the South Portico was overseen by a Committee of Public Buildings of the House of Representatives. <i>See</i> Report on the Committee of Public Buildings, in relation to the operations on said buildings during the last year, and to their present state, H. Doc. 18-60 at 1 (Feb. 12, 1824) (“The Committee have also examined the work done on the South Portico of the President’s House. All here has not been accomplished which was contemplated. Two flights of steps, to ascend from the surface level to the principal floor, with railing on the front of this floor, are still wanting. The reasons assigned for this deficiency, are: ‘The frequent rains, which, rendering the road impassable for weeks together, between the quarries and the landing, rendered it impracticable to finish the work the last year.’ To the Committee these reasons are satisfactory.”).
Addition of North Portico	1829-1830	The North Portico—the covered entrance to the White House facing Lafayette Square—was added to the White House in or about 1829 and 1830. Congress authorized the project by appropriating \$24,769.25 for it in 1829. <i>See</i> An Act making appropriations for the public buildings, and for other purposes, ch. 51, 4 Stat. 362, 362 (Mar. 3, 1829) (“To complete the north front of the President’s house, according to the original plan, by erecting a portico, twenty-four thousand seven hundred and sixty-nine dollars and twenty-five cents.”).
Construction and Repair of Greenhouses and Conservatories	1850s-1900s	During the nineteenth and into the early twentieth century, there were greenhouses and conservatories on the White House grounds. Congress authorized their construction and repair in various statutes. <i>See, e.g.,</i> An Act to supply Deficiencies in the Appropriations for the Service of the Fiscal Year ending June thirty, eighteen hundred and sixty-six, and for other Purposes, ch. 297, 14 Stat. 324, 325 (July 28, 1866) (“For repair of one of the greenhouses at the President’s [sic], five hundred dollars.”); An Act making appropriations for sundry Civil Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes, ch. 167, 14 Stat. 457, 463 (Mar. 2, 1867) (“To enable the commissioner of public buildings to put in thorough repair the conservatory recently injured by fire at the President’s mansion, ten thousand dollars.”); An Act making Appropriations for sundry civil Expenses of the Government for the Year ending June thirty, eighteen hundred and sixty-nine, and for other Purposes, ch. 177, 15 Stat. 110, 117 (July 20, 1868) (“For additional repairs of conservatory at the President’s House, and for supplying the same with a suitable collection of plants to replace those

Project	Approximate Duration	Nature of Project and Authorization
		destroyed by fire, five thousand dollars.”); An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes, ch. 130, 18 Stat. 371, 392 (Mar. 3, 1875) (“For the Executive Mansion, as follows: . . . for care of, and necessary repairs to, the green-houses, five thousand dollars.”); An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes, Pub. L. 57-157, 32 Stat. 1083, 1123 (Mar. 3, 1903) (“For repairs to and reerection of greenhouses, Executive Mansion, three thousand dollars.”); An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes, Pub. L. 58-216, 33 Stat. 1156, 1192 (Mar. 3, 1905) (“For repairs to and reerection of greenhouses, Executive Mansion, three thousand dollars.”).
Construction of the West and East Wings	1902	The West and East Wings were constructed in 1902. Congress authorized the construction by appropriating funds for the project. <i>See</i> An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, Pub. L. 57-182, 32 Stat. 419, 460 (June 28, 1902) (“For a building to accommodate the offices of the President, to be located in the grounds of the Executive Mansion, and for each and every purpose connected therewith, including heating apparatus and light fixtures, furniture, and removal of green-houses, all to be done according to plans, the details of which shall be approved by the President, and completed in every respect within the sum hereby appropriated, sixty-five thousand one hundred and ninety-six dollars, to be expended by contract or otherwise in the discretion of, and under the direction of, the President, and to be immediately available; and said building shall be constructed with sufficient foundation and walls suitable for a durable, permanent building, and of sufficient strength for an additional story when needed.”); <i>see also id.</i> (“For extraordinary repairs and refurnishing of the Executive Mansion and for each and every purpose connected therewith, including all necessary alterations and additions, cabinet work, decoration of rooms, covered ways and approaches, grading, paving, port cochere, gates and electric wiring and light fixtures for house and grounds, all to be done according to plans, the details of which shall be approved by the President and completed in every detail within the sum hereby appropriated, four hundred and seventy-five thousand four hundred and forty-five dollars, to be immediately available and to be expended by contract or otherwise in the discretion of, under the direction of, the President.”).

Project	Approximate Duration	Nature of Project and Authorization
Expansion of the West Wing	1909	The West Wing was expanded in 1909, adding the Oval Office, among other things. Congress authorized the expansion by appropriating funds for the project. <i>See An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes</i> , Pub. L. 60-328, 35 Stat 945, 995 (Mar. 9, 1909) (“For additional accommodations to the building erected for the offices of the President, and for each and every purpose connected therewith, including heating apparatus and light fixtures, and furniture, all to be done according to plans, the details of which shall be approved by the President, and completed in every respect within the sum hereby appropriated, forty thousand dollars, to be expended by contract or otherwise, in the discretion and under the direction of the President, to be immediately available.”).
Repair of Executive Residence’s Attic and Roof	1927	The White House roof and attic were repaired and substantially renovated during the Coolidge administration. Congress authorized the project by appropriating \$375,000 in 1926. <i>See An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes</i>, Pub. L. 69-492, 44 Stat. 841, 844 (1926) (“For reconstructing the roof, attic, and ceilings of the second story of the Executive Mansion, including all necessary work in connection therewith, to be prosecuted, by contract or otherwise as the President may determine, under the supervision of the Director of Public Buildings and Public Parks of the National Capital, fiscal years 1927 and 1928, \$375,000 . . .”). The roof-repair project was presented to the CFA. Minutes from the CFA’s April 14 and 15, 1927 meeting reflect that the CFA concluded that the project would “not alter the appearance of the White House.” Minutes of April 14-15, 1927 Meeting, at 14-15, available at https://archive.org/details/cfaminutes14-15april1927/mode/1up.²

² The CFA’s meeting minutes from 1910 to 2002 are available online at the Internet Archive, and its minutes from 2002 forward are available on the CFA’s website. *See CFA Minutes Available Online*, Commission of Fine Arts (Nov. 15, 2017), <https://www.cfa.gov/about-cfa/news/cfa-minutes-available-online> (last accessed Dec. 29, 2025) (announcing that “[t]he minutes of the Commission of Fine Arts from 1910 through 2002 are now available online at the Internet Archive”); Minutes of the Commission of Fine Arts, Internet Archive, <https://archive.org/details/uscommissionoffineartsminutes> (last accessed Dec. 29, 2025) (1910-2002

Project	Approximate Duration	Nature of Project and Authorization
West Wing Repairs After 1929 Fire	1929-1930	The West Wing sustained substantial damage in a fire in December 1929. The White House was repaired in the following months. <i>See</i> Joel D. Treese and Evan Phifer, <i>The Christmas Eve West Wing Fire of 1929</i>, The White House Historical Association (Feb. 9, 2016), https://www.whitehousehistory.org/the-christmas-eve-west-wing-fire-of-1929 (last accessed Dec. 29, 2025). In March 1930, Congress made an appropriation to rectify certain “urgent deficiencies,” which included \$200,000 for repairs to the White House. <i>See</i> An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, Pub. L. 71-78, 46 Stat. 90, 93 (Mar. 26, 1930) (“For an additional amount for the care, maintenance, repair, and alteration of the Executive Mansion and grounds, including the same objects specified under this head in the Independent Offices Appropriation Act for the fiscal year 1930, \$200,000.”). The National Trust is not aware of available records reflecting that the CFA reviewed these repairs, and it is not evident that such repairs were of the sort that the CFA would have reviewed.
1934 West Wing Renovations	1934	In 1934, the West Wing was renovated to add more office space, among other things. The renovations were predominantly below ground or within the original shell of the building, and included a slight expansion to the south. The renovations were carried out by the Public Works Administration (“PWA”), an agency created by the National Industrial Recovery Act of 1933, Pub. L. 73-67, 48 Stat. 195 (June 16, 1933) (“NIRA”). <i>See</i> Caption List to Series 69-PWA, National Archives Catalog, at 138, available at https://catalog.archives.gov/id/461452185?objectPage=138 (listing among PWA projects in the District of Columbia that “[t]he roof of the White House Offices was literally raised to make additional room, and offices were also added around a sunken court”). The NIRA expressly provided the PWA, and the President, emergency powers to carry out public-works projects quickly and on a large scale. <i>See</i> NIRA §§ 1, 201(d), 48 Stat. at 195, 201 (declaring “national emergency” and establishing limited duration for the President’s powers under NIRA, respectively).

minutes); Record of CFA Actions, Commission of Fine Arts, <https://www.cfa.gov/records-research/record-cfa-actions> (last accessed Dec. 29, 2025) (minutes from 2002 to present).

Project	Approximate Duration	Nature of Project and Authorization
		It appears the West Wing renovation project, having been authorized under the NIRA and carried out by the PWA, was funded by the NIRA or through financing mechanisms approved thereunder. The NIRA appropriated \$3.3 billion and directed the PWA's administrator, "under the direction of the President," to "prepare a comprehensive program of public works," including "construction, repair, and improvement of . . . public buildings," excluding only projects under the jurisdiction of the Architect of the Capitol. NIRA §§ 202, 220, 48 Stat. at 201, 210. It also gave the President substantial flexibility in financing such projects. <i>See</i> NIRA § 203(a), 48 Stat. at 202. The CFA considered the 1934 renovations and ultimately arrived at a favorable view of the project. <i>See</i> Minutes of April 23, 1934 Meeting, at 4-5, available at https://archive.org/details/cfaminutes23april1934/mode/2up ("The Commission considered the suggestion to enlarge the executive office building.³ In their opinion it would be only a temporary proposition just as the executive office building, which was built west of the White House in the days of Theodore Roosevelt, was a temporary proposition. Also the Commission felt that no more space in the White House grounds should be taken up for building purposes. The Commission again strongly recommended that the State, War, and Navy Department Building [i.e., the EEOB] be remodeled as an executive office building."); Minutes of May 7, 1934 Meeting, at 1-5, available at https://archive.org/details/cfaminutes7may1934/mode/2up (considering sketches submitted by NPS in connection with the project and detailing meetings with NPS and President Roosevelt); <i>see id.</i> Ex. A (making proposal for West Wing renovations in a letter to the President dated May 8, 1934). Several months later, the CFA "made a trip of inspection to the White House to see the construction work on the new executive offices." Minutes of October 19, 1934 Meeting, at 15-16, available at https://archive.org/details/cfaminutes9oct1934/mode/2up (recounting visit and positive impressions).

³ The CFA was referring here to the West Wing, not what is presently known as the Eisenhower Executive Office Building ("EEOB"). In 1934, the now-EEOB was known as the State, War, and Navy Department Building; it was built more than a decade before the administration of Theodore Roosevelt, whereas the West Wing was built during the Theodore Roosevelt administration. *See* Eisenhower Executive Office Building, The White House, <https://bidenwhitehouse.archives.gov/about-the-white-house/the-grounds/eisenhower-executive-office-building/> (last accessed Dec. 29, 2025) (detailing history of the EEOB).

Project	Approximate Duration	Nature of Project and Authorization
Construction of Presidential Bunker and Expansion of East Wing	1942	During the Second World War, a presidential emergency operations bunker was built underneath the East Wing. In connection with that project, the East Wing was also expanded. Presumably due to the sensitive wartime defense and security aspects of the bunker project, contemporaneous appropriations and public statements about the project are less explicit than those concerning other projects in this chart. The National Trust’s research suggests that the project was likely funded by a national-defense appropriations statute that provided approximately \$3.4 million (approximately \$83 million in present dollars) for public buildings in the District of Columbia, among other things. <i>See</i> An Act making additional appropriations for the national defense for the fiscal year ending June 30, 1942, and for other purposes, Pub. L. 77-528, 56 Stat. 226, 236 (Apr. 28, 1942) (“For an additional amount for salaries and expenses, public buildings and grounds in the District of Columbia and adjacent area, fiscal year 1942, including the objects specified under this head in the Independent Offices Appropriation Act, 1942, \$3,413,394 . . .”). Several days after the passage of that statute, the Washington Post reported that a secretary to President Roosevelt had “disclosed yesterday” that “[a]n east wing is being added to the White House.” <i>See White House Now Getting Another Wing</i>, Washington Post (May 1, 1942). The project was presented to the CFA, and the CFA recommended it favorably. <i>See</i> Minutes of January 8, 1942 Meeting at 1-2, available at https://archive.org/details/cfaminutes8jan1942/mode/1up (“Mr. Lorenzo S. Winslow, architect for the National Park Service, presented, as he said at the request of the President, a set of plans for alteration of the east end of the east terrace of the White House (facing the Treasury Department Building) so as to provide an office building at that location comparable to the executive office building on the west side of the White House.”); <i>see id.</i> Ex. A (favorably recommending project and “strongly recommend[ing]” the retention of “a thoroughly competent architect . . . to consult . . . on the details, both interior and exterior, in order that we may be assured that the character and spirit of the design will harmonize with the White House.”); <i>see also id.</i> at 2 (noting that “a bomb shelter is being built” at the site).
Addition of Truman Balcony	1947-1948	The Truman Balcony—a balcony inserted within the existing South Portico, level with the second floor of the White House—was constructed by President Truman using funds appropriated by Congress to the Executive Office of the President. <i>See</i> An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal

Project	Approximate Duration	Nature of Project and Authorization
		years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, Pub. L. 79-269, 59 Stat. 632, 634 (Dec. 28, 1945) (“Maintenance, Executive Mansion and grounds: For an additional amount, fiscal year 1946, for ‘Maintenance, Executive Mansion and grounds’, including the objects specified under this head in the Independent Offices Appropriation Act, 1946, \$21,940. Addition to the Executive Mansion: For an addition to the Executive Mansion; for alterations, improvements, and furnishings, and for improvement of grounds, to be expended as the President may determine, notwithstanding the provisions of any other Act, to remain available until expended, \$1,650,000.”); An Act Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1947, and for other purposes, Pub. L. 79-334, 60 Stat. 60, 61 (Mar. 28, 1946) (clawing back \$970,000 of the \$1.65 million appropriated the year prior for an expansion and further appropriating, “[f]or the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Mansion and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of any other Act, \$184,000”); Joint Resolution Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes, Pub. L. 80-25, 61 Stat. 26, 28 (March 29, 1947) (“Executive Mansion and grounds: ‘Care, maintenance, repair, and alteration’, \$18,250.”); <i>see also</i> William Seale, <i>The Life and Presidency of Harry S. Truman</i>, White House Historical Association, https://www.whitehousehistory.org/the-life-and-presidency-of-harry-s-truman (last accessed Dec. 29, 2025) (explaining that President Truman “took the \$16,050.74 [the balcony] ultimately cost from the existing household budget”). The Truman Balcony project was presented to the CFA, which did not view the project favorably. Minutes of August 28, 1947 Meeting, at 3-5, available at https://archive.org/details/cfaminutes28aug1947 (noting presentation of proposal for a balcony to the CFA, and the CFA’s negative estimation of the project).
Structural Renovation	1949-1952	Major renovations of the White House were undertaken after it was discovered that the building was structurally unsound. Congress authorized the renovations by appropriating funds for the project on several occasions. <i>See</i> An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1949, and for other purposes, Pub. L. 81-119, 63

Project	Approximate Duration	Nature of Project and Authorization
		Stat 231, 235 (June 23, 1949) (“For all expenses necessary for and incident to the renovation, repair, and modernization (without change of present architectural appearance of the exterior of the mansion or the interior of its main floor) of the Executive Mansion, or for such other provision for remodeling or rebuilding the Executive Mansion or for construction of a separate residence for the President as may be determined upon by the Commission on Renovation of the Executive Mansion established pursuant to Public Law 40 (Eighty-first Congress), including the preparation of drawings and specifications, and the purchase of furniture, furnishings, and equipment, without regard to section 3709 of the Revised Statutes or the civil-service and classification laws, \$2,000,000, to remain available until expended and, in addition contracts may be entered into in amounts not exceeding \$3,400,000”); An Act Making supplemental appropriations for the fiscal year ending June 30, 1952, and for other purposes, Pub. L. 82-253, 65 Stat. 736, 743 (Nov. 1, 1951) (“For an additional amount for ‘Renovation and modernization. Executive Mansion’, \$261,000, to remain available until expended.”) Congress created a Commission on Renovation of the Executive Mansion, which oversaw the renovation project. <i>See</i> An Act To provide for a Commission on Renovation of the Executive Mansion, Pub. L. 81-40, 63 Stat. 45, 45-47 (April 14, 1949). While meeting minutes of the CFA from this period occasionally address the project, it appears that the project was principally supervised by the Commission on Renovation of the Executive Mansion. <i>See</i> March 16, 1949 Meeting Minutes, at 3, available at https://archive.org/details/cfaminutes16march1949/mode/1up (noting White House repairs); August 17, 1951 Meeting Minutes, at 3-5, available at https://archive.org/details/cfaminutes17aug1951/mode/1up (detailing meeting between CFA and Commission on Renovation of the Executive Mansion).
Outdoor Pool	1975	In 1975, President Ford installed a pool and poolside cabana to the south of the West Wing. <i>See</i> Lina Mamm, <i>A Pool for the President: Diving into the History of White House Swimming Pools</i>, White House Historical Association (Feb. 21, 2023), https://www.whitehousehistory.org/a-pool-for-the-president (last accessed Dec. 29, 2025). The pool and the cabana cost approximately \$67,000 and were funded by private donations, with a maximum donation of \$1,000 from any one person. <i>See id.</i> The National Trust is not aware of any legal challenge having been made to the construction of the pool and cabana.

Project	Approximate Duration	Nature of Project and Authorization
		The cabana and pool deck were renovated in 2002 with funds appropriated by Congress. <i>See</i> An Act Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, Pub L. 107-67, 115 Stat. 514, 527 (Nov. 12, 2001) (“For the repair, alteration, and improvement of the Executive Residence at the White House, \$8,625,000, to remain available until expended, of which \$1,306,000 is for six projects for required maintenance, safety and health issues, and continued preventative maintenance”); <i>see also</i> Report of Hearings before a Subcommittee of the Committee on Appropriations of the House of Representatives, 107th Congress, First Session, at 235-37 available at https://www.govinfo.gov/content/pkg/CHRG-107hhrg73567/pdf/CHRG-107hhrg73567.pdf (providing Executive Residence proposed appropriation language: “For the repair, alteration, and improvement of the Executive Residence at the White House, \$1,306,000 is to remain available for 6 projects for required maintenance, safety and health issues, and continued preventative maintenance,” and listing projects, which include “Cabana Roof Reconstruction and Pool Deck Renovation”); <i>see also</i> <i>Solar Energy at the White House</i>, White House Historical Association, available at https://www.whitehousehistory.org/solar-energy-at-the-white-house (last accessed Dec. 29, 2025) (noting 2002 installation of solar panels on the roof of the cabana). The pool was reviewed by the CFA in connection with the 1975 construction. <i>See</i> Minutes of May 21, 1975 Meeting, at [PDF] 1, 9-10, available at https://archive.org/details/cfaminutes21may1975/mode/1up (“The Chairman reported that he, the Secretary and Assistant Secretary had visited the White House a week earlier to see a scheme for a simple in-the-ground swimming pool with no cover, solar heat or dressing areas. . . .The Commission had no objection to this scheme, feeling that the simpler the pool area was, the better.”); <i>see also</i> Minutes of October 15, 1975 Meeting, at [PDF] 10, available at https://archive.org/details/cfaminutes15oct1975/mode/2up (considering solar heating system for pool area and noting that it was “within the parameters of previous Commission approval”). The National Trust is not aware of the 2002 repair project having been reviewed by the CFA or by the NCPD, likely due to the repair nature of the project.

Project	Approximate Duration	Nature of Project and Authorization
Replacement of Perimeter Fence ⁴	2014-2021	Due in large part to security concerns, the fence surrounding the White House and its grounds was replaced beginning in 2019, with project planning commencing several years prior. <i>See generally</i> National Park Service, <i>Construction begins today on new White House fence</i>, available at https://www.nps.gov/whho/learn/news/construction-begins-today-on-new-white-house-fence.htm (July 8, 2019) (last accessed Dec. 29, 2025). Congress made several appropriations connected with the fence project. <i>See</i> An Act Making appropriations for the fiscal year ending September 30, 2017, and for other purposes, Pub. L. 115-31, 131 Stat. 135, 435 (May 5, 2017) (appropriating “an additional” \$72,988,000 for “‘Procurement, Construction, and Improvements’ for necessary expenses for Presidential security”); Fiscal Year 2019 Congressional Justification, Department of Homeland Security – U.S. Secret Service, at [PDF] 154-55 available at https://www.dhs.gov/sites/default/files/publications/U.S.%20Secret%20Service.pdf (last accessed Dec. 29, 2025) (showing \$50 million in obtained funding for fiscal year 2017 relating to the fence project); Consolidated Appropriations Act, 2016, Pub. L. 114-113, 129 Stat. 2242, 2503 (Dec. 18, 2015) (“That of the amounts made available under this heading for security improvements at the White House complex, \$8,200,000 shall remain available until September 30, 2017”); Fiscal Year 2017 Congressional Justification, Department of Homeland Security – U.S. Secret Service, at [PDF] 5, available at https://www.dhs.gov/sites/default/files/publications/FY%202017%20Congressional%20Budget%2

⁴ The grounds of the White House have been enclosed by a fence since the early 1800s. Congress has authorized modifications of the fence on various occasions. *See, e.g.*, An Act making appropriations for the public buildings, and for furnishing the Capitol and President's house, ch. 97, 3 Stat. 458, 458 (Apr. 20, 1818) (“For the wall north of the President’s house, with gates and iron railing the width of the house, three thousand five hundred and eighteen dollars.”); An Act making appropriations for the public buildings in Washington, and for other purposes, ch. 154, 4 Stat. 194, 194 (May 22, 1826) (“[F]or finishing the fences, and graduating and improving the grounds connected with the President’s house, the sum of five thousand eight hundred and sixty-five dollars”); An Act in addition to the act entitled “An act making appropriations, in part, for the support of Government, for the year eighteen hundred and thirty-six, and for other purposes, ch. 353, 5 Stat. 112, 114 (July 4, 1836) (“For a dwarf wall and fence between the executive buildings and the President’s house, one thousand one hundred and sixty-five dollars and fifty cents.”).

Project	Approximate Duration	Nature of Project and Authorization
		0Justification%20-%20Volume%203_1.pdf. (last accessed Dec. 29, 2025) (noting that Pub. L. 114-113 “provides . . . not less than \$8,200,000, available for two years, for the Crown fence replacement”). Plans for the fence project were submitted by NPS to the CFA and the NCPC for review, and the NCPC approved the project on February 2, 2017. <i>See</i> NCPC Project File 7776, available at https://www.ncpc.gov/review/project/7776/ (last accessed Dec. 29, 2025); <i>see, e.g.</i>, Minutes of November 17, 2016 Meeting, available at https://cfa.gov/records-research/record-cfa-actions/2016/11/cfa-meeting/minutes (last accessed Dec. 29, 2025).
Construction of Tennis Pavilion	2019-2020	In 2019 and 2020, during the first Trump administration, a pavilion was constructed next to the White House tennis court. The White House has reported that the tennis pavilion was privately funded. <i>See</i> The White House, <i>First Lady Melania Trump Announces Completion of the New White House Tennis Pavilion</i> (Dec. 7, 2020), https://trump.whitehouse.archives.gov/briefings-statements/first-lady-melania-trump-announces-completion-new-white-house-tennis-pavilion/ (last accessed Dec. 29, 2025). The National Trust is not aware of any legal challenge having been made to the construction of the tennis pavilion. Plans for the tennis pavilion were submitted by NPS to both the CFA and the NCPC for review, and the NCPC approved the project on July 11, 2019. <i>See</i> NCPC Project File 8077, NCPC, available at https://www.ncpc.gov/review/project/8077/ (last accessed Dec. 29, 2025); Minutes of May 16, 2019 Meeting, CFA, available at https://www.cfa.gov/records-research/record-cfa-actions/2019/05/cfa-meeting (last accessed Dec. 29, 2025) (concept plans); Consent Calendar for June 20, 2019 Meeting, CFA, available at https://www.cfa.gov/records-research/record-cfa-actions/appendices/consent-calendar/30344 (last accessed Dec. 29, 2025) (final plans).

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-5101**September Term, 2025****1:25-cv-04316-RJL****Filed On: April 11, 2026**

National Trust for Historic Preservation in the
United States,

Appellee

v.

National Park Service, et al.,

Appellants

Consolidated with 26-5108

BEFORE: Millett, Rao*, and Garcia, Circuit Judges

ORDER

Upon consideration of the emergency motion for a stay, which includes a request for a 14-day administrative stay, the supplement to the motion, the opposition to the motion, and the reply, it is

ORDERED that the district court's stay of its March 31, 2026 preliminary injunction be extended to April 17, 2026. It is

FURTHER ORDERED, on the court's own motion, that these cases be remanded to the district court for further proceedings.

On July 31, 2025, the President announced plans to build a 90,000 square-foot ballroom at the site of the White House's East Wing to be paid for by private donors. Add. 92-93. The President assured that he was "fully committed to working with the appropriate organizations to preserv[e] the special history of the White House[.]" Add. 57. Then, on October 20, 2025, "without advance notice[.]" the President posted on social media that "ground ha[d] been broken[.]" Add. 58. Within three days, the East Wing was completely demolished. Add. 93.

* A dissenting statement of Circuit Judge Rao is attached.

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The National Trust for Historic Preservation in the United States then filed this suit in the United States District Court for the District of Columbia and moved for a temporary restraining order. Add. 93; ECF Nos. 1, 2. In opposing the National Trust's motion, Defendants indicated that "nothing about the ballroom ha[d] been finalized," Add. 41, that below-ground construction would not lock in the above-ground ballroom's size, scale, or design, TRO Hr'g Tr., ECF No. 18, at 21:09-21, and that above-ground construction "will not begin until April 2026, at the earliest[.]" Add. 37. The district court declined to issue a temporary restraining order in express reliance on those representations. Add. 41-42.

According to Defendants, "a massive excavation and structurally completed site" now lies where the East Wing once stood. Defs.' Stay Mot. 1. Defendants report that, within the large pit, "bomb shelters, [a] hospital and medical area, protective partitioning, and Top Secret Military installations * * * are built and/or ready to be built, installed and placed." *Id.* Meanwhile, Defendants state that above-ground construction of the ballroom itself is scheduled to begin shortly. *Id.* at 10.

On March 31, 2026, the district court granted the National Trust's motion for a preliminary injunction. Add. 125. The district court concluded that, to the extent the Executive Office of the President or the Office of the Executive Residence had ordered the construction, that action was likely *ultra vires* because Congress has exclusive constitutional authority over federal property like the White House, and no statute authorized the President to demolish an entire Wing of the White House and replace it with a privately funded ballroom. See Add. 100-114. In addition, to the extent the National Park Service had a role in directing and funding the construction, the district court concluded that such action was likely contrary to law in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2), because the Park Service, too, lacks relevant statutory authority. See Add. 115-117.

The district court enjoined the Park Service, the Executive Office of the President, the Office of the Executive Residence and related entities, officers, and agents "from taking any action in furtherance of the physical development of the proposed ballroom * * *, including but not limited to any further demolition, site preparation work, landscape alteration, excavation, foundation work, or other construction related work[.]" Add. 125-126. At the same time, the court exempted from the preliminary injunction those "actions strictly necessary to ensure the safety and security of the White House and its grounds, including the ballroom construction site, and provide for the personal safety of the President and his staff[.]" Add. 126. At Defendants' request, the court stayed the effect of its order until April 14th. See Add. 126.

Defendants noticed their appeal and moved this court to enter a full stay pending appeal. See *generally* Defs.' Stay Mot.

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A stay pending appeal is an “extraordinary” remedy. *Citizens for Resp. & Ethics in Washington v. Federal Election Comm’n*, 904 F.3d 1014, 1017 (D.C. Cir. 2018) (per curiam). To secure that exceptional relief, the stay applicant must demonstrate, among other things, that it will be “irreparably injured” in the absence of a stay before the appeal concludes. *Nken v. Holder*, 556 U.S. 418, 434 (2009) (quotation marks omitted). “[A] showing of irreparable harm is a necessary prerequisite for a stay.” *KalshiEX LLC v. CFTC*, 119 F.4th 58, 64 (D.C. Cir. 2024); see also *Margolin v. National Ass’n of Immigr. Judges*, --- S. Ct. ---, 2025 WL 3684278, at *1 (Dec. 19, 2025) (Mem.) (denying stay application where “the Government has not demonstrated that it will suffer irreparable harm without a stay”).

On the present record, Defendants’ arguments about irreparable harm, and their intersection with the district court’s exclusion of necessary safety and security measures from its injunction, raise unresolved factual questions, as well as a legal dispute about the scope of the exception.

To start, much of Defendants’ discussion of national-security risks concerns security fixtures that are, or will be, installed beneath the planned ballroom. See Defs.’ Stay Mot. 1, 3. But the district court’s injunction runs only against the “physical development of the proposed ballroom[.]” Add. 126 (emphasis added). And Defendants have repeatedly represented to the district court that any below-ground work was distinct from construction of the ballroom itself and could proceed independently. Defs.’ Opp’n to Prelim. Inj., ECF No. 30, at 13 (“[T]he work that must proceed below-grade will not lock in the scope of above-grade construction.”); *id.* at 47 (“[B]elow-grade work does not lock in the size of the above-grade design.”); Defs.’ Mot. to Modify Schedule, ECF No. 22, at ¶ 4 (“[B]elow-grade construction will not necessitate any specific above-grade design.”). Yet Defendants now seem to suggest that below-ground “national security upgrades are inseparable from the rest of the Project[.]” Defs.’ Reply in Support of Stay Mot. 12. As a result, it remains unclear whether and to what extent the development of certain aspects of the proposed ballroom is necessary to ensure the safety and security of those below-ground national security upgrades or otherwise to ensure the safety of the White House and its occupants while the appeal proceeds.

Defendants also contend that the preliminary injunction will impose irreparable harm because the ballroom—once completed—will be more secure than the now-demolished East Wing. Compare Defs.’ Stay Mot. 1 (discussing “drone proof roofing materials” and “blast proof glass”), with *id.* at 4 (“[T]he old East Wing was * * * totally vulnerable to attack by even the most basic of Military weaponry[.]”). But planning documents in the record estimate that the ballroom was never expected to be completed for almost three years from when ground was broken. See Add. 21 (“[T]he completion of construction [is] anticipated to be summer 2028[.]”). So it is unclear on this record how a potential delay to the construction imposes additional harm beyond

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the expected and consciously undertaken risks of a lengthy and major construction project of the White House. The relevant inquiry for purposes of Defendants' stay motion is the narrower question of whether the injunction, with its "safety-and-security exception[.]" Add. 126, will inflict irreparable harm pending the expeditious resolution of the appeal.

That leaves arguments about the ongoing security risks caused by Defendants' decision to demolish the East Wing and undertake a massive excavation and multi-year construction project to the White House itself. See Defs.' Stay Mot. 2 (discussing "expos[ure] to the conditions and elements of an open construction site"), 25 (discussing the risks of "pitching temporary tents"), 26 (relating the Secret Service's assessment that the "current open construction site is, in and of itself, a * * * safety hazard"). This court will not gainsay the importance of ensuring the safety of the White House, the President, staff, and visitors. The district court did not either. As noted, the preliminary injunction expressly allows Defendants to take those "actions strictly necessary to ensure the safety and security of the White House" and those in it or on its grounds. Add. 126. In other words, as Defendants acknowledge and applaud, the injunction appears to accommodate precisely the concerns animating their request for a stay. See Defs.' Stay Mot. 5 ("We agree with the second part of that ruling having to do with Presidential and White House safety and security[.]"). Defendants have not, on this record, explained how, if at all, the injunction interferes with their existing plans for safety and security at the remaining portions of the White House during the construction project. The National Trust's motion to clarify the injunction—now pending before the district court—highlights the uncertainty. See Pltf.'s Mot. for Clarification, ECF No. 65, at 1-2.

The stay papers, in short, have raised serious factual questions about the relationship between, on the one hand, above-ground construction of the ballroom itself and the maintenance of safety and security, and prior governmental representations that the below-ground and above-ground stages were distinct and the above-ground design features subject to change, ECF No. 30 at 13, 47; ECF No. 22 at ¶ 4; ECF No. 18 at 21:16-18 (Defendants could "change the size of the ultimate structure" even after "concrete has been poured[.]"). The district court has not yet had occasion to address those questions.

We cannot fairly determine, on this hurried record, whether and to what extent the district court's "necessary for safety and security" exception addresses Defendants' claims of irreparable harm, insofar as it may accommodate the Defendants' asserted safety and security need for the ballroom itself or other temporary measures to secure the safety and security of the White House, the President, staff, and visitors while this appeal proceeds. We thus remand these cases to the district court with instructions to promptly address the pending motion to clarify how the injunction and its exception will ensure safety and security pending litigation. The district court's previously entered

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No. 26-5101

September Term, 2025

stay of its preliminary injunction is hereby extended to April 17th to allow Defendants, if they wish, to seek Supreme Court review of this order remanding for factual development and clarification. It is

FURTHER ORDERED that the motion for a stay be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to issue the mandate forthwith to the district court.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/
Amy Yacisin
Deputy Clerk

RAO, *Circuit Judge*, dissenting: The President has commenced construction of a new ballroom and security facilities in the East Wing of the White House. The district court halted construction based on the alleged aesthetic injury of one individual residing in Washington, D.C. I would stay the preliminary injunction pending appeal. The government has demonstrated a strong likelihood of success on the merits because the National Trust for Historic Preservation (the “Trust”) lacks standing to sue and because the construction project is authorized by a statute that allows the President to undertake “improvement[s]” to the White House. 3 U.S.C. § 105(d)(1). Importantly, the government has presented credible evidence of ongoing security vulnerabilities at the White House that would be prolonged by halting construction. This constitutes irreparable injury and is clearly a weightier interest than the generalized aesthetic harms identified by a single member of the Trust. Because my colleagues’ remand for further factfinding constructively denies the government the stay to which it is entitled, I respectfully dissent.

I.

Last summer, the President announced plans to renovate the East Wing of the White House, a project that will include updated security facilities and construction of a large ballroom for hosting official events. This East Wing project broke ground in October 2025 and is being managed by the President’s Office of the Executive Residence (“EXR”). Because the White House is situated within President’s Park, a unit of the National Park System, EXR has been coordinating the project with the National Park Service and is funding the project exclusively with private donations.

The Trust, a congressionally chartered nonprofit corporation, filed this lawsuit in December 2025 seeking to enjoin construction of the East Wing project and asserting various claims under the Administrative Procedure Act

(“APA”) and the Constitution. The district court concluded the Trust had associational standing based on an aesthetic injury alleged by one of its members, Alison Hoagland. The district court denied the Trust’s request for a preliminary injunction, however, because EXR was not an “agency” whose actions are subject to review under the APA and because the Trust failed to state a constitutional claim under *Dalton v. Specter*, 511 U.S. 462 (1994).

The Trust amended its complaint to assert ultra vires claims, maintaining that the East Wing project required the “express authority of Congress,” 40 U.S.C. § 8106, and no such authority had been given. The Trust again moved for a preliminary injunction, which the district court granted. The court found the Trust was likely to succeed in showing the East Wing project was not authorized by any statute and therefore barred by section 8106. The district court also held the Trust had shown irreparable harm to its aesthetic interests. Finally, the court concluded the balance of the equities favored the Trust in part because of the “ongoing construction of a ballroom that would ... ‘overshadow[]’ the White House and disrupt the appearance of a historic and cultural icon” and because “the White House does not belong to any one man—not even a president!” The preliminary injunction barred further construction of the project except “actions strictly necessary to ensure the safety and security of the White House and ... the personal safety of the President and his staff.” Add. 126.

The government requests a stay pending appeal of the injunction.

II.

To prevail on a motion for a stay pending appeal, an applicant must make “a strong showing that it is likely to

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succeed on the merits,” “that it will be irreparably injured absent a stay, that the balance of the equities favors it, and that a stay is consistent with the public interest.” *Whole Woman’s Health v. Jackson*, 141 S. Ct. 2494, 2495 (2021) (cleaned up). The most critical of these factors is the likelihood of success on the merits. *See Ohio v. EPA*, 144 S. Ct. 2040, 2052–53 (2024).

A.

The government has made a strong showing that it is likely to succeed on its appeal of the preliminary injunction halting the East Wing project. A preliminary injunction is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). In granting the injunction, the district court committed two independent errors. First, the district court erred in finding the requisite “clear showing” that the Trust has Article III standing. *Murthy v. Missouri*, 144 S. Ct. 1972, 1986 (2024) (cleaned up). Second, the district court erred in holding the Trust is likely to prevail on its “Hail Mary pass” of an ultra vires claim. *Nuclear Regul. Comm’n v. Texas*, 145 S. Ct. 1762, 1776 (2025) (cleaned up).

1.

The Trust asserts associational standing based on the incidental aesthetic harm that one of its members has alleged will occur when she will occasionally travel near the White House. Because the Trust does not seek to protect interests germane to its specific statutory purposes and its member lacks standing to sue in her own right, the Trust likely lacks standing.

Article III of the Constitution vests the Judiciary with the power to resolve specific “‘Cases’ or ‘Controversies,’” not

abstract “questions and issues.” *Ariz. Christian Sch. Tuition Org. v. Winn*, 563 U.S. 125, 132 (2011) (quoting U.S. Const. art. III, § 2). The federal courts are not an “open forum for citizens to press general complaints” about violations of federal law. *FDA v. All. for Hippocratic Med.*, 144 S. Ct. 1540, 1554 (2024) (cleaned up). Plaintiffs seeking to vindicate their rights must therefore demonstrate standing to sue, which requires an injury in fact caused by the defendant and redressable by the court. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992). An injury in fact is an “invasion of a legally protected interest” that is “concrete and particularized,” as well as “actual or imminent.” *Id.* at 560 (cleaned up). This “irreducible constitutional minimum” ensures that a proper party is seeking relief that may be properly issued by a federal court. *See id.*; William Baude & Samuel L. Bray, *Proper Parties, Proper Relief*, 137 Harv. L. Rev. 153, 154–56 (2023).

As an association, the Trust must show that “(1) its members would otherwise have standing to sue in their own right; (2) the interests it seeks to protect are germane to [its] purpose; and (3) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *SSM Litig. Grp. v. EPA*, 150 F.4th 593, 596 (D.C. Cir. 2025) (cleaned up). To obtain a preliminary injunction, the Trust must submit evidence of specific facts that clearly show it is likely to establish associational standing. *See Elec. Priv. Info. Ctr. v. Presidential Advisory Comm’n on Election Integrity*, 878 F.3d 371, 377 (D.C. Cir. 2017); *Murthy*, 144 S. Ct. at 1986. The Trust fails to make the necessary showing.

To begin with, the Trust’s statutory purposes are not germane to any interests asserted here because the Trust has no authority over or interest in the White House. “The germaneness requirement mandates pertinence between litigation subject and organizational purpose.” *Int’l Dark-Sky*

Ass’n, Inc. v. FCC, 106 F.4th 1206, 1218 (D.C. Cir. 2024) (cleaned up). Private associations are generally afforded leeway to define their own purposes, and germaneness often is easily established in our caselaw. But as a congressionally chartered nonprofit, the Trust “is required to pursue ... goals defined by statute.” *See DOT v. Ass’n of Am. Railroads*, 575 U.S. 43, 53 (2015). Congress established the Trust to serve four defined purposes: (1) receiving donations of historic sites, buildings, and objects; (2) preserving and administering those sites, buildings, and objects; (3) accepting and administering gifts to carry out its preservation efforts; and (4) executing other statutory functions. 54 U.S.C. § 312102(b). Congress specified the powers of the Trust, all of which may be exercised only “[t]o the extent necessary to enable it to carry out the functions vested in it by this chapter.” *Id.* § 312105(a) (emphasis added).

To carry out its statutory purposes, the Trust may acquire real property, but it is prohibited from acquiring property within National Park System units. *See id.* §§ 312105(g), 100102(6), 100501. The White House is located within such a unit, President’s Park. The Trust therefore has no statutory purpose related to the White House: it cannot acquire donations of real property within President’s Park, and it cannot preserve or administer such property.¹ *Cf. La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986) (explaining that where Congress has not “confer[red] power upon” an agency, it “literally has no power to act”). Congress has specifically defined the Trust’s purposes and powers, none of which are

¹ That the Trust is authorized to contract and make cooperative agreements with other federal entities and officials only underlines the inappropriateness of its current lawsuit against numerous federal entities and officials. *See* 54 U.S.C. § 312105(h).

germane to a lawsuit challenging the building of a ballroom and updated security facilities on White House grounds.

The district court and the Trust maintain the lawsuit is germane by invoking Congress’s general purpose for creating the Trust: “to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest.” *See* 54 U.S.C. § 312102(a). Yet the same Congress also carved the White House out of the above “sites, buildings, and objects.” While our associational standing precedents are sometimes quite capacious, I would not extend them to confer standing on the congressionally created Trust to vindicate an interest that Congress expressly withheld from the Trust’s purview. The lack of germaneness is fatal to the Trust’s standing.

In addition, the Trust identifies no member with standing to sue. The declaration of the Trust’s sole identified member, Alison Hoagland, relies on the claim that she will suffer aesthetic harm if the East Wing project is completed. Hoagland Decl. ¶ 14. Aesthetic harm to a plaintiff’s recreational activities may qualify as injury in fact, but “mere incidental viewership” of an unpleasant sight does not. *Env’t Def. Fund v. FERC*, 2 F.4th 953, 969–70 (D.C. Cir. 2021). Hoagland’s declaration claims that “[a]s a resident of Washington D.C.” she will walk by and “be impressed” with the White House (but displeased with the new ballroom) “about once a month.” Hoagland Decl. ¶ 12. Such vague and infrequent viewing supports “nothing more than [a] generalized grievance[],” which is insufficient for Article III standing. *Env’t Def. Fund*, 2 F.4th at 968–70 (rejecting standing to challenge “a looming eyesore” the plaintiff passed “three times per week”); *see Lujan*, 504 U.S. at 562–65 (recognizing the possibility of aesthetic injuries but denying standing based on “‘some day’ intentions”).

The district court's finding that Hoagland likely has standing because she intends to travel to the White House in order to "enjoy" and "derive[] aesthetic value" from the building as an attraction, Add. 65 (cleaned up), is not supported by Hoagland's declaration. Because the aesthetic injury Hoagland claims is a future one, she must show it is imminent, and that requires "concrete plans" to "use the area affected by the challenged activity and not an area roughly in the vicinity of it." *Lujan*, 504 U.S. at 564–66 (cleaned up). Hoagland critically fails to make such a showing. Lacking any link between her asserted aesthetic interest in the White House and concrete future plans to view it recreationally, Hoagland falls short of the requisite "clear showing" that she has standing. *Murthy*, 144 S. Ct. at 1986 (cleaned up). As the only member identified by the Trust, this shortcoming also is fatal to the Trust's standing.

Failing the germaneness requirement and lacking a member with standing, the Trust is not a proper party to bring this lawsuit. For that reason, the government is likely to prevail on its appeal.

2.

On the merits, the district court held that the government's construction of the ballroom is likely ultra vires. Because federal law authorizes the construction, the government is also likely to prevail on the merits of its appeal.

"To prevail on an ultra vires claim, the plaintiff must establish three things: (i) the statutory preclusion of review is implied rather than express; (ii) there is no alternative procedure for review of the statutory claim; and (iii) the agency plainly acts in excess of its delegated powers and contrary to a specific prohibition in the statute that is clear and mandatory." *Changji Esquel Textile Co. v. Raimondo*, 40 F.4th 716, 722

(D.C. Cir. 2022) (cleaned up). The third requirement is “especially demanding”; it requires a statutory violation “so extreme that one may view it as jurisdictional or nearly so.” *Id.* (cleaned up). For this reason, an ultra vires claim is “essentially a Hail Mary pass—and in court as in football, the attempt rarely succeeds.” *Nuclear Regul. Comm’n*, 145 S. Ct. at 1776 (cleaned up).

The Trust’s ultra vires claim hinges on 40 U.S.C. § 8106, which requires express congressional authorization to erect a “building or structure ... on any reservation, park, or public grounds of the Federal Government in the District of Columbia.” 40 U.S.C. § 8106. The Trust maintains that no statute authorizes construction of the East Wing project. I disagree. Construction is likely permitted under 3 U.S.C. § 105(d)(1) and therefore not ultra vires.

Section 105(d)(1) authorizes the President to use lawfully available funds for the “care, maintenance, repair, alteration, refurnishing, improvement, air-conditioning, heating, and lighting (including electric power and fixtures) of the Executive Residence at the White House.” 3 U.S.C. § 105(d)(1). The government leans on the authority to make improvements to support the project. Because the word “improvement” has multiple definitions, we must determine which definition “makes sense in the context of the statutory scheme.” *See Jennings v. Rodriguez*, 138 S. Ct. 830, 845 (2018). Section 105(d)(1) squarely enumerates modifications that can be made to real property, and so the real property definition of “improvement” makes the most sense.² With

² Elsewhere, Congress has used “improvement” in the real property context to include the construction of facilities and buildings. *See* 16 U.S.C. § 666 (“There is hereby authorized to be appropriated ... such amounts as may be necessary ... [for] the construction of such facilities, buildings, and other improvements.”); 10 U.S.C.

regards to real property, “improvement” means a “valuable addition made to property” that “amount[s] to more than mere repairs or replacement.”³ *Improvement*, Black’s Law Dictionary (5th ed. 1979). The prototypical example is a “building[],” but the definition also includes “any permanent structure.” *Id.*

The planned ballroom and security facilities are buildings intended to serve as permanent structures supporting the Executive Residence. The project therefore qualifies as an improvement permitted under section 105(d)(1). This interpretation, grounded in the longstanding law of real property in a statute governing the President’s authority over real property (the White House), prevents the Trust from demonstrating the type of “extreme” statutory violation required for an ultra vires claim. *Changji*, 40 F.4th at 722 (cleaned up).

The district court concluded that “improvement” was limited to “ordinary maintenance and upkeep,” relying primarily on *noscitur a sociis*, the principle that “statutory words are often known by the company they keep.” *See* Add. 103; *Lagos v. United States*, 138 S. Ct. 1684, 1688–89 (2018). This interpretation suffers from two flaws. First, the district court never considered the meaning of “improvement” in the real property context, in which improvement means “more than mere repairs.” *Improvement*, Black’s Law Dictionary (5th ed. 1979); *see Sekhar v. United States*, 570 U.S. 729, 732 (2013)

§ 2687a(a)(3)(B)(i) (referring to “construction ... or extension of a building, structure, or other improvement to real property”).

³ The term “improvement” is well established in real property law, but I cite the definition contemporaneous with Congress’s 1978 addition of the specific list of actions to section 105(d)(1). *See* Act of Nov. 2, 1978, Pub. L. No. 95-570, 92 Stat. 2445, 2446.

(“It is a settled principle of interpretation that, absent other indication, Congress intends to incorporate the well-settled meaning of the common-law terms it uses.”) (cleaned up). Second, by selecting a colloquial meaning of improvement and limiting that meaning to “ordinary maintenance and upkeep,” the district court created a surplusage problem. If “improvement” means only “maintenance and upkeep,” it is redundant with “maintenance” and “repair” in section 105(d)(1). *See Walters v. Metro. Educ. Enters., Inc.*, 519 U.S. 202, 209 (1997) (“Statutes must be interpreted, if possible, to give each word some operative effect.”). Text and context confirm that the best meaning of section 105(d)(1) is that “improvement” carries its real property meaning, which includes the construction of buildings and facilities.

Because the East Wing project is likely authorized under section 105(d)(1), it is not prohibited under 40 U.S.C. § 8106. The project is therefore not ultra vires, and the government is likely to prevail on the merits of its appeal.

B.

The government has also shown imminent irreparable injury from the district court’s preliminary injunction. To qualify as “irreparable,” an injury must be both significant and incapable of being remedied “in the ordinary course of litigation.” *In re NTE Conn., LLC*, 26 F.4th 980, 990 (D.C. Cir. 2022) (cleaned up). The government has submitted credible and detailed evidence that the “open construction site” impairs White House security. Add. 54. The construction delay imposed by the preliminary injunction inevitably extends the time during which the President’s residence remains less secure. Every additional day of White House vulnerability harms the government.

My colleagues remand for further factfinding about the security risks and to clarify the scope of the district court’s exception for construction that is “*strictly necessary* to ensure ... safety and security.” Add. 126 (emphasis added). But they properly do not doubt the ongoing security risks described by the government.⁴ While the injunction’s exception might mitigate some safety concerns, the scope of the exception will ultimately be determined by the district court, not by those managing construction or overseeing the security of the White House. Accordingly, the exception does not prevent the preliminary injunction from “improperly intrud[ing] on a coordinate branch” in a manner that causes irreparable injury. *Cf. Trump v. CASA, Inc.*, 145 S. Ct. 2540, 2561 (2025) (cleaned up).

C.

The government also easily prevails on the balance of the equities and the public interest factors. *See Nken v. Holder*, 556 U.S. 418, 435 (2009) (holding these factors merge when the government is a party). As explained above, the district court’s order enjoins construction “in a manner credibly alleged to pose a serious threat to” White House security. *Winter*, 555 U.S. at 33. That concern is weighed against the incidental aesthetic harms asserted by the Trust. Even if the government’s safety concerns are somewhat mitigated by temporary security

⁴ My colleagues emphasize that the district court’s injunction nominally runs only against construction of the proposed ballroom. Order at 3. The government, however, has stated that the security upgrades are “inseparable” from construction of the rest of the East Wing project, including the ballroom. Moreover, the possibility that the ballroom’s exact design might evolve as construction progresses is consistent with the representation that the security upgrades are integrated with the ballroom. There is no uncertainty here justifying a remand.

measures, the current safety of the President, as well as his family and staff, plainly outweighs future aesthetic harms to the Trust. *See id.* (finding that the Navy’s national security interest in an adequately trained antisubmarine force “plainly outweighed” the plaintiffs’ ecological and recreational interests in marine mammals).

* * *

For the foregoing reasons, I would stay the preliminary injunction and allow construction of the ballroom and related security facilities to continue during the pendency of an appeal.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Case No. 1:25-cv-04316-RJL

**DECLARATION OF U.S. SECRET SERVICE
DEPUTY DIRECTOR MATTHEW C. QUINN**

I, **Matthew C. Quinn** declare as follows:

1. I am the Deputy Director of the United States Secret Service (Secret Service).
2. I previously submitted two declarations in this matter, filed on December 15, 2025, and January 15, 2026. Those declarations are incorporated herein by reference and, except as expressly stated below, to the best of my knowledge the statements contained in those declarations remain true and correct.
3. The Secret Service's mission, as codified at 18 U.S.C. §§ 3056, 3056A, is to protect the President (POTUS) and his family and secure the White House (WH) Complex. Protecting POTUS includes fortifying and strengthening structures to defend against current and future threats that our protectees visit, including WH grounds.
4. At this stage of the Project, numerous security risks are present. Specifically, the current unfinished construction site compromises the ability of Secret Service personnel, including Emergency Response Teams and tactical K-9 handlers, to readily traverse the White House Complex for evacuation or other protective security operations. Personnel also risk physical injuries from uncovered rebar and exposed cables around the site. The prolonged exposure of current obstructions creates a danger for USSS personnel to holistically provide a secure 360-degree perimeter to safely protect the President, First Family, and residence.

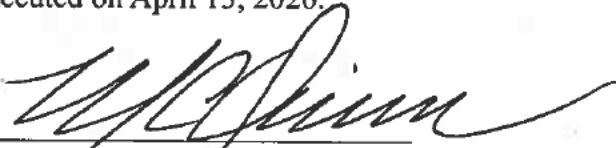
5. The unfinished construction site also presents greater exposure to safety and security threats directed at the main White House and West Wing structures, as well as the underground construction. Specifically, Uniformed Division personnel will be hindered to effectively secure/defend the east side of the White House Building from an attack or security breach due to the current construction debris and large holes.
6. Given these security risks, along with the vulnerabilities of the already-constructed below-ground structures, leaving nothing on top of the below-ground construction is not an option.
7. The project is a single, coherent whole. An above-ground slab and topping structure is needed to ensure that key underground structures with a security purpose are properly protected and strengthened. Specifically, protective operations require an above-ground slab and topping structure that can accommodate the below ground structure with interoperable communications and infrastructure security systems relative to flood management and other utilities. In this way, below- and above-ground projects technically and structurally complement each other, and the below-ground construction has already been done with that expectation of what would go above. As the below-ground construction nears completion, it is critical to resolve the above-ground enclosure for cohesive construction that allows safe passage and accommodates the protective security measures relied upon by the Secret Service, including fortified security screening stations, barriers, gates, guard booths, and alarm and camera systems.
8. Current plans include security features that are critical to the protection of the President, his family, his staff, and the WH Complex, including security features that support below-ground elements that enhance overall safety for all WH occupants. For example, the current plans include threat resistant building materials such as bullet- and blast-proof glass and windows that enhance security measures at the WH Complex and improve upon prior East Wing capabilities.
9. Leaving the project site unfinished imperils the ability of the Secret Service to meet its statutory mission to protect the President, First Family, and White House Complex. The current unfinished construction site is, in and of itself, a coordinated and managed safety hazard for the reasons stated above. While the entire Project will not be completed for some time, the known vulnerabilities in the prior East Wing, and the ongoing vulnerabilities from entertaining foreign leaders and others in soft tents demand resolution without delay. Every day added to the Project is another day impairing full security.
10. For these reasons, completion of an enclosed above-ground structure on the East Wing will strengthen the ability of the Secret Service to protect the President and secure the Complex because it will provide a fixed structure equipped with the above-mentioned modern protective security measures, including threat-resistant building materials, and serve as a

fortified structural buffer that better insulates and supports both the main White House and West Wing structures.

11. Consistent with its statutory protection mission, the Secret Service provided fulsome input for the protective security elements of the East Wing construction project. The existing construction plan incorporates all Secret Service security requirements. Any deviations from the construction plan and its prescribed timeline may change the type of building materials, including windows, steel, and/or other security systems that are currently contemplated in the plan. Delays may cause a decrease in the overall security of the complex if the USSS is not allotted sufficient time to order, produce, and install recommended security systems and infrastructure components.
12. Uncertainty about what work is permissible and the need for constant approvals is extremely difficult. The security design was carefully developed and vetted. Stop-and-start delays as each ensuing portion of the project must get litigated would compromise the timeline of the Project and unduly prolong critically necessary security steps. Moreover, any delay in construction of the project may permit adversaries to view the elements of construction, identify vulnerabilities, and pose ongoing national security risks to a critical piece of White House infrastructure that is necessary to safeguarding the President on a prospective basis. Judicial pre-approval also might require the need to divulge classified information about presidential protection or to otherwise disclose the exact function served by each portion of the design, which raises concerns about ensuring presidential safety.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 13, 2026.



Matthew C. Quinn

Deputy Director

United States Secret Service

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Civil Case No. 25-4316 (RJL)

AMENDED ORDER

April 16th, 2026 [Dkt. #65, 71]

For the reasons set forth in the accompanying Memorandum Opinion, it is hereby

ORDERED that the Court's March 31, 2026 Order [Dkt. #61] is **VACATED** and **SUPERSEDED** by this Order; and it is further

ORDERED that Plaintiff's Second Motion for Preliminary Injunction [Dkt. #51] is **GRANTED**; and it is further

ORDERED that Plaintiff's Motion to Clarify [Dkt. #65] is **GRANTED**; and it is further

ORDERED that the National Park Service; Jessica Bowron, in her official capacity as Acting Director, National Park Service; John Stanwich, in his official capacity as Superintendent, the White House and President's Park; the Department of the Interior; Douglas Burgum, in his official capacity as Secretary of the Interior; the General Services

Administration; Michael J. Rigas, in his official capacity as Acting Administrator, General Services Administration; the Executive Office of the President; Susie Wiles, in her official capacity as White House Chief of Staff; the Office of the Executive Residence; and Robert B. Downing, in his official capacity as White House Chief Usher (together, “Defendants”), and any agents of Defendants or any other persons working at their direction or in active concert therewith, are preliminarily **ENJOINED** from taking any action in furtherance of the above-ground, physical construction of the proposed ballroom at the former site of the East Wing of the White House; and it is further

ORDERED that this Order does not prohibit below-ground construction, including below-ground construction of national security facilities, as well as above-ground construction short of constructing the proposed above-ground ballroom that is strictly necessary to cover, secure, and protect such national security facilities, provided that any such construction will not lock in the above-ground size and scale of the ballroom; and it is further

ORDERED that this Order does not prohibit measures strictly necessary to provide for the personal safety of the President and his staff short of constructing the proposed above-ground ballroom and provided that any such construction will not lock in the above-ground size and scale of the ballroom; and it is further

ORDERED that this Order does not prohibit construction strictly necessary to ensure the safety, security, and structural integrity of the White House, the White House grounds, and the below-ground construction site—including waterproofing, water management, structural reinforcement, and sealing off exposed construction areas—short

of constructing the proposed above-ground ballroom and provided that any such construction will not lock in the above-ground size and scale of the ballroom; and it is further

ORDERED that, subject to the safety-and-security exceptions above, no such work shall proceed absent express authorization from Congress; and it is further

ORDERED that Defendants' counsel shall provide written notice of this Order to all officers, agents, successors, servants, employees, and attorneys of Defendants, as well as any other persons working at their direction, in active concert therewith, or subject to Defendants' control; and it is further

ORDERED that Defendants' Motion to Extend Administrative Stay of Preliminary Injunction [Dkt. #71] is **GRANTED** in part and **DENIED** in part; and it is further

ORDERED that this Order shall take effect seven (7) days after its issuance; and it is further

ORDERED that Defendants shall file a status report apprising the Court of the status of their compliance with this Order no later than twenty-one (21) days after the date the Order takes effect; and it is further

ORDERED that the security requirement is hereby waived, *see* Fed. R. Civ. P. 65(c).

SO ORDERED.



RICHARD J. LEON
United States District Judge

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

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES,

Plaintiff,

v.

NATIONAL PARK SERVICE, *et al.*,

Defendants.

Civil Case No. 25-4316 (RJL)

MEMORANDUM OPINION

April 16th, 2026 [Dkt. #65, 71]

On March 31, 2026, I granted the motion of the National Trust for Historic Preservation in the United States (“National Trust”) for a preliminary injunction to halt construction of a ballroom on White House grounds as *ultra vires*. In recognition of the national security and presidential security concerns raised by the ongoing construction project, I excluded from the scope of the injunction “actions strictly necessary to ensure the safety and security of the White House and its grounds, including the ballroom construction site, and provide for the personal safety of the President and his staff.” Defendants now seek to turn this exception on its head and unreasonably insist that the entire ballroom project may proceed. Based on the record before me, I cannot possibly agree, but I will clarify the scope of the injunction as described below.

BACKGROUND

On March 31, 2026, I granted the National Trust’s motion for a preliminary injunction. *See* Mem. Op. [Dkt. #60]; Prelim. Inj. Order [Dkt. #61]. The Order preliminarily enjoined Defendants (excluding the President) from “taking any action in furtherance of the physical development of the proposed ballroom at the former site of the East Wing of the White House, including but not limited to any further demolition, site preparation work, landscape alteration, excavation, foundation work, or other construction or related work[.]” Prelim. Inj. Order at 2. My Order excluded from the scope of the injunction “actions strictly necessary to ensure the safety and security of the White House and its grounds, including the ballroom construction site, and provide for the personal safety of the President and his staff” (the “safety-and-security exception”). *Id.*

On April 1, the National Trust, citing public statements by the President interpreting my Order, filed a motion for clarification of the preliminary injunction (“Motion to Clarify”). *See* Mot. for Clarification [Dkt. #65]. Defendants meanwhile, not surprisingly, filed an appeal and an emergency motion to stay. *See* Emergency Mot. for Stay Pending Appeal, *Nat’l Tr. for Hist. Pres. v. NPS*, No. 26-5101 (D.C. Cir. Apr. 3, 2026) [Dkt. #2167119]. On April 11, our Circuit Court remanded the case “with instructions to promptly address the pending motion to clarify how the injunction and its exception ensure safety and security pending litigation” and extended my temporary stay of the preliminary injunction to April 17, 2026. Order, *Nat’l Tr. for Hist. Pres. v. NPS*, No. 26-5101 (D.C. Cir. Apr. 11, 2026) (“Per Curiam Order”) [Dkt. #2168165]. On April 13, Defendants filed their opposition (“Defs.’ Opp’n”) [Dkt. #69] to the National Trust’s motion to clarify and

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attached a Secret Service declaration. *See* Decl. of U.S. Secret Service Deputy Director Matthew C. Quinn (“Third Quinn Decl.”) [Dkt. #69-1]. On April 14, the National Trust filed a reply in support of its motion. Reply in Supp. of Mot. for Clarification (“Reply”) [Dkt. #70]. That same day, Defendants filed a motion seeking a further 14-day stay of the preliminary injunction. Mot. to Extend Administrative Stay of Prelim. Inj. [Dkt. #71]. The motions are now ripe for decision.

DISCUSSION

Defendants argue that the entire ballroom construction project, from tip to tail, falls within the safety-and-security exception and therefore may proceed unabated. That is neither a reasonable nor a correct reading of my Order! My Order preliminarily enjoined Defendants (excluding the President) from “taking any action in furtherance of the physical development of the proposed ballroom.” Prelim. Inj. Order at 2. The accompanying opinion stated that “the ballroom construction project must *stop* until Congress authorizes its completion.” Mem. Op. at 1 (emphasis added). It is, to say the least, incredible, if not disingenuous, that Defendants now argue that my Order does *not* stop ballroom construction because of the safety-and-security exception!

For the reasons that follow, I will further clarify and amend my Order to stop only above-ground construction of the planned ballroom. My Amended Order does not, however, stop below-ground construction of national security facilities, work necessary to provide for presidential security, and construction necessary to protect and secure the White House and the construction site itself.

First, limiting the scope of the injunction to above-ground construction directly

addresses the National Trust’s irreparable harm, which stems from the above-ground, visible construction of the ballroom. *See* Mem. Op. at 29–32; *see also* Pl.’s Mem. in Supp. of Prelim. Inj. [Dkt. #51-1] at 24–25 (“[T]he National Trust has never requested . . . that the Court enjoin construction of a *bunker*. The National Trust is simply requesting that the Court enjoin construction of the *Ballroom*.”). My Order barring above-ground construction provides “complete relief” to the National Trust, while minimizing the “burden[]” to Defendants through the safety-and-security exception. *See Trump v. CASA, Inc.*, 606 U.S. 831, 852 (2025) (quoting *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979)).

Second, the injunction excludes only below-ground construction because, throughout this case, Defendants raised discrete national security concerns about construction of *underground* elements. Early on, Defendants argued that “security concerns . . . warrant[ed] permitting the current below-grade construction to continue.” Defs.’ TRO Opp’n [Dkt. #15-1] at 27; *see also* TRO Hr’g Tr. [Dkt. #18] at 20:22-24 (“[T]he below-ground work that’s occurring now has nothing to do with Plaintiff’s asserted aesthetic injury, and that work must continue for national security reasons.”). Specifically, Defendants indicated that national security-related facilities are being constructed below ground. *See, e.g.*, Defs.’ Suppl. Br. [Dkt. #30] at 41 (referencing a “security bunker” and stating that “an injunction halting construction would endanger national security”).

The exception for underground national security facilities does not include the proposed ballroom because Defendants themselves distinguished between below-ground and above-ground construction, stating that “the below-surface work is driven by national security concerns *independent of* the above-grade construction.” Defs.’ Suppl. Br. at 39

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(emphasis added); *see also* Decl. of Professional Engineer [Dkt. #30-4] at ¶ 5 (referencing the “national security concerns with aspects of the below grade structure”). Defendants also repeatedly represented that the project’s below-ground elements do not “lock in” the design of the above-ground ballroom. Defs.’ Suppl. Br. at 4; *see also* Defs.’ Mot. to Modify Schedule [Dkt. #22] ¶ 4; Defs.’ Mot. to Stay [Dkt. #39] at 2; *cf.* Decl. of John Stanwich (“Stanwich Decl.”) [Dkt. #14-6] ¶ 21 (noting the below-ground elements could be “constructed as planned while the above grade design is finalized”).

Defendants now brazenly assert that below-ground construction has “been done with th[e] expectation of what would go above,” and that the “project is a single, coherent whole.” Third Quinn Decl. ¶ 7. Defendants argue that security-related elements of the ballroom, such as “missile-resistant steel columns and beams, drone-proof roofing, and bullet- and blast-proof glass windows” will “advance safety and security interests as part of an inseparable whole.” Defs.’ Opp’n at 3. Defendants further argue that “leaving the site as it stands poses serious safety and security threats that can only be addressed by proceeding with construction as planned.” *Id.* In my view, these arguments fail to justify Defendants’ extraordinary, if not disingenuous, reading of my preliminary injunction Order.

Indeed, Defendants’ latest representations that “the entire project advances critical national-security objectives as an integrated whole,” *see* Defs.’ Opp’n at 1, are in direct conflict with Defendants’ prior representations that the above-ground and below-ground portions of the project were “independent of” one another, *see* Defs.’ Suppl. Br. at 39. Defendants now insist that the “overall above-ground ballroom is necessary to

accommodate and effectuate the below-ground additions (including by providing adequate, reinforced cover).” Defs.’ Opp’n at 3. But Defendants do not explain why the proposed 90,000-square-foot ballroom—the source of the National Trust’s claimed injury and likely unauthorized by statute—is required for security purposes *now*. Instead, the supporting declaration states merely that an “above-ground slab and topping structure is [sic] needed” to protect the underground elements. Third Quinn Decl. ¶ 7; *see also id.* ¶ 6 (“[L]eaving nothing on top of the below-ground construction is not an option.”). As I clarify below, Defendants may, consistent with the injunction, cover and secure the below-ground construction while litigation proceeds. Further, while Defendants predicted in December that above-ground construction would begin, at the earliest, this month, *see Stanwich Decl.* ¶ 20, Defendants, to date, have not provided any updates on whether the below-ground facilities are ready for a “topping structure.”

The fact that the ballroom is planned to include security features such as bullet-proof windows and a drone-proof roof does not bring the structure within the scope of the exception. While these features may well be beneficial, Defendants have not provided any national security justification for why these features must be installed *immediately* such that they should be excluded from the scope of the injunction. Nor does it appear Defendants could install these features immediately even if they wanted to. As noted by our Circuit Court, the ballroom’s planned security features are still months, if not years, away from being realized—belying Defendants’ argument that an inability to implement those features *now* imposes irreparable harm. Per Curiam Order at 3; Defs.’ Opp’n at 4 (acknowledging that “the project is expected to take another two years until completion”).

Defendants' insistence that leaving the site "dormant" poses additional security risks also fails. As an initial matter, my Amended Order permits below-ground construction, measures for presidential security, and measures to secure the grounds. Further, I previously rejected Defendants' argument that "any construction delay will undermine national security," Mem. Op. at 33, because—and here is the bottom line—Defendants themselves forged ahead and created this "coordinated and managed safety hazard" on White House grounds, *id.* (quoting Decl. of U.S. Secret Service Deputy Director Matthew C. Quinn ("Second Quinn Decl.") [Dkt. #30-5] ¶ 8).

Defendants' four classified *ex parte* declarations, all of which I reviewed and have taken into consideration, *see* Mem. Op. at 33 n.20, shed no further light on the question of whether the above-ground ballroom is necessary for national security. Without more, I cannot find that above-ground construction of the proposed ballroom *must* proceed.¹

Apart from the below-ground national security facilities, Defendants have identified two additional categories of construction "necessary" for presidential security and the safety of the White House grounds. Second Quinn Decl. ¶ 6. Defendants indicated that the Secret Service is "coordinat[ing] with the [ballroom] contractor on . . . temporary measures to ensure the security and safety of the President, the First Family, and the White House complex." Decl. of U.S. Secret Service Deputy Director Matthew C. Quinn ("First

¹ To be sure, Defendants have, at times, represented that it would be "unworkable to distinguish between construction elements that are national-security related and those that are not." Defs.' Mot. to Stay [Dkt. #39] at 2; Defs.' Opp'n to Renewed Mot. for Prelim. Inj. at 36. Arguments about workability are distinct from asserting that the entire ballroom is a national security imperative. In any event, my Amended Order permitting below-ground construction mitigates at least some workability concerns.

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Quinn Decl.”) [Dkt. #14-11] ¶ 7. According to the Secret Service, “[t]hese outstanding security projects are expected to require additional weeks or months to complete.” Second Quinn Decl. ¶¶ 5–6.

Defendants have also indicated a need to preserve and protect the structural integrity of the White House and to protect the construction site itself from deterioration due to the elements. *See* Second Quinn Decl. ¶ 6 (noting that “continued waterproofing and water management is necessary to maintain the integrity of security elements throughout the Complex as flooding poses risks to infrastructure, utilities, and other critical systems”); Defs.’ Suppl. Br. at 40 (explaining that “below-ground work on waterproofing, security improvements, and utility infrastructure will have to take place at some point regardless of what is erected above-ground”); Defs.’ Opp’n to Renewed Mot. for Prelim. Inj. [Dkt. #52] at 34 (halting all construction “would expose the Executive Mansion to damage”). Both categories of construction activities may proceed.

* * *

In light of the National Trust’s motion and the parties’ arguments, and in consideration of Defendants’ concerns about national security and presidential security, I will hereby clarify and amend my preliminary injunction Order to specify that *below-ground construction* may proceed, including the construction of any “top-secret excavations, bunkers, bomb-shelters, protective partitioning, military installations, and hospital and medical facilities,” as well as such above-ground construction strictly

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necessary to cover, secure, and protect such facilities. Defs.’ Opp’n at 2. The Amended Order permits “temporary measures,” First Quinn Decl. ¶ 7, which have already been in place, to provide for the personal security of the President. The Amended Order also permits construction necessary to protect the project site and to protect the structural integrity of the White House complex, including waterproofing, water management, and resolving construction risks such as “uncovered rebar and exposed cables around the site.” Third Quinn Decl. ¶ 4. However, the injunction does *not* permit above-ground construction of the proposed ballroom.

The Court has taken Defendants’ invocation of national security and presidential security seriously throughout this case, which is why I included a safety-and-security exception in my original Order. But national security is not a blank check to proceed with otherwise unlawful activity, and belated assertions that the above-ground ballroom is “inseparable” from an array of security features, *see* Defs.’ Opp’n at 3, are not an occasion for this Court to reweigh the equities or reconsider the preliminary injunction! In my view, the safety-and-security exception, as clarified, permits measures critical to national and presidential security to move forward pending final resolution of this case and any appeal.²

² Defendants insist that their arguments about national security cannot be subject to “judicial second-guessing.” Defs.’ Opp’n at 4. Indeed, precedent “counsel[s] deference in national security matters.” *Ctr. for Nat’l Sec. Stud. v. U.S. Dep’t of Just.*, 331 F.3d 918, 927 (D.C. Cir. 2003). But judicial deference is not the same as withholding judicial review altogether. *See id.* at 928 (applying deference “so long as the government’s declarations raise *legitimate* concerns [about] national security” (emphasis added)); *see also United States v. Zubaydah*, 595 U.S. 195, 205 (2022) (in context of military secrets privilege, a “court must decide for itself whether the occasion is appropriate for claiming the privilege”); *TikTok Inc. v. Garland*, 604 U.S. 56, 82 (2025) (Gorsuch, J., concurring in the judgment) (noting that the Supreme Court “decline[d] to consider the classified evidence the government has submitted to us”). Indeed, two of my colleagues recently granted preliminary injunctions notwithstanding the Government’s invocation of national security concerns and reliance on classified declarations. *See* Hr’g Tr. at 43:11–14, 44:4–10, *Rhode Island v. U.S.*

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I will close by noting that I have no desire or intention to be dragooned into the role of construction manager. Contrary to Defendants' suggestion, I have never required Defendants to "request and receive written approval" before proceeding with construction. Defs.' Opp'n at 4. The purpose of this opinion is merely to clarify that the injunction does, in fact, stop construction of the above-ground ballroom. I trust that Defendants will be able to implement my Amended Order in good faith and with the benefit of this clarification once my Amended Order goes into effect. In recognition of Defendants' concerns and for the reasons stated in my opinion, *see* Mem. Op. at 34, I will extend the temporary stay by seven (7) days after the issuance of this opinion and Amended Order.³

For the foregoing reasons, it is hereby **ORDERED** that the National Trust's Motion to Clarify [Dkt. #65] is **GRANTED**, and Defendants' Motion to Extend Administrative Stay of Preliminary Injunction [Dkt. #71] is **GRANTED** in part and **DENIED** in part. An Amended Order will issue contemporaneously with this opinion.



RICHARD J. LEON
United States District Judge

Dep't of Interior, No. 25-cv-4328 (D.D.C. filed Jan. 12, 2026) [Dkt. #55] (noting government's "failure to explain or apply . . . [the] stated national security reason"); Min. Order, *Empire Leaseholder LLC v. Burgum*, No. 26-cv-4 (D.D.C. filed Jan. 15, 2026).

³ The Court gives fair notice to Defendants, however, that any above-ground construction over the next seven days that is not in compliance with my Amended Order is at risk of being taken down pending the resolution of this case.

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**NATIONAL TRUST FOR HISTORIC PRESERVATION
IN THE UNITED STATES,**

Plaintiff-Appellee,

v.

NATIONAL PARK SERVICE, et al.,

Defendants-Appellants.

**On Appeal from the United States District Court
for the District of Columbia**

DECLARATION OF DANIEL P. DRISCOLL

I, Daniel P. Driscoll, declare as follows:

1. I currently serve as the 26th Secretary of the Army and Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I submit this declaration based upon my personal knowledge, my professional experience, and information made available to me in my official capacity. This includes technical input and assessments provided by the Commanding General of the U.S. Army Corps of Engineers, as detailed in the memorandum dated 17 April 2026, which is appended hereto as Attachment A.

2. The United States Army is the United States Government's foremost authority in three critical domains: air and missile defense, as the world's pre-eminent land-based air defender; structural hardening, through the U.S. Army Corps of Engineers (USACE); and Unmanned Aircraft System (UAS) threat assessment, as the lead executive agent for Joint Interagency Task Force 401 (JIATF-401). The U.S. Army's Engineer Research and Development Center (ERDC) is the world's premier expert in military engineering, installations and operational environments, civil works, geospatial research and engineering, and engineered resilient systems. In fact, U.S. Central Command leveraged the ERDC to bolster critical infrastructure protection in its theater of operations against Iranian missile and drone threats.
3. While the East Wing construction project has been the subject of political discourse, this declaration is driven exclusively by the objective national security imperative to protect our nation's pinnacle command and control node.
4. This declaration addresses the district court's suggestion that the new below-ground facilities can be adequately secured by placement of a slab and "topping structure" rather than the structure that has been

designed for that purpose. For the reasons explained below, that is not sufficient, and the Department of the Army therefore recommends immediate completion of White House East Wing construction as designed to mitigate identified threat vulnerabilities and resolve what is fundamentally a defensive posture emergency.

5. Planned construction and security enhancements establish a robust, defense-in-depth architecture designed to harden the Presidential Emergency Operations Center (PEOC) against modern multi-domain threats. This is a necessary security improvement to face a modern UAS threat that did not exist at scale until recent years, providing a vital capability that will benefit all Americans and all future administrations.
6. The world is becoming more dangerous, with adversaries employing commercially available and military-grade UAS capable of precision strikes, delayed-fuze penetrators, and swarm tactics. As observed in the current conflict in Ukraine, modern command and control must be moved underground and remain entirely self-sufficient to survive. However, these below-grade portions do not exist in a vacuum; the structure of the entire building plays a role in the

defensive design. Attempting to complete only the subterranean portion of this facility is not a viable engineering approach. To provide adequate subterranean protection without the above-ground structure, engineers would need to dig impractically deep. The height and mass of the completed East Wing are crucial, providing both the physical layers to shield the complex from kinetic impacts and the essential elevated platform to engage and neutralize aerial systems at standoff distances. It is a simple fact in warfare that an elevated position provides superior observation and fields of fire, guaranteeing a defensive advantage.

7. The United States Army has been deeply involved in the East Wing construction project throughout the critical design phases given that protection of the PEOC directly affects the ability to command and control the United States military. The Army has maintained an interagency agreement with the United States Secret Service for decades, and they specifically asked for ERDC support with this project. Applying our unique proficiency in threat reduction and advanced engineering, we can confidently validate the East Wing's proposed design. This validation is further detailed and technically

supported by the accompanying assessment by the Chief of Engineers.

In this heightened threat environment, the equities of protecting national leadership and strategic command and control unequivocally outweigh other equities.

8. One of the most effective passive design measures to defeat emerging kinetic threats, particularly explosively armed UAS, is the implementation of a dual-layered system comprising a sacrificial outer cover coupled with a hardened inner structural element. The sacrificial overhead cover serves as a triggering layer designed to pre-detonate the explosive charge before it can reach the primary inhabited structure. From a civil engineering perspective, this outer layer forces the detonation to occur at a designated distance, creating a critical air gap known as standoff or "attic depth." By enforcing this geometry, the system effectively converts a localized, high-intensity near-contact detonation into a distributed, lower-magnitude blast wave that decays exponentially over distance.

9. To achieve this pre-detonation, the sacrificial outer cover acts as a "burster slab" or triggering mechanism to initiate point-detonating or variable-time fuzes upon impact. This layer is constructed from

materials specifically selected to function or dud the expected incoming fuzes. The material must possess sufficient areal density and structural hardness to impart the necessary shock and deceleration to reliably trigger the fuze before the weapon can perforate the layer. Even though the outer cover is fully expected to be sacrificed during the explosive event, its initial resistance is critical to the system's overall success.

10. Beneath this outer cover lies the standoff distance, or attic depth, which leverages the cube-root scaling law of blast dynamics. This critical air gap provides the necessary volume for the high-velocity explosive gases to expand while allowing both primary weapon fragmentation and secondary debris to disperse. By enforcing this separation, the equivalent static blast pressure and localized density of fragment impacts are significantly reduced before interacting with the primary structural shield. The minimum required air gap must be dynamically designed based on the expected threat payload size and fragmentation matrix.

11. The hardened inner shielding layer is engineered to absorb the residual blast load and arrest any fragmentation that penetrates the

attic space. Designed using blast-resistant engineering principles consistent with Unified Facilities Criteria (UFC) 3-340-01 (Design & Analysis of Hardened Structures), this inner layer prioritizes mass and ductility to yield without catastrophic rupture. A critical design requirement is the prevention of spalling or scabbing, the violent ejection of material from the interior face caused by reflecting stress waves. To mitigate this, the inner shield utilizes specialized construction materials, such as reinforced concrete detailed with interior spall plates or heavy structural steel. Furthermore, the primary support structure is dynamically analyzed to withstand progressive collapse, dynamic rebound forces, and potential post-attack fires. Because the hardened inner shield will rapidly accelerate and decelerate while absorbing blast energy, the structural design accounts for severe in-structure shock.

12. This assessment reflects the Army's continuous, deeply integrated role in the facility's development throughout its critical design phases, rather than an isolated or retroactive review. Ultimately, these structural hardening and counter-threat integrations are essential to national security. As modern asymmetric threats have rapidly

evolved, they have surpassed the defensive design parameters of legacy campus infrastructure, necessitating a purpose-built, hardened East Wing to protect the President and key staff. Furthermore, relying on evacuation is tactically flawed; moving the President off-site activates highly sensitive Continuity of Operations (COOP) assets and movement protocols that are inherently degraded once exposed. Securing this reinforced subterranean node is essential to ensure uninterrupted command and control in place. Finalizing this defense-in-depth architecture is a prerequisite to ensure the President can maintain continuity of government and operations, and effectively exercise National Command Authority during an attack or global crisis.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 17, 2026.

A handwritten signature in black ink, appearing to read 'D. Driscoll', is written over a horizontal line.

DANIEL P. DRISCOLL

Secretary of the Army

ATTACHMENT A



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECG

17 April 2026

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Technical Analysis of Proposed East Wing Facility and Passive Design Measures to Defeat Emerging Kinetic Threats

1. I have reviewed and am personally familiar with the current and proposed national security protection measures integrated into the White House Campus complex, including the Presidential Emergency Operations Center (PEOC). These measures are designed to ensure both the physical protection of the occupants of the White House campus complex and to ensure the seamless continuity of government during the Nation's times of most exigent crisis. Based on my professional review of the current and proposed national security facilities within the White House East Wing construction project, I recommend the immediate completion of the White House East Wing construction project in its entirety.

2. Because of the national security implications of the PEOC, the U.S. Army Corps of Engineers, Engineer Research and Development Center (ERDC) has reviewed the aboveground construction documents and advised from a civil engineering and force protection perspective. ERDC is the Army's preeminent R&D capability for protective measures. ERDC combines advanced engineering techniques with high-performance computing to develop concepts and tools that significantly amplify design options examined during early stages of the acquisition process. I have also personally conducted an on-site assessment of the current construction operations.

3. Planned construction and security enhancements establish a robust, defense-in-depth architecture designed to harden the PEOC against modern multi-domain threats. This is a necessary security improvement to face a modern Unmanned Aerial System (UAS) threat that did not exist at scale until recent years, providing a vital capability that will benefit all Americans and all future administrations.

4. The world is becoming more dangerous, with adversaries employing commercially available and military-grade UAS capable of precision strikes, delayed-fuze penetrators, and swarm tactics. As observed in the current conflict in Ukraine, modern command and control must be moved to a location with sufficient overhead structure and remain entirely self-sufficient to survive. Combat experience has proven, however, that any below-grade portions do not exist in a vacuum; the structure of the entire building plays an indispensably crucial role in the defensive design. To provide adequate subterranean protection without the above-ground covering structure, engineers would need to dig impractically deep to achieve sufficient protection. The height and mass of the completed proposed East Wing facility both provide crucial, physical layers to shield the complex from kinetic impacts and the essential elevated platform to engage and neutralize aerial systems at standoff distances.

5. One of the most effective passive design measures to defeat emerging kinetic threats, particularly explosively armed UASs, is the implementation of a dual-layered system comprising a sacrificial outer cover coupled with a hardened inner structural element. The sacrificial overhead cover serves as a triggering layer designed to pre-detonate the explosive charge before it can reach the primary inhabited structure. From a civil engineering perspective, this outer layer forces the detonation to occur at a designated distance, creating a critical air gap known as standoff or "attic depth." By enforcing this geometry, the system effectively converts a localized, high-intensity near-contact detonation into a distributed, lower-magnitude blast wave that decays exponentially over distance.

6. To achieve this pre-detonation, the sacrificial outer cover acts as a "burster slab" or triggering mechanism to initiate point-detonating or variable time fuzes upon impact. This layer is constructed from materials specifically selected to function or dud the expected incoming fuzes. The material must possess sufficient areal density and structural hardness to impart the necessary shock and deceleration to reliably trigger the fuze before the weapon can perforate the layer. The initial resistance of the outer cover is critical to the system's overall success.

7. Beneath this outer cover lies the standoff distance, or attic depth, which leverages the cube-root scaling law of blast dynamics. This critical air gap provides the necessary volume for the high-velocity explosive gases to expand while allowing both primary weapon fragmentation and secondary debris to disperse. By enforcing this separation, the equivalent static blast pressure and localized density of fragment impacts are significantly reduced before interacting with the primary structural shield. The minimum required air gap must be dynamically designed based on the expected threat payload size and fragmentation matrix.

8. The hardened inner shielding layer is engineered to absorb the residual blast load and arrest any fragmentation that penetrates the attic space. Designed using blast-resistant engineering principles consistent with Unified Facilities Criteria 3-340-01 (Design & Analysis of Hardened Structures), this inner layer prioritizes mass and ductility to yield without catastrophic rupture. A critical design requirement is the prevention of spalling or scabbing, the violent ejection of material from the interior face caused by reflecting stress waves. To mitigate this, the inner shield utilizes specialized construction materials, such as reinforced concrete detailed with interior spall plates or heavy structural steel.

9. The primary support structure must be dynamically analyzed to withstand progressive collapse, dynamic rebound forces, and potential post-attack fires. Because the hardened inner shield will rapidly accelerate and decelerate as it absorbs the blast energy, the design must carefully account for severe in-structure shock.

10. Ultimately, these structural hardening and counter-threat integrations are essential to national security and cannot be dissected from the proposed structure in its entirety. The West Wing is not designed to withstand modern asymmetric attacks.

A handwritten signature in black ink, appearing to read "W. H. Graham, Jr.", with a stylized flourish at the end.

WILLIAM H. GRAHAM, JR.
Lieutenant General, USA
Commanding

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-5123**September Term, 2025****1:25-cv-04316-RJL****Filed On:** April 17, 2026

National Trust for Historic Preservation in the
United States,

Appellee

v.

National Park Service, et al.,

Appellants

BEFORE: Millett, Rao, and Garcia, Circuit Judges

ORDER

Upon consideration of the emergency motion for stay pending appeal, it is

ORDERED that the district court's April 16, 2026 preliminary injunction be administratively stayed pending further order of the court. The purpose of this administrative stay is to give the court sufficient opportunity to consider the emergency motion for a stay pending appeal and should not be construed in any way as a ruling on the merits of that motion. See D.C. Circuit Handbook of Practice and Internal Procedures 33 (2025). It is

FURTHER ORDERED that consideration of the motion for stay be consolidated with consideration of the merits of this appeal. It is

FURTHER ORDERED, on the court's own motion, that this appeal be expedited. The following briefing schedule and format will apply:

Brief of Appellants	May 8, 2026
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Joint Appendix	May 8, 2026
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Brief of Appellee	May 27, 2026
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Reply Brief of Appellants	June 1, 2026
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United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-5123**September Term, 2025**

The Clerk is directed to calendar this case for oral argument before this panel on June 5, 2026, at 9:30 a.m.

The parties are directed to hand deliver the paper copies of their briefs to the Clerk's office by 4:00 p.m. on the date due.

Appellants should raise all issues and arguments in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief.

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 43-44 (2025); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Lynda M. Flippin

Deputy Clerk

258a

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

(202) 216-7300

Dear Counsel:

The court's policy on the use of acronyms is stated in the Circuit's Handbook of Practice and Procedures, § IX.A.8(d), and the public notice issued January 26, 2010, which is posted on the court's web site. Parties are expected to limit the use of acronyms and to avoid using acronyms that are not widely known.

Upon review of the brief(s) recently filed in this case, the Clerk's Office has found that the text contains numerous acronyms and other abbreviations. Therefore, you are advised to reexamine the brief(s) to ensure conformity with the court's policy. Within 7 days of the docketing of this letter, you may submit a revised brief that eliminates any uncommon acronyms used in the previously filed brief. **If a revised brief or briefs are not submitted, the merits panel assigned to this case will be informed that counsel failed to respond to this letter.** The word limit governing the previously filed brief also applies to the revised brief. For any briefs yet to be filed, the current schedule remains in effect.

Failure to comply with the court's policy may result in an order directing the submission of a conforming brief. See, e.g., CSX Transp., Inc. v. Surface Transp. Board, No. 13-1230 (D.C. Cir. Mar. 25, 2014) (ordering briefs that eliminate uncommon acronyms used in previously filed final briefs, due Mar. 28, 2014); Illinois Public Telecomms. Ass'n v. FCC, No. 13-1059 (D.C. Cir. Mar. 25, 2014) (ordering briefs that eliminate uncommon acronyms used in previously filed final briefs, due Mar. 27, 2014).

If you have any questions concerning this letter, please call Alison Grossman, Special Counsel to the Clerk, at (202) 216-7317.

Sincerely,

/s/

Mark J. Langer, Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued June 5, 2026

Decided August 7, 2026

No. 26-5123

NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE
UNITED STATES,
APPELLEE

v.

NATIONAL PARK SERVICE, ET AL.,
APPELLANTS

Consolidated with 26-5134

Appeals from the United States District Court
for the District of Columbia
(No. 1:25-cv-04316)

Yaakov M. Roth, Principal Deputy Assistant Attorney General, U.S. Department of Justice, argued the cause for appellants/cross-appellees. With him on the briefs were *Brett A. Shumate*, Assistant Attorney General, *Brantley T. Mayers*, Attorney, and *Adam R.F. Gustafson*, Principal Deputy Assistant Attorney General, Environment and Natural

Resources Division. *Steven A. Myers* and *Michael S. Raab*, Attorneys, entered appearances.

Richard Jaffe was on the brief for *amicus curiae* American Conservative Union in support of appellants/cross-appellees.

Thaddeus A. Heuer argued the cause for appellee/cross-appellant. With him on the brief were *Matthew F. Casassa*, *Kevin Y. Chen*, *Jack C. Smith*, and *Gregory B. Craig*.

Philip Allen Lacovara, *Andrea C. Ferster*, and *Paul W. Edmondson* were on the brief for *amici curiae* Various Organizations Advancing Protection of National Parks, Historic Preservation, and National Capital Planning in support of appellee/cross-appellant.

Nikhel S. Sus, *Christina Wentworth*, and *Daniel S. Lenz* were on the brief for *amici curiae* Campaign Legal Center and Citizens for Responsibility and Ethics in Washington in support of appellee/cross-appellant.

Elizabeth Wydra and *Brianne J. Gorod* were on the brief for *amici curiae* Members of Congress in support of appellee/cross-appellant.

Aditi Shah and *Scott Michelman* were on the brief for *amicus curiae* American Civil Liberties Union of the District of Columbia in support of appellee/cross-appellant.

Before: MILLETT, RAO, and GARCIA, *Circuit Judges*.

Opinion for the Court filed by *Circuit Judges* MILLETT and GARCIA.

Dissenting opinion filed by *Circuit Judge* RAO.

MILLETT and GARCIA, *Circuit Judges*: The White House is the People’s House, and under the Constitution’s Property Clause, Congress exercises plenary control over the building and its surrounding land. The White House is also the centerpiece of President’s Park, a National Park stewarded by the National Park Service. According to the government, as the oldest public building in the District of Columbia, the White House is the crown jewel not just of President’s Park, but also of the Lafayette Square National Historic Landmark District, a site listed for preservation in the National Register of Historic Places. *See* Finding of No Significant Impact, White House East Wing Modernization & State Ballroom Environmental Assessment (“FONSI”), ECF No. 14-2, at 5. The founding architect of the Nation’s capital, Pierre L’Enfant, designed the capital city’s layout to focus on the towering Capitol building—the gleaming palace of the people in the new democracy—and to contrast it with the simple humility of the White House. *See* SCOTT W. BERG, GRAND AVENUES: THE STORY OF PIERRE CHARLES L’ENFANT 112 (2008) (“Where the king’s bedroom was placed on the central axis of Versailles, enshrining the rule of divine right transferred via primogeniture, here in L’Enfant’s plan the home of Congress took center stage.”); FONSI at 5 (“Situated on a high point within the city, the White House is a focal point on the principal north-south axis of L’Enfant’s plan.”).¹

Each President is a temporary tenant, not the owner, of the White House and its Executive Residence. The President has no—and claims no—constitutionally assigned authority over that property, which is designed and maintained for the use of

¹ Unless otherwise indicated, all citations to ECF numbers are to the district court docket in this case, 25-CV-4316 (D.D.C., filed Dec. 12, 2025). Citations to page numbers are to the electronically generated numbers at the top of the page.

all Presidents, current and future, and for the American people. As the defendant National Park Service has explained, “[t]he White House is owned by the American people and stewarded by the National Park Service. It is more than the President’s residence; it is a site for protests and national discourse about what it means to be American.” *The White House and President’s Park*, NAT’L PARK SERV., <https://perma.cc/MJ7A-2JSG>.

Throughout history, Congress has appropriated funds both for the White House’s maintenance and for necessary physical improvements and additions. Congress, for example, authorized the repair and reconstruction of the White House after the British attempted to burn it down during the War of 1812. Act of Feb. 13, 1815, ch. 41, 3 Stat. 205, 205. Congress also specifically appropriated the funds that were used to build the original East and West Wings of the White House. Act of June 28, 1902, ch. 1301, § 1, 32 Stat. 419, 460.

We are aware of no instance in American history in which a President unilaterally and using privately collected funds demolished substantial portions of the White House that Congress authorized to be built and American taxpayers paid for. Until now.

Over just three days in October 2025, without undertaking promised consultations or obtaining Congress’s permission, President Trump bulldozed the entire East Wing in order to construct a massive, 90,000 square-foot ballroom paid for by private funds with no congressional oversight. There is no factual dispute at this juncture—in fact, the Defendants admit—that the erection of this enormous ballroom will “have permanent adverse impacts on the cultural landscape” of President’s Park. White House East Wing Modernization & State Ballroom Environmental Assessment (“Env’t

Assessment”), ECF No. 14-3, at 11. The ballroom construction also will “disrupt the historical continuity of the White House grounds[,]” and will “adversely alter the design, setting, and feeling of the White House and the grounds over the long-term.” FONSI at 6–7.

The National Trust for Historic Preservation brought suit challenging the planned construction. The district court preliminarily enjoined the above-ground construction of the ballroom. At the same time, the injunction expressly excepts from its scope all below-ground construction, including construction of bunkers, bomb-shelters, and military and medical infrastructure, as well as above-ground construction “strictly necessary to cover, secure, and protect” such facilities, “to provide for the personal safety of the President and his staff[,]” and “to ensure the safety, security, and structural integrity of the White House, the White House grounds, and the below-ground construction site[.]” Am. P.I. Order, ECF No. 73, at 2–3.

The Defendants have appealed that preliminary injunction and requested a stay pending appeal. We affirm the grant of the preliminary injunction, with its safety-and-security exception, and deny the motion for a stay as moot. The Defendants disclaim any explicit or implicit constitutional authority for their actions. And they very likely lack statutory authority to construct the ballroom given (i) Congress’s full constitutional control over federal property and the funding of its maintenance and development, (ii) the absence of any express or implied authorization for the ballroom construction, and (iii) express statutory limitations that the ballroom construction violates. Absent the injunction, construction of the ballroom will inflict permanent and irreversible harm to the historic, architectural, and aesthetic interests of the National Trust’s members, as well as the design of President’s Park, the

White House, and the surrounding area. The Defendants themselves agree those irreversible harms will occur. As for the Defendants' safety and security concerns, the district court's modified preliminary injunction will protect them during the pendency of litigation. In addition, the Constitution assigns Congress—not the Executive—the responsibility to decide whether proposed changes to the physical design of the White House may proceed, even where those changes are said to serve security interests. The Defendants have not shown that Congress delegated that authority to either the President or the National Park Service. Whether or not a massive ballroom should be constructed is for Congress to decide and is not a matter for Executive self-help.

This holding has nothing at all to do with whether the proposed ballroom is desirable, or not, as a matter of policy. This ruling does not even necessarily mean that the Defendants may not ultimately construct the ballroom. What it does mean is that the Defendants may not do so during the district court's expeditious litigation without securing Congress's authorization, as the Constitution and laws require. At this preliminary stage, the National Trust has shown, compellingly, that Congress has not ceded unfettered authority to the Executive Branch to dramatically redesign, reshape, and reconstruct the White House—the People's House—to fit a particular President's desires.

Accordingly, we affirm the district court's judgment issuing the modified preliminary injunction and vacate this court's administrative stay entered on April 17, 2026. We will stay this decision for fourteen days to allow the Defendants, if they choose, to seek Supreme Court review.

7

I

A

1

Congress has exclusive authority to regulate the construction and demolition of White House structures. The Constitution's Property Clause vests Congress with plenary control over all real property that belongs to the United States. U.S. CONST. Art. IV, § 3, cl. 2 ("The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States[.]"); *see Ashwander v. Tennessee Valley Auth.*, 297 U.S. 288, 331 (1936) (The Clause's "broad terms" encompass "the due regulation of all * * * personal and real property rightfully belonging to the United States.") (quotation marks omitted). In addition, the Constitution's District Clause confers on Congress comprehensive legislative authority over the District of Columbia as "the Seat of Government of the United States[.]" U.S. CONST. Art. I, § 8, cl. 17.

In 1912, Congress placed a statutory exclamation point on its exclusive powers by providing that "there shall not be erected on any reservation, park, or public grounds[] of the United States within the District of Columbia, any building or structure without express authority of Congress." Act of Aug. 24, 1912, ch. 355, 37 Stat. 417, 444. More than a hundred years later, that prohibition remains in effect: "A building or structure shall not be erected on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress." 40 U.S.C. § 8106.

As long as the White House has existed, Congress has authorized and funded its upkeep, maintenance, updates, and renovations large and small. *See, e.g.*, Residence Act, ch. 28, § 3, 1 Stat. 130, 130 (1790) (creating a commission to “provide suitable buildings for the accommodation * * * of the President”); Act of Feb. 13, 1815, ch. 41, 3 Stat. 205, 205 (authorizing the President to borrow up to \$500,000 to “cause to be repaired or rebuilt forthwith, the President’s House” following its destruction in the War of 1812); An Act making appropriations for the public buildings, ch. 62, § 1, 3 Stat. 784, 784 (1823) (appropriating \$19,000 to “finish[] the south portico to the President’s house”); An Act making appropriations for the public buildings, and for other purposes, ch. 51, § 1, 4 Stat. 362, 362 (1829) (appropriating \$24,769.25 to “complete the north front of the President’s house, according to the original plan, by erecting a portico”); Act of March 3, 1853, ch. 97, § 1, 10 Stat. 189, 207 (providing \$6,250 for “cleaning, painting, and whitewashing inside of the house; extending east wing of offices for carriage-house, blinds for the west front of the house, flooring large room in basement, purchasing trees and plants for garden, and for making hot-beds therein”); Act of June 28, 1902, ch. 1301, § 1, 32 Stat. 419, 460 (providing \$65,196 for the building of the West Wing, “constructed with sufficient foundation and walls suitable for a durable, permanent building,” and \$475,445 “[f]or extraordinary repairs and refurnishing of the Executive Mansion * * * including all necessary alterations and additions”); Act of March 4, 1909, ch. 299, § 1, 35 Stat. 945, 995 (providing \$40,000 for construction of the Oval Office as “additional accommodations to the building erected for the offices of the President”); Act of July 3, 1926, ch. 771, § 1, 44 Stat. 841, 844 (“For reconstructing the roof, attic, and ceilings of the second story of the Executive Mansion, including all necessary work in connection therewith, to be prosecuted, by contract or otherwise as the President may determine, under the

supervision of the Director of Public Buildings and Public Parks of the National Capital, fiscal years 1927 and 1928, \$375,000[.]”); Act of April 28, 1942, ch. 247, 56 Stat. 226, 236 (“For an additional amount for salaries and expenses, public buildings and grounds in the District of Columbia and adjacent area, fiscal year 1942, including the objects specified under this head in the Independent Offices Appropriation Act, 1942, \$3,413,394[.]”); Act of Dec. 28, 1945, ch. 589, 59 Stat. 632, 634 (providing \$1.65 million “[f]or an addition to the Executive Mansion” and “for alterations, improvements, and furnishings”); An Act To provide for a Commission on Renovation of the Executive Mansion, ch. 51, §§ 1–5, 63 Stat. 45, 45–47 (1949) (creating a Commission on Renovation of the Executive Mansion to oversee President Truman’s renovations); Act of June 23, 1949, ch. 236, 63 Stat. 231, 235 (providing \$2 million “[f]or all expenses necessary for and incident to the renovation, repair, and modernization * * * of the Executive Mansion”).

Congress also has separately authorized the President to make discretionary expenditures to pay for needed staff within the White House. In 1948, Congress passed a modest provision setting the annual compensation for the President’s personal secretary at \$10,000. Act of June 25, 1948, ch. 644, § 105, 62 Stat. 672, 678. Over the next thirty years, Congress occasionally tweaked that provision, codified at 3 U.S.C. § 105, to create new salaried positions for a growing cadre of administrative aides.²

² See Act of Oct. 15, 1949, ch. 695, § 2(a), 63 Stat. 880, 880 (adding positions for “six administrative assistants[.]” an “Executive Secretary of the National Security Council,” and “five other secretaries or other immediate staff assistants”); Act of July 31, 1956, ch. 804, § 109, 70 Stat. 736, 740 (adjusting salaries and adding three more secretaries and staff assistants); Act of Oct. 4, 1961, Pub. L.

In 1978, Congress reorganized Section 105 into its current form. *See* Act of Nov. 2, 1978, Pub. L. No. 95-570, 92 Stat. 2445, 2445–2446. As amended, Section 105 provides for “Assistance and [S]ervices for the President” in five subsections. 3 U.S.C. § 105. Sections 105(a) and (b) provide that “the President is authorized” to hire and pay employees “in the White House Office” and “in the Executive Residence at the White House” under the General Schedule pay-grade system. *Id.* § 105(a)–(b). Section 105(c) provides that the “President is authorized” to procure, “as provided in appropriation Acts, temporary or intermittent services of experts and consultants” for the White House Office and the Executive Residence. *Id.* § 105(c). And Section 105(e) allows the President’s spouse to enjoy the assistance and services of the employees and consultants authorized above. *Id.* § 105(e).

This case concerns Section 105(d), which amid those staff funding authorizations provides:

(d) There are authorized to be appropriated each fiscal year to the President such sums as may be necessary for—

(1) the care, maintenance, repair, alteration, refurnishing, improvement, air-conditioning, heating, and lighting (including electric power fixtures) of the Executive Residence at the White House;

No. 87-367, § 303(h), 75 Stat. 785, 794 (adjusting salaries); Act of Aug. 14, 1964, Pub. L. No. 88-426, § 304(b), 78 Stat. 400, 422 (adding position for an “Executive Secretary of the National Aeronautics and Space Council”); Act of Dec. 23, 1967, Pub. L. No. 90-222, § 111(c), 81 Stat. 672, 726 (adding position for an “Executive Secretary of the Economic Opportunity Council”).

(2) the official expenses of the White House Office;

(3) the official entertainment expenses of the President;

(4) the official entertainment expenses for allocation within the Executive Office of the President; and

(5) the subsistence expenses of persons in the Government service while traveling on official business in connection with the travel of the President.

3 U.S.C. § 105(d).

The phrase “[t]here are authorized to be appropriated” in Section 105(d) sharply distinguishes that provision from the rest of Section 105, which speaks in terms of what “*the President* is authorized” to do. 3 U.S.C. § 105(a)–(c) (emphasis added). Section 105(d), in contrast, is an appropriation “authorization act” that Congress can choose to fund or not going forward. OFFICE OF THE GEN. COUNSEL, GOV’T ACCOUNTABILITY OFF., PRINCIPLES OF FEDERAL APPROPRIATIONS LAW 2-56 (“GAO REDBOOK”) (4th ed. 2016); *see also id.* at 2-54. “The expression ‘authorized to be appropriated’ * * * clearly indicates that no appropriation is made or intended to be made, but the bill when enacted becomes the authority of law for an expected appropriation in the future[.]” *Id.* at 2-54–2-55 (quoting 27 Comp. Dec. 923 (1921)).

Said more simply, an “authorization act is basically a directive to Congress itself, which Congress is free to follow or alter * * * in the subsequent appropriation act.” GAO REDBOOK 2-56; *cf. CFPB v. Community Fin. Servs. Ass’n of America, Ltd.*, 144 S. Ct. 1474, 1481 (2024) (“[T]o satisfy the Appropriations Clause,” an appropriation “need only identify a source of public funds and authorize the expenditure of those funds for designated purposes[.]”).

Congress has regularly exercised its appropriation authority under Section 105(d), often continuing its historical pattern of regulating the President’s use of the funds. *See, e.g.*, Consolidated Appropriations Act, 2005, Pub. L. No. 108-447, 118 Stat. 2809, 3246 (2004) (appropriating \$12.76 million “[f]or the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President * * * to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114”); *id.* at 3247 (appropriating \$1.9 million “[f]or the repair, alteration, and improvement of the Executive Residence at the White House * * * to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance”); Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182, 1392 (2020) (appropriating \$2.5 million “[f]or the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d) * * * to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance”).

In 2024, 2025, and 2026, Congress appropriated \$2.475 million under Section 105(d) to be used for “required maintenance, resolution of safety and health issues, and

continued preventative maintenance.” Further Consolidated Appropriations Act, 2024, Pub. L. No. 118-47, 138 Stat. 460, 532 (under the heading “White House Repair and Restoration”); Full-Year Continuing Appropriations and Extensions Act, 2025, Pub. L. No. 119-4, §§ 1101(a)(5), 1102, 139 Stat. 9, 11–12 (continuing 2024 funding levels); Consolidated Appropriations Act, 2026, Pub. L. No. 119-75, 140 Stat. 173, 451 (same as 2024).

When Congress appropriates funds for the purposes described in Subsections 105(d)(1), (3), or (5), such sums “may be expended as the President may determine, notwithstanding the provisions of any other law,” as long as the expenditures remain within the confines of the appropriation act’s denominated purposes. 3 U.S.C. § 105(d). At the same time, those expenditures are expressly subject to oversight by the Comptroller General, who “may inspect * * * records” to verify that the President’s spending was confined to “expenses in paragraph (1), (3), or (5).” *Id.* The Comptroller General must “certify to Congress the fact of such verification, and shall report any such expenses not expended for such purpose.” *Id.*

Section 105’s statutory neighbors similarly reflect Congress’s close control over and provision for maintenance of the White House on legislatively specified terms. For example, Congress closely regulates the acquisition of furniture for the Executive Residence, 3 U.S.C. §§ 109–110, requiring that purchased furniture be, “as far as practicable, of domestic manufacture” and that any donated furniture “maintain[] the interior of the Executive Residence at the White House in keeping with its original design,” *id.* § 110. Congress further required the Director of the National Park Service to establish a committee that includes representatives of the American Federation of Arts, the National Commission of Fine Arts, the

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National Academy of Design, and the American Institute of Architects to “select” and “recommend” the acceptance or not of any donated furniture pieces. *Id.*; *see id.* § 109 (requiring annually a “complete inventory, in proper books” of “all the public property in and belonging to the Executive Residence at the White House”).

2

The 1916 National Park Service Organic Act established the Park Service and charged it with

promot[ing] and regulat[ing] the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

54 U.S.C. § 100101(a); Act of Aug. 25, 1916, ch. 408, § 1, 39 Stat. 535, 535.

Later, in the 1978 Redwood Amendment, Congress doubled down on its requirement that the “protection, management, and administration” of the National Park System “shall not be exercised in derogation of the values and purposes for which the System units have been established” and requiring that any authority to depart from those purposes be “*directly and specifically* provided by Congress.” 54 U.S.C. § 100101(b)(2) (emphasis added); Act of March 27, 1978, Pub. L. No. 95-250, § 101(b), 92 Stat. 163, 166.

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The Organic Act separately authorizes the Park Service to accept “money that may be donated for the purposes of the System.” 54 U.S.C. § 101101(2). The congressionally chartered National Park Foundation “accept[s] and administer[s] those gifts” to “further the conservation of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans[.]” *Id.* § 101111. All donations to the Park Service must be placed in a federal trust. *See* 31 U.S.C. § 1321(a)(17), (b)(1). Congress has appropriated those funds to be used only “for the benefit of, or in connection with,” the Park Service, “its activities, or its services.” 54 U.S.C. § 101113; *see* 31 U.S.C. § 1321(a)(17), (b)(1).

3

Under the Economy Act, the “head of an agency or major organizational unit within an agency may place an order with a major organizational unit within the same agency or another agency for goods or services if”:

- (1) amounts are available;
- (2) the head of the ordering agency or unit [that is, the agency making the request] decides the order is in the best interest of the United States Government;
- (3) the agency or unit to fill the order is able to provide or get by contract the ordered goods or services; and
- (4) the head of the agency decides ordered goods or services cannot be provided by contract as conveniently or cheaply by a commercial enterprise.

31 U.S.C. § 1535(a).³

Importantly, “the Economy Act does not authorize an agency to use another agency to do anything it could not lawfully do itself.” GAO REDBOOK 12-26 (3d ed. 2008); *see also* 31 U.S.C. § 1301(a) (“Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”); *cf. Department of Navy v. Federal Lab. Rels. Auth.*, 665 F.3d 1339, 1348 (D.C. Cir. 2012) (“[A]n agency cannot use the device of a contract, grant, or agreement to accomplish a purpose it could not do by direct expenditure[.]”) (quoting GAO REDBOOK 4-9 (3d ed. 2004)). The Defendants agree. Oral Arg. Tr. 32:18–19 (The ordering agency “has to be able to do the project.”); *id.* at 35:6–9 (agreeing that the ordering agency must “have the legal authority so that they could * * * do th[e] job themselves”).

B

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The White House sits at the heart of President’s Park. President’s Park began as “Federal Reservation 1” in Pierre L’Enfant’s 1791 plan for the nascent capital city. *See* Nat’l Park Serv., *Comprehensive Design Plan: The White House & President’s Park* 143 (2000) (“2000 Design Plan”). The National Park Service assumed responsibility for the property in 1933. *Id.* at 40; *see also* Exec. Order No. 6166 § 2 (1933). Congress later formally directed that the White House building

³ Title 31 broadly defines “agency” as “a department, agency, or instrumentality of the United States Government.” 31 U.S.C. § 101.

complex itself be administered as a national park. *See* Act of Sept. 22, 1961, Pub. L. No. 87-286, § 1, 75 Stat. 586, 586.

Today, President's Park extends north from Constitution Avenue, across Pennsylvania Avenue, to H Street Northwest. *The White House and President's Park: Explore President's Park*, Nat'l Park Serv., <https://perma.cc/3CB3-VSDD>. It comprises about 82 acres, including the Ellipse, the White House complex and its grounds, and Lafayette Square. *Id.*; 2000 Design Plan at 6; FONSI at 5. The Park's northern edge is embraced by the Lafayette Square Historic District, which itself boasts paradigms of 19th century American architecture like St. John's Church, the Blair House, the Dolley Madison House, and the Stephen Decatur House. *See The White House and President's Park: Explore President's Park*. The White House is the centerpiece of President's Park. FONSI at 5.

On July 31, 2025, the White House announced plans to build a 90,000 square-foot ballroom in President's Park using privately donated funds. Press Release, The White House, The White House Announces White House Ballroom Construction to Begin (July 31, 2025), <https://perma.cc/6N2H-RLE9>. The announcement explained that the ballroom would be "substantially separated from the main building of the White House" and constructed where the "East Wing currently sits." *Id.* The press release represented that the President was "fully committed to working with the appropriate organizations to preserv[e] the special history of the White House[.]" *Id.*

In August 2025, the National Park Service conducted an environmental assessment of the proposed construction. The Park Service determined that the project "would have permanent adverse impacts on the cultural landscape" of

President's Park because the proposed ballroom would "depart[] from the traditional aesthetic values and architectural integrity" of the White House complex. Env't Assessment at 11.

The government's Environmental Assessment also found that the ballroom "would disrupt the historical continuity of the White House grounds" because the "new building's larger footprint and height would dominate the eastern portion of the site, creating a visual imbalance with the more modestly scaled West Wing and Executive Mansion." Env't Assessment at 14. The planned second-story addition to the East Colonnade would exacerbate the asymmetry. *Id.* According to the assessment, this discrepancy would "chang[e] the traditional spatial organization and sightlines of the grounds[.]" *Id.* In combination, the proposed construction would "adversely alter the design, setting, and feeling of the White House and the grounds over the long-term." FONSI at 7.

The Environmental Assessment further concluded that the proposed ballroom's size would permanently alter the views of President's Park for visitors in "certain locations, particularly Lafayette Square and portions of the Ellipse[.]" Env't Assessment at 19. The Park Service added that "[t]he removal of the current East Wing" to build the ballroom "will result in a permanent adverse impact for those who value the experience of this specific space." FONSI at 8.

Nevertheless, the Park Service found that the ballroom project would have no "significant" impact on the White House complex because the White House would retain "photograph[s]" of what the East Wing previously looked like and would "salvage and stor[e] * * * select historic building materials[.]" FONSI at 6, 16. In the Park Service's view, those two steps sufficed to "preserve important elements of the

historic fabric” of the East Wing and the formerly cohesive White House complex. *Id.* at 16. In so finding, the Park Service briefly considered “a no action alternative[,]” but the ballroom project “was selected for implementation[] because the Executive Office of the President identified the selected action as the only alternative that meets its functional goals and operational needs.” *Id.* at 13.

The Park Service chose, without any explanation, not to publish either its Environmental Assessment or its Finding of No Significant Impact. *Contrast* 42 U.S.C. § 4336(b)(2) (“[An] environmental assessment shall be a concise *public document* prepared by a Federal agency[.]”) (emphasis added); NAT’L PARK SERV., NPS NEPA HANDBOOK 69 (2015) (“The NPS must notify the public of the availability of a FONSI once it is signed. The standard NPS practice to meet this requirement is to announce its availability on [the NPS’s online platform for public comment] and through a press release, direct or electronic mailings, or other effective means of communication.”) (citations omitted).

Two months later, “without advance notice” and without first undertaking the promised consultations, President Trump posted on social media that “ground ha[d] been broken on the White House grounds to build the new, big, beautiful White House Ballroom.” *National Trust for Historic Pres. in the U.S. v. National Park Serv.*, 827 F. Supp. 3d 93, 100 (D.D.C. 2026) (“*National Trust III*”). Within three days, “the East Wing had been demolished in its entirety.” *Id.*

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C

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The National Trust for Historic Preservation in the United States is a congressionally chartered membership organization that seeks to preserve and promote the United States' architectural and cultural heritage. *See* Decl. of Elizabeth S. Merritt, ECF No. 2-2, at ¶¶ 2–4. The National Trust was created in 1949 to, among other things, “facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest[.]” 54 U.S.C. § 312102(a). The National Trust has a long history of involvement in President’s Park. Since 1956, the National Trust has owned the historic home of Commodore Stephen Decatur, the first private residence built in the Lafayette Square Historic District. *See* Merritt Decl. ¶ 9. The Decatur House, which the famed Naval Commodore enjoyed only briefly before his death in an honor duel, sits on the northwest corner of Lafayette Square and looks out onto President’s Park. *Id.*; Decl. of Alison K. Hoagland, ECF No. 2-3, at ¶ 12. The National Trust “frequently” holds board meetings at the Decatur House, Merritt Decl. ¶ 9, since the District of Columbia is the National Trust’s “principal” location, 54 U.S.C. § 312103.

When the National Trust learned about the sudden demolition of the East Wing, it warned the Park Service that the “massing and height of the proposed new construction” would “permanently disrupt the carefully balanced classical design of the White House[.]” Compl., ECF No. 1, at ¶ 51. The National Trust urged the National Park Service to “pause” demolition and construction until the proposal for the ballroom could be publicly reviewed. *Id.* ¶ 52. The Park Service did not respond. *Id.* ¶ 53.

In December 2025, the National Trust filed this suit and moved for a temporary restraining order halting further construction. *See* Compl.; TRO Mot., ECF No. 2-1. As relevant here, the National Trust argued that the Park Service and its officers had acted contrary to law by starting the ballroom project without Congress’s express authorization and without statutorily required consultations, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2). *See* Compl. ¶¶ 105–134, 154–160; TRO Mot. at 25–32. The National Trust contended that if the Park Service continued with the ballroom project, the National Trust and its members would suffer “aesthetic, cultural, and historic harms” because “the historical significance of [the White House’s] design will be physically overcome” by the proposed ballroom. TRO Mot. at 45.

On the merits, the Defendants responded that the National Trust’s claims were misdirected “[b]ecause [the Executive Office of the President (EOP)] is managing this project” and the relevant consultation statutes have “no application to the President.” TRO Opp’n, ECF No. 14, at 22–26. At a hearing on the National Trust’s motion, the Defendants doubled down: Because the project “is being planned, directed, and executed by the Executive Office of the President” and the Office of the Executive Residence (EXR), and because neither of those entities is an agency within the meaning of the APA, “there is no agency action for [the] Court to enjoin[.]” so the Trust’s APA claims necessarily fail. TRO Hr’g Tr., ECF No. 18, 22:2–6, 24:17–20. In addition, the Defendants argued that EOP and EXR have independent statutory authority to construct the ballroom under Section 105(d)(1). TRO Opp’n at 23.

The Defendants further argued that the National Trust’s claims were “unripe” because EOP and EXR would “commence the statutory consultation process” shortly, “architectural design for the above-grade elements is still in

progress[,]” and “above-grade structural work will not occur until April 2026, at the earliest.” TRO Opp’n at 18–19. When pressed by the district court on whether the below-ground work, which had already begun, would “dictate the height and the width” of the ballroom itself, the Defendants assured the district court that “[t]here’s nothing here to suggest” that changes to the ballroom “would be impossible” or that “anything irreversible” would occur during underground construction. TRO Hr’g Tr. 21:9–20; *see also id.* 20:22–24 (“[T]he below-ground work that’s occurring now has nothing to do with Plaintiff’s asserted aesthetic injury” from above-ground construction of the ballroom.); Decl. of Professional Engineer, ECF No. 30-4, at ¶ 9 (Defendants’ submission of a declaration from a professional engineer stating that the “primary foundation system for the structure can accommodate potential design changes to the configuration of the above-grade structure”).

The district court denied the National Trust’s request for a temporary restraining order on the ground that there was “no sufficiently imminent risk of irreparable aesthetic harm” tied to above-ground construction that required immediate relief. *National Trust for Historic Pres. in the U.S. v. National Park Serv.*, 813 F. Supp. 3d 42, 44 (D.D.C. 2025) (“*National Trust I*”). The court expressly rested its ruling on “the Government’s representations” that the above-ground designs were not yet finalized, and added that “[i]f there *is* any below-grade construction that dictates the size or scale of the proposed ballroom * * *, then the Government should be prepared to take it down” if required by a future ruling. *Id.*; *see also id.* (“The Court will hold the Government to its word.”).

Two weeks later, the National Trust amended its complaint and sought a preliminary injunction. *See* Am. Compl., ECF No. 19; P.I. Mot., ECF No. 20. As relevant here, the National

Trust added EOP and EXR as defendants based on the Defendants' representation that those entities were in charge of the project. *See* P.I. Mot. at 10. The National Trust argued that EXR was an agency for purposes of its APA claims and that both EOP and EXR could be enjoined from constructing the ballroom under the APA. *Id.* at 26–30. Alternatively, the National Trust argued that EOP's and EXR's unilateral direction of the project would violate the constitutional separation of powers by usurping Congress's authority under the Property Clause. *Id.* at 32–35.

In January 2026, the Defendants opposed the National Trust's preliminary injunction motion. P.I. Opp'n, ECF No. 30. The Defendants argued the National Trust was not likely to succeed on the merits of its APA claim because “the entity directing the project”—EXR—“is not subject to the APA.” *Id.* at 22 (capitalization altered). The Defendants added that an APA claim could not lie against the Park Service because the Park Service “is indisputably not directing” the project and that there was “no [Park Service] action that the Court could set aside under the APA[.]” *Id.* at 26 n.7.

In February, the district court denied the National Trust's request for a preliminary injunction. *National Trust for Historic Pres. in the U.S. v. National Park Serv.*, 821 F. Supp. 3d 62, 65 (D.D.C. 2026) (“*National Trust II*”). The district court concluded that the National Trust had shown a substantial likelihood of associational standing to vindicate cognizable harms to its members' aesthetic, historic, and cultural interests in the White House and President's Park. *Id.* at 68–71. But, in reliance on the Defendants' representation that EXR was “the entity managing the East Wing project[.]” the district court concluded that the Trust's APA claims were unlikely to succeed because “EXR is likely not an ‘agency’ under the APA.” *Id.* at 71. The court further ruled that the National

Trust's claims were "properly characterized as statutory," so it lacked "a freestanding constitutional claim for injunctive relief." *Id.* at 73–74 (first quoting *Global Health Council v. Trump*, 153 F.4th 1, 14 (D.C. Cir. 2025)). The district court noted that the National Trust had not pleaded a statutory *ultra vires* claim. *Id.* at 76.

A week later, the National Trust amended its complaint to add the claims that the Park Service, EOP, and EXR had acted *ultra vires* and without statutory (or other) authority to erect a ballroom on the White House grounds. 2d Am. Compl., ECF No. 50, ¶¶ 197–224. The National Trust also repeated its allegation that the Park Service had acted contrary to law in violation of the APA and 40 U.S.C. § 8106 by beginning construction of a whole new building on the White House grounds without Congress's express authorization. 2d Am. Compl. ¶¶ 172–178. The National Trust then renewed its request for a preliminary injunction. *See generally* 2d P.I. Mot., ECF No. 51-1.

In response, the Defendants added a new defense that the project was lawful because the Park Service had independent authority to construct the ballroom on White House grounds under its organic statute. 2d P.I. Opp'n, ECF No. 52, at 21–27 (citing 54 U.S.C. § 100101). That argument "came as a surprise" to the district court, *National Trust III*, 827 F. Supp. 3d at 113, because the Defendants had previously argued—and won the denial of a preliminary injunction by arguing—that the Park Service had "no role" in the project and had taken no action reviewable under the APA, P.I. Opp'n at 26 n.7, 32.

On March 31st, the district court preliminarily enjoined the above-ground construction of the ballroom. *See National Trust III*, 827 F. Supp. 3d at 99. The district court concluded that, to the extent EXR or EOP had ordered the construction, that

action was likely *ultra vires* because (i) Congress has exclusive constitutional authority over federal property like the White House, (ii) 3 U.S.C. § 105(d)(1) does not authorize the President to demolish an entire publicly funded Wing of the White House and replace it with a privately funded ballroom, and (iii) 40 U.S.C. § 8106 separately requires Congress's express approval for such an endeavor. *See National Trust III*, 827 F. Supp. 3d at 104–112. In addition, to the extent the Park Service had a role in directing and funding the construction, the district court concluded that such action was likely contrary to law in violation of the APA because nothing in the Park Service's organic statute overrode the requirement of congressional approval in 40 U.S.C. § 8106. *See National Trust III*, 827 F. Supp. 3d at 112–114.

The district court enjoined the Park Service, EXR, EOP, and related entities, officers, and agents “from taking any action in furtherance of the physical development of the proposed ballroom * * *, including but not limited to any further demolition, site preparation work, landscape alteration, excavation, foundation work, or other construction or related work[.]” P.I. Order, ECF No. 61, at 1–2. The injunction did not extend to the President himself. *See generally id.* At the same time, the court exempted from the preliminary injunction those “actions strictly necessary to ensure the safety and security of the White House and its grounds, including the ballroom construction site, and provide for the personal safety of the President and his staff[.]” *Id.* at 2.

At the Defendants' request, the district court stayed the effect of its order for fourteen days to allow them time to seek a stay pending appeal from this court. *See* P.I. Order at 2. The Defendants noticed their appeal and moved this court for a stay pending appeal.

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2

On April 11th, we extended the stay for an additional week, remanded the case to the district court, and dismissed the Defendants’ motion as moot. Per Curiam Order, No. 26-5101, Dkt. 2168165 (April 11, 2026) (“Remand Order”). We did so because the Defendants’ claimed irreparable harms—a prerequisite for the issuance of a stay pending appeal—were difficult to square with the limited record. *See id.* at 3 (citing *Nken v. Holder*, 556 U.S. 418, 434 (2009)).

The Defendants argued that the district court’s preliminary injunction interfered with the construction of security fixtures *beneath* the proposed ballroom. *See* Remand Order at 3. But the injunction’s language prohibited only “physical development *of the proposed ballroom*[.]” P.I. Order at 2 (emphasis added). It expressly exempted those “actions strictly necessary to ensure the safety and security of the White House and its grounds[.]” *Id.*

The Defendants also argued that the injunction would jeopardize national security by delaying the realization of security upgrades and the closure of the open construction site on White House grounds. *See* Remand Order at 3–4. But the Defendants had not explained how, if at all, the injunction interfered with their plans to secure the grounds during a project their own planning documents showed would not be completed for more than two years at the earliest. *See id.* (citing FONSI at 8).

We remanded the case to give the Defendants an opportunity to develop a record of their claimed irreparable harms and to allow the district court to resolve a then-pending motion to clarify the injunction given the parties’ sharp

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disagreement over the scope of the injunction's safety-and-security exception. Remand Order at 4.

3

On remand, the Defendants told the district court that their plans for below-ground security upgrades were “inseparable” from the original ballroom design itself and that the two “cannot exist in isolation.” *See* Resp. to Mot. to Clarify, ECF No. 69, at 2–3. On that basis, the Defendants reasoned that the court's preliminary injunction had no effect and all construction could proceed under the “‘safety-and-security’ exception” because “the entire project advances critical national-security objectives as an integrated whole.” *Id.* at 1.

The district court strongly disagreed. *See National Trust for Historic Pres. in the U.S. v. National Park Serv.*, No. 25-CV-4316, 2026 WL 1027744, at *1 (D.D.C. April 16, 2026) (“*National Trust IV*”).

The court first pointed out that, through all previous stages of the litigation, the Defendants had repeatedly represented that the project's “*underground* elements”—not anything above ground—impacted national security, *National Trust IV*, 2026 WL 1027744, at *2, and that construction of the security bunker below ground and the ballroom above were “independent” of each other, *id.* at *3 (quoting P.I. Opp'n at 48). Further, the Defendants had assured the district court in January that “the project's below-ground elements do not ‘lock in’ the design of the above-ground ballroom.” *Id.* at *2 (quoting P.I. Opp'n at 13). The district court found that the Defendants' current claim that the ballroom and below-ground bunker construction have been an inseparable and integral whole all along is “in direct conflict with Defendants' prior representations” to the court. *Id.* at *3.

With that procedural background in mind, the district court explained that its order enjoined “the above-ground, visible construction of the ballroom,” but not below-ground construction. *National Trust IV*, 2026 WL 1027744, at *2. In the court’s judgment, that division both prevented the National Trust’s threatened irreparable harms and respected the “discrete national security concerns about construction of *underground* elements” that the Defendants had raised “throughout this case[.]” *Id.* The court further clarified that its order did not affect the Secret Service’s plans to implement “measures to ensure the security and safety of the President, the First Family, and the White House complex[.]” *id.* at *3 (quotation marks omitted), or the Defendants’ plans “to preserve and protect the structural integrity of the White House and to protect the construction site itself from deterioration due to the elements[.]” *id.* at *4. “Both categories of construction activities may proceed.” *Id.*

The district court then modified its earlier preliminary injunction to clarify that the order prohibits the Park Service, EOP, EXR, and related officers, entities, and agents “from taking any action in furtherance of the above-ground physical construction of the proposed ballroom[.]” Am. P.I. Order, ECF No. 73, at 1–2. At the same time—as long as the actions “will not lock in the above-ground size and scale of the ballroom”—the preliminary injunction “does not prohibit”:

- “[B]elow-ground construction, including below-ground construction of national security facilities”;
- “[A]bove-ground construction * * * that is strictly necessary to cover, secure, and protect such national security facilities”;

- “[M]easures strictly necessary to provide for the personal safety of the President and his staff short of constructing the proposed above-ground ballroom”; or
- “[C]onstruction strictly necessary to ensure the safety, security, and structural integrity of the White House, the White House grounds, and the below-ground construction site—including waterproofing, water management, structural reinforcement, and sealing off exposed construction areas—short of constructing the proposed above-ground ballroom[.]”

Id. at 2–3.

The district court crafted each of those exceptions in response to the specific national-security concerns the Defendants had raised. *National Trust IV*, 2026 WL 1027744, at *4. The court added that, having demarcated the lines between prohibited and permissible construction, it would not require the Defendants “to request and receive written approval before proceeding” under those exceptions. *Id.* at *5 (quotation marks omitted); *see also id.* (“I have no desire or intention to be dragooned into the role of construction manager.”).

The district court stayed the effect of its amended preliminary injunction until April 23, 2026, to allow the Defendants to seek appellate relief. *See* Am. P.I. Order at 3; *National Trust IV*, 2026 WL 1027744, at *5.

On the Defendants’ renewed motion for a stay pending appeal, this court issued an administrative stay, consolidated the stay motion and merits appeal from the preliminary

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injunction, and ordered highly expedited briefing and oral argument.

II

Before reaching the merits, we must, as always, assure ourselves of our jurisdiction, including Article III standing. At the preliminary injunction stage, the National Trust needs to “clear[ly]” show that it is “likely to establish each element of standing.” *Murthy v. Missouri*, 144 S. Ct. 1972, 1986 (2024) (quotation marks omitted).

An association like the National Trust has standing to sue on behalf of its membership when (A) at least one of its members would have standing independently, (B) the interests the association is suing to protect “are germane to the organization’s purpose[,]” and (C) the claim the association asserts and the relief it requests do not require “the participation of individual members in the lawsuit.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 143 S. Ct. 2141, 2157 (2023) (quotation marks omitted).

At this preliminary stage, the National Trust clears those hurdles.

A

1

With respect to the first prong of the associational standing test, the National Trust has clearly shown that one of its members likely has standing to sue in her own right. Specifically, the Trust has shown that (i) its long-term member, Professor Alison Hoagland, has suffered a concrete and particularized “injury in fact” that is “actual or imminent”; (ii)

her injury “is fairly traceable to the challenged action”; and (iii) her injury will likely be redressed by a ruling in the National Trust’s favor. *Healthy Gulf v. Department of the Interior*, 152 F.4th 180, 189 (D.C. Cir. 2025) (quoting *Center for Sustainable Econ. v. Jewell*, 779 F.3d 588, 596 (D.C. Cir. 2015)); see *Students for Fair Admissions*, 143 S. Ct. at 2157. The National Trust identified Professor Hoagland as a representative “example” of its “thousands of members” who would be injured by the ballroom project. 2d Am. Compl. ¶ 22.

Professor Hoagland is an architectural historian, author, consultant, and professor emerita in historic preservation. Hoagland Decl. ¶¶ 4–5, 16. She has been a member of the National Trust for over 40 years. *Id.* ¶¶ 2–3. She is currently a Trustee of the National Trust and serves on its Executive Committee. *Id.* ¶¶ 2–3. She previously worked for fifteen years as the senior historian at the National Park Service’s Historic American Buildings Survey, which documents historic aspects of national sites, including the White House. *Id.* ¶ 5.

Professor Hoagland routinely recreates by walking in front of the White House and in Lafayette Square directly across from the White House, and she “intend[s] to continue” doing so. Hoagland Decl. ¶ 12. She “regularly walk[s] through portions of President’s Park, including Lafayette Square, in order to enjoy the historic buildings” in the area, the carefully preserved historic architecture, and “the beauty of the L’Enfant Plan[.]” *Id.* ¶ 9. She routinely “use[s], enjoy[s],” and “derive[s] benefit from” President’s Park, “including the White House[.]” *Id.* ¶ 3. A particular focus of Professor Hoagland’s

tours is the “iconic” White House complex, which “continue[d] to * * * impress[]” her after years of visits. *Id.* ¶ 12.⁴

In addition, as a Trustee and Executive Committee member of the National Trust, Professor Hoagland attends Board meetings that are “frequently” held at the Decatur House, Merritt Decl. ¶ 9, a historic property “on the northwest corner of Lafayette Square,” across the quadrangle from the White House. Hoagland Decl. ¶ 12. She plans to attend those meetings, which happen “at least annually,” at the Decatur House in 2026. Hoagland Decl. ¶ 12. To get to the meetings, Professor Hoagland, who lives just two miles away on Capitol Hill, commonly walks along Lafayette Square in front of the White House to enjoy its architectural simplicity and historical significance. *See id.* ¶¶ 9, 12.

Professor Hoagland also is a professional academic who continues to study and relies on the architectural design of the White House and President’s Park in her work. *See* Hoagland Decl. ¶¶ 11, 14. Specifically, she is a historian who publishes works on historical architecture in Washington, D.C. *Id.* ¶ 4. She has a special interest in vernacular architecture and the District’s unique architectural history, and she has authored several books and scholarly articles on those topics. *See id.* ¶¶ 4, 8. The structural appearance of the White House “affects [Professor Hoagland’s] research” on “locally focused architecture” because, throughout the Nation’s history, the

⁴ The dissenting opinion’s standing argument rests on a misconstruction of Professor Hoagland’s declaration. It claims that Professor Hoagland intends to travel to the area about once a month only to “attend functions in neighboring buildings.” Dissenting Op. 14. The declaration actually states that she “intend[s] to continue to travel to the area around the White House, to walk through Lafayette Square, to attend functions in neighboring buildings, and to continue to be impressed by this iconic building.” Hoagland Decl. ¶ 12.

White House has “help[ed] to define” development in the surrounding area, “while also serving as a landmark defining L’Enfant’s plan for the city[.]” *Id.* ¶ 11. Indeed, as Professor Hoagland notes, the White House sits at an important central axis on the L’Enfant Plan, thus influencing the urban design of the rest of the city. *Id.* ¶¶ 9, 11. Because of that, Professor Hoagland uses “the White House as a reference point” for her studies of D.C.’s architecture, given its role as “one of the first prominent government buildings” in the early days of our new Nation, and presently “as the most important house in the city[.]” Hoagland Decl. ¶ 11; *see also id.* at ¶ 16. For Professor Hoagland, the White House—designed to reflect “republican simplicity”—“is one of the clearest examples of a building constructed with the explicit intention of imparting meaning with its style, size, and scale[.]” the message being that the home of the elected United States President is designedly a “modest building[.]” *Id.* ¶ 10.

Professor Hoagland further attests that building the 90,000 square-foot ballroom “would cause permanent and irreparable harm to the White House and President’s Park” because it would “overshadow[] the White House, exceeding it in height and massing, [and] would diminish the primacy of the White House[.]” Hoagland Decl. ¶ 13. She explains that “[n]o longer would the eye be drawn to the jewel of the building in the center,” which was designed to “declar[e] to viewers that our president lives in a *house*[.]” and “not a palace.” *Id.* ¶¶ 10, 13. Those changes, Professor Hoagland explains, will cause her to “suffer both professional and personal injuries” to her “aesthetic, cultural, and historic interests[.]” *Id.* ¶ 14. Her “use” and “enjoy[ment]” of the White House, which have already “been impaired by the destruction of the East Wing of the White House[.] * * * will be impaired further by the construction on the East Wing’s former site of a ballroom

substantially similar” in size and design “to that which the defendants propose to build.” *Id.* ¶ 3.

In addition, Professor Hoagland’s work as a Trustee and member of the National Trust “will be impaired” by the construction of the ballroom as the Trust focuses on “preserving and protecting historic and cultural resources in Washington, D.C.,” Hoagland Decl. ¶ 3, including the Trust-owned Decatur House, *id.* ¶ 12, a historic residence hugging the corner of Lafayette Square, Merritt Decl. ¶ 9, and its environs and neighboring historic structures that make up the historic district.

Further, like many National Trust members, Professor Hoagland “use[s], enjoy[s], derive[s] benefit from, and ha[s] a substantial interest in preserving and protecting historic and cultural resources in Washington, D.C., including the White House and President’s Park[.]” Hoagland Decl. ¶ 3. She “intend[s] to continue to travel to the area around the White House, to walk through Lafayette Square, [and] to attend functions in neighboring buildings * * * about once a month[.]” *Id.* ¶ 12. With the construction of the ballroom, her walks through President’s Park would no longer permit her to “enjoy” the “innovative preservation project concerning the buildings surrounding Lafayette Square[.]” if that historical coherence is destroyed by such an ahistoric and asymmetrical change to the most important building in the Square. *Id.* ¶¶ 9, 10, 14. Construction of the ballroom, in short, will cause Professor Hoagland personal and professional “injuries, including to [her] aesthetic, cultural, and historical interests[.]” *Id.* ¶ 14.

In those ways, Professor Hoagland has adequately alleged, at this stage of the litigation, concrete and imminent “professional and personal[.]” historical-preservation, and

aesthetic injuries that “[she] would suffer[.]” Hoagland Decl. ¶ 14. For her, the historical and architectural coherence of President’s Park and the White House that she routinely enjoys studying, viewing, and spending time with would be permanently lost by the construction of a structure that “overshadow[s] the White House,” “exceeding it in height and massing[.]” *Id.* ¶¶ 10, 13.

Professor Hoagland’s specific, here-and-now, and frequently recurring injuries qualify as an Article III injury. A plaintiff like Professor Hoagland who “aver[s] that [she] use[s] the affected area” and is an individual “‘for whom the aesthetic and recreational values of the area will be lessened’ by the challenged activity” has “adequately allege[d]” an injury in fact. *Friends of the Earth, Inc. v. Laidlaw Env’t Servs. (TOC), Inc.*, 528 U.S. 167, 183 (2000) (quoting *Sierra Club v. Morton*, 405 U.S. 727, 735 (1972)); *see also Summers v. Earth Island Inst.*, 555 U.S. 488, 494 (2009) (“[I]f [the alleged] harm in fact affects the recreational or even the mere esthetic interests of the plaintiff, that will suffice.”).

Numerous cases from the Supreme Court and this court have recognized Article III injuries in similar circumstances. *See, e.g., Friends of the Earth*, 528 U.S. at 181–183 (holding that individuals who lived within driving distance of a river and who fished in it and picnicked along its banks had standing to challenge water pollution); *Center for Biological Diversity v. Fish & Wildlife Serv.*, 146 F.4th 1144, 1157–1158 (D.C. Cir. 2025) (holding that an amateur photographer and entomophile who went on annual vacations to view the American Burying Beetle had standing to challenge a change in its protected status); *International Dark-Sky Ass’n v. FCC*, 106 F.4th 1206, 1217 (D.C. Cir. 2024) (holding that amateur stargazers and astronomers who look at the sky for recreation had standing to challenge an environmental assessment of a license permitting

satellites that caused light pollution); *Sierra Club v. Jewell*, 764 F.3d 1, 5 (D.C. Cir. 2014) (holding that the National Trust’s members who “view and enjoy” the historic battlefield site of Blair Mountain “for purposes of studying and appreciating its history” had standing to challenge governmental action affecting the historical status of the Mountain); *see also Summers*, 555 U.S. at 494 (recognizing government admission that a plaintiff who had repeatedly visited a national forest to view flora and fauna, and who had imminent plans to do so again, suffered a cognizable aesthetic injury for purposes of standing from a planned sale of felled logs).⁵

⁵ The dissenting opinion attempts to distinguish these cases by pointing out that “stargazers” “use the sky” when looking at constellations and history buffs “view and enjoy” a battlefield when they visit it to study and appreciate its historical significance. Dissenting Op. 13 (first quoting *International Dark-Sky Ass’n*, 106 F.4th at 1217, and second quoting *Sierra Club*, 764 F.3d at 5). Professor Hoagland alleges the same. She has attested that she “use[s] * * * the White House and President’s Park” when she “regularly walk[s]” there “in order to enjoy the historic buildings, the beauty of the L’Enfant Plan * * *, and the innovative preservation project concerning the buildings surrounding Lafayette Square[.]” Hoagland Decl. ¶¶ 3, 9. The dissenting opinion offers no principled distinction between the injury in fact of disrupted star gazing, battlefield gazing, animal viewing, and Professor Hoagland’s disrupted historic architecture viewing (and studying).

The dissenting opinion also claims that Professor Hoagland’s injuries are not sufficiently “imminent.” Dissenting Op. 13–14. That is wrong. Her concrete plans to “travel to the area around the White House” to see the “iconic [White House] building * * * about once a month” plainly are imminent under established precedent. Hoagland Decl. ¶ 12. The Supreme Court, moreover, has found an imminent injury when the defendant was likely to award a relevant contract “at least once per year,” and the plaintiff was “very likely to bid on each such contract[.]” *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200,

Before both the district court and this court, the Defendants insisted that Professor Hoagland and members of the public will not be able to see the massive ballroom from various angles around Lafayette Square. *See* 2d P.I. Opp’n at 37 (“Dr. Hoagland could scarcely see the old East Wing from public view, and the new East Wing will be equally obscured.”); Oral Arg. Tr. 7:3–8 (“[A]t least in the classic locations where people come to view the White House from the south, you will not be able to see the east wing. * * * If you come to the front from the north view, the classic view, the trees are designed to shield the view.”); *id.* at 9:3–5 (“I think [Professor Hoagland] would have to intentionally put herself in the very narrow locations where you can actually view [the ballroom].”).

“[P]ure fiction” was the district court’s response to that factual argument. *National Trust III*, 827 F. Supp. 3d at 114 n.18. The district court found as fact that “Defendants’ own renderings show that the proposed ballroom will be clearly visible from Lafayette Park, and even from the steps of the U.S. Capitol[.]” *Id.* (citing Executive Director’s Recommendation, National Cap. Planning Comm’n 17–18 (March 5, 2026), <https://perma.cc/4LFC-YDEJ>). The Defendants have not argued those findings were clear error. *See Doe v. Blanche*, 172 F.4th 901, 911 (D.C. Cir. 2026). Nor could they given that the National Park Service itself found that the ballroom will “permanently alter[.]” “views of the White House from Lafayette Park[.]” and will cause “visual imbalance” in the White House’s historic appearance. FONSI at 6, 7; Env’t

212 (1995). This court likewise has found aesthetic standing where a plaintiff “plan[ned] to” observe beetles in the habitat at issue “[i]n the coming years * * * during his annual summer vacation.” *Center for Biological Diversity*, 146 F.4th at 1158 (quotation marks omitted).

Assessment at 19 (“[V]iews from certain locations, particularly Lafayette Square and portions of the Ellipse, would be altered [by ballroom construction].”).

Nor can the Defendants claim that Professor Hoagland is misguided in asserting those injuries. The Defendants themselves have admitted that constructing the ballroom will cause the same substantial, adverse, and irreparable visual, aesthetic, historical-preservation, and architectural consequences to which Professor Hoagland gives voice and which “thousands” of National Trust members share, 2d Am. Compl. ¶ 22. In its August 2025 Environmental Assessment and Finding of No Significant Impact, the National Park Service concluded that “views of the White House from Lafayette Park and the Ellipse will be *permanently altered* due to the modifications to the East Wing.” FONSI at 6 (emphasis added); *see also id.* at 5 (Park Service explaining that “[s]ituated on a high point within the city, the White House is a focal point on the principal north-south axis of L’Enfant’s plan[,]” in which “[v]iews and vistas were among the most essential features”).

The report also found that the ballroom “will disrupt the historical continuity of the White House grounds and alter the architectural integrity of the east side[.]” FONSI at 7. That is because the addition of the ballroom “will dominate the eastern portion of the site, creating a visual imbalance with the more modestly scaled West Wing and Executive Mansion.” *Id.*

The Defendants’ own admission of the extensive and permanent architectural, historical-preservation, and other aesthetic harms that the ballroom construction will cause underscores the concreteness, imminence, and substantiality of Professor Hoagland’s individualized injuries, which arise from her routine recreational, volunteer, and professional activities

in President's Park. At the same time, such official concurrence, after in-depth and formal review by the Executive Branch, certainly belies the Defendants' effort to paint Professor Hoagland's injuries as the idiosyncratic grouching of "a single pedestrian[]" who "occasionally walks near President's Park[.]" Defs.' Opening Br. 4.

Nor is it accurate for the Defendants to categorize Professor Hoagland's injury as a mere "psychological consequence" that similarly impacts everyone across the country. Defs.' Opening Br. 24 (quoting *Valley Forge Christian Coll. v. Americans United for Separation of Church & State, Inc.*, 454 U.S. 464, 485 (1982)). Professor Hoagland has identified concrete ways she is personally and routinely impacted by the ballroom construction in her professional commitments that require her to meet in Lafayette Square, her recreational time walking through President's Park to enjoy its historic architecture, and her professional research and writing that focus on D.C. architecture and its connection to the L'Enfant Plan, of which the White House serves as a critical focal point. *See* Hoagland Decl. ¶¶ 9, 11–14; *see also* BERG, GRAND AVENUES at 102 (In the L'Enfant Plan, "[t]he Congress House and President's House were set on the two highest points in the territory, providing a pair of geometrical and geographical anchors for the city's road map."); Alison K. Hoagland, *Nineteenth-Century Building Regulations in Washington, D.C.*, 52 RECS. COLUMBIA HIST. SOC'Y 57, 58 (1989) ("[President] Washington's regulations, primarily concerned with aesthetics, were intended to produce buildings which complemented L'Enfant's plan[.]").

In those ways, Professor Hoagland is a far cry from the doctors alleging harm when thinking about or witnessing others use abortion drugs. Defs.' Opening Br. 10 (quoting *Food & Drug Admin. v. Alliance for Hippocratic Med.*, 144 S. Ct. 1540,

1561 n.3 (2024)). She has alleged direct harm to her personal “aesthetic, cultural, and historic” interests that she fulfills through her regular visits to President’s Park, Hoagland Decl. ¶¶ 11–14, not mere “distress at or disagreement with the activities of others[,]” divorced from the governmental action’s direct effect on her, *Alliance for Hippocratic Med.*, 144 S. Ct. at 1561 n.3.

The Defendants maintain that Professor Hoagland can easily avert her gaze to avoid viewing the new ballroom and so she is “[u]nlike” the plaintiffs in cases in which we have found standing when plaintiffs are “deprived of [the] opportunity” to view something they wish to observe. Defs.’ Opening Br. 27. That is wrong. Professor Hoagland will no longer be able to “use[and] derive benefit from” seeing and studying a White House with historic and intentionally designed “republican simplicity,” and that permanent loss will injure her “aesthetic, cultural, and historical interests[.]” Hoagland Decl. ¶¶ 3, 10, 14. She will also lose forever the opportunity to view Lafayette Square with the intentional architectural symmetry of the 235-year-old L’Enfant Plan—an experience she greatly values—if the ballroom is constructed as planned. *See id.* at ¶¶ 9, 13. The proposed ballroom would so alter the symmetry of the White House complex that it would no longer remain in harmony with the symmetry of Major L’Enfant’s axial plan of the capital city, in which the President’s House and the Capitol building sit symmetrically on perpendicular axes. *See FONSI* at 6–7 (“This change will disrupt the historical continuity of the White House grounds and alter the architectural integrity of the east side of the property.”); Env’t Assessment at 10 (noting that the symmetrically designed “axial relationship” that had previously existed between the Capitol and the White House had been “one of the defining attributes for the entirety of Washington, DC’s monumental core”).

The Defendants nonetheless insist that aesthetic harm from the permanent visual destruction of part of the Nation's history is insufficient unless it also changes the plaintiff's conduct. Defs.' Opening Br. 28–29. That makes no sense. The whole point of preserving historic buildings and sites, monuments, and memorials is for members of the public to be able to visit them, view them, and appreciate them, even though they cannot use them in the tangible ways the Defendants would require. Some people visit particular national sites—like the Mormon Pioneer Trail, the First Baptist Meeting House in America, Ebenezer Baptist Church, and Zion and Bryce Canyon National Parks—because of their religious significance and inspiration, and the loss of the ability to have that religious experience has long been acknowledged to be an Article III injury. *See, e.g., Lyng v. Northwest Indian Cemetery Protective Ass'n*, 485 U.S. 439, 442 (1988) (adjudicating the merits of a case when the alleged injury was that the construction of a road would damage “the sacred areas which are an integral and necessary part of the belief systems and lifeway of Northwest California Indian peoples”); *Narragansett Indian Tribal Historic Pres. Off. v. FERC*, 949 F.3d 8, 12 (D.C. Cir. 2020) (noting that “the destruction of the ceremonial landscapes” used by the Narragansett Tribe for cultural and religious purposes “certainly qualifies as an injury in fact”); *Arizona Mining Reform Coal. v. Forest Serv.*, 172 F.4th 641, 655 (9th Cir. 2026) (finding standing for Apache Tribe members challenging a copper mine's construction when the Forest Service's assessment identified “physical and visual impacts on traditional cultural places” that the Apache used for religious ceremonies) (formatting modified); *South Texas Env't Just. Network v. Texas Comm'n on Env't Quality*, 165 F.4th 356, 366 (5th Cir. 2026) (holding that the Carrizo Comecrudo Tribe had standing to challenge the construction of a natural gas pipeline when the Tribe alleged that its members' “recreational,

aesthetic, and religious experiences in the area surrounding the site will be harmed”).

In that same way, others seek aesthetic, familial, cultural, historical, or educational connection and enrichment from visiting national sites and parks and culturally significant places. *See Lemon v. Geren*, 514 F.3d 1312, 1314–1315 (D.C. Cir. 2008) (finding standing for plaintiffs alleging harm due to “the closure and redevelopment of Fort Ritchie[.]” “an historic site they visit and enjoy”); *Sierra Club v. Department of Transportation*, 125 F.4th 1170, 1181–1182 (D.C. Cir. 2025) (finding standing for a native Tribe challenging the shipping of natural gas through tribal land, which affects “the Tribe’s heritage, its land, its people, and its resources”) (quotation marks omitted).

The Defendants’ cramped standing theory would deem no one injured by a decision to raze the Statue of Liberty, to obscure the names on the Vietnam War Memorial, or to install a political billboard atop Mount Rushmore. People wounded by the lost historical view could just “shift [their] gaze[.]” Defs.’ Opening Br. 25. Yet the harm would remain from being unable to look upon, learn from, or commune in a location where, for example, a personal hero was born, an ancestor first arrived in the United States, a relative died on September 11th, or the battle for the individual’s equal rights and dignity first started. The Defendants’ argument, in other words, simply brushes off the signification, emotion, meaning, and particularized value to individuals of witnessing certain places where their history happened, looking upon architectural marvels, reveling in sweeping landscapes, and viewing buildings, memorials, and monuments that tell the American story.

The Defendants’ and the dissenting opinion’s resort to *Environmental Defense Fund v. FERC*, 2 F.4th 953 (D.C. Cir. 2021), is of no help. In that case, the plaintiff complained that a metering station she would drive by and incidentally view was an “eyesore,” but “she never indicate[d] how she derived aesthetic value from the land as it had existed before the construction[.]” “that she intended to use the land in the future[.]” or “that her planned future uses of the land have been foreclosed by the construction[.]” *Id.* at 969; *see also Gardner v. Mutz*, 962 F.3d 1329, 1342–1343 (11th Cir. 2020) (finding no aesthetic injury for individuals opposing the move of a Confederate statue because the plaintiffs failed to allege that they “routinely visited the monument [in the prior location] or, alternatively, that they won’t be able to visit the monument at its new location”). Professor Hoagland, by contrast, has detailed (i) her aesthetic and professional interests in appreciating and studying the historic design of the White House, the architectural significance it embodies, and the political statement it makes about her value as a citizen, Hoagland Decl. ¶¶ 10–14; (ii) her regular visits to enjoy and take in the views, *id.* ¶¶ 9–10, and intent to continue to do so on a routine basis, *id.* ¶ 12; and (iii) how the proposed ballroom would materially injure her personal and professional enjoyment of the historic site, *id.* ¶¶ 13–14.

Further, Professor Hoagland has alleged a “particularized connection” to the Lafayette Square historic district. As a Trustee of the National Trust, Professor Hoagland has a professional interest in the historic nature of Lafayette Square, which houses the Trust’s meetings. *See* Section II.B., *infra*. Moreover, unlike the plaintiff in *Environmental Defense Fund*, Professor Hoagland’s individualized harm goes beyond just passing distaste. She chooses routes through President’s Park that provide her with views of the White House for personal recreation, enjoyment, and aesthetic pleasure, both as an

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individual and as someone with a keen appreciation for the architecture. Further, her academic work using the unique architecture of “the most important house in the city” as a central “landmark defining L’Enfant’s plan for the city” will be hampered by the construction of the looming ballroom as part of the White House. Hoagland Decl. ¶¶ 9, 11.

2

The National Trust has also clearly shown a likelihood of establishing that the Defendants have caused Professor Hoagland’s injuries and that court-ordered relief can redress them. Indeed, the Defendants have not challenged the National Trust’s standing on these grounds. For good reason. The National Trust, as voiced by its member Professor Hoagland, has explained—and the district court found as fact—that constructing a ballroom of the looming size the Defendants intend on the East Wing’s former site will cause the very harms identified by Professor Hoagland. Hoagland Decl. ¶¶ 13–14; *National Trust II*, 821 F. Supp. 3d at 70–71; *see Diamond Alt. Energy, LLC v. EPA*, 145 S. Ct. 2121, 2135 (2025); *Duke Power Co. v. Carolina Env’t Study Group, Inc.*, 438 U.S. 59, 77–78 (1978); *see also* P.I. Hr’g, ECF No. 57, 11:12–14 (“Once above-grade construction proceeds, those adverse aesthetic impacts and the adverse cultural impacts will be locked in.”); *Collins v. Yellen*, 141 S. Ct. 1761, 1799 (2021) (noting that the traceability inquiry asks “whether the plaintiffs’ injury can be traced to allegedly unlawful conduct of the defendant, not to the provision of law that is challenged”) (quotation marks omitted).

In addition, the Defendants do not dispute that an injunction from the district court preventing ballroom construction will remediate that injury. *See Friends of the Earth*, 528 U.S. at 185–186 (“It can scarcely be doubted that,

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for a plaintiff who is injured or faces the threat of future injury due to illegal conduct ongoing at the time of suit, a sanction that effectively abates that conduct * * * provides a form of redress.”).

B

Having clearly shown that an individual member of the Trust likely has standing, the National Trust also is likely to establish the second prong of associational standing—germaneness—because the historical and architectural injuries asserted fall squarely within its area of expertise and concern.

Germaneness requires “pertinence” between the object of the litigation and the plaintiff’s “organizational purpose.” *Center for Sustainable Econ.*, 779 F.3d at 597 (quotation marks omitted); see *International Dark-Sky Ass’n*, 106 F.4th at 1218. The point of the inquiry is to prevent organizations from litigating “issues as to which the organizations themselves enjoy little expertise and about which few of their members demonstrably care.” *Center for Sustainable Econ.*, 779 F.3d at 597 (quotation marks omitted). In that way, the germaneness requirement guards against an association “alleging injury from governmental action wholly unrelated” to its own interests; otherwise, an association could become akin to a law firm “seeking to sue in its own name on behalf of a client * * * alleging injury from governmental action wholly unrelated to the firm.” *Humane Soc’y of the U.S. v. Hodel*, 840 F.2d 45, 57–58 (D.C. Cir. 1988) (emphasis omitted).

That concern has no purchase here. The National Trust was chartered by Congress in 1949 as a nonprofit corporation, “to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest[.]” 54 U.S.C. § 312102(a); Merritt Decl. ¶ 2. Its “self-described

mission[.]” *International Dark-Sky Ass’n*, 106 F.4th at 1218, is to “protect[] America’s historic sites through stewardship, advocacy, and direct assistance[.]” 2d Am. Compl. ¶ 21.

The National Trust also has unquestioned “expertise” in historic sites and the preservation of historic buildings and land, and its members are “demonstrably” invested in that cause. *See Center for Sustainable Econ.*, 779 F.3d at 597 (quoting *Humane Soc’y of the U.S.*, 840 F.2d at 57); *see also* 2d Am. Compl. ¶ 22 (“Members of the National Trust use, enjoy, derive personal and professional benefit from, and have a substantial interest in preserving and protecting historic and cultural resources in Washington, D.C., including the White House and President’s Park.”); Letter from Nat’l Trust to Defs., ECF No. 2-16, at 2 (“[The National Trust’s] mission is to protect America’s significant historic sites and to advocate for historic preservation as a core public value.”); *International Dark-Sky Ass’n*, 106 F.4th at 1218 (holding that the mission of an association of “stargazers” that “exists primarily to provide information and education to the public” was germane to a lawsuit challenging the environmental assessment of a license for satellites emitting light pollution).

The Defendants contend that the National Trust’s purpose is limited to just two of its enumerated statutory authorities—that is, to “receive donations of sites, buildings, and objects significant in American history and culture” and to “preserve and administer” those sites “for public benefit.” Defs.’ Opening Br. 32 (quoting 54 U.S.C. § 312102(b)(1), (2)). Because the Trust cannot acquire property within a National Park, 54 U.S.C. § 312105(g), the Defendants assert that the National Trust lacks any “role to play” in regard to the White House. Defs.’ Opening Br. 33; *see also* Dissenting Op. 7–8.

At the outset, we are skeptical that the germaneness inquiry is limited to the National Trust's statutorily delineated functions. We have specifically rejected the idea that an association fails to satisfy the germaneness requirement because there is "no specific reference in its certificate of incorporation" to the "litigation subject[.]" *Humane Soc'y of the U.S.*, 840 F.2d at 58–59; *see also id.* at 59 ("[T]he [Supreme] Court nowhere has suggested that mention of a given purpose in an organization's organic papers is talismanic[.]"). True, the National Trust is differently situated from some other associational plaintiffs because its purposes are statutorily defined. But neither the Defendants nor the dissenting opinion offer a good reason that difference should matter.

The dissenting opinion argues that a congressionally chartered nonprofit corporation may sue "only to vindicate its statutory authority." Dissenting Op. 7. None of the cases cited for that proposition are relevant to the National Trust's challenge. *See Bankers Trust Co. v. Texas & Pacific Railway Company*, 241 U.S. 295, 302–303 (1916) (Railroad foreclosure case interpreting a 1915 law that stripped federal courts of jurisdiction over cases against railroads where the federal question jurisdiction was based only on the railroad being incorporated by federal statute); *Louisiana Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374 (1986) (Telecommunications case holding that agency action does not preempt state law when the agency has acted outside its statutory scope of authority); *Department of Transportation v. Association of American Railroads*, 575 U.S. 43, 54–55 (2015) (holding that separation of powers claims could be brought against Amtrak because "[t]he political branches created Amtrak, control its Board, define its mission, specify many of its day-to-day operations, have imposed substantial transparency and accountability mechanisms, and, for all practical purposes, set and supervise

its annual budget”). These cases have nothing to say about congressionally chartered nonprofits or the germaneness requirement of associational standing.

Anyhow, even if the National Trust’s associational interests to which litigation could be pertinent were tied tightly to the mast of its charter, the Defendants’ argument would still fail in multiple respects.

To start, the Defendants and dissenting opinion ignore that the National Trust’s charter also charges it with “carrying out [a] preservation program” that goes beyond just receiving pieces of property. 54 U.S.C. § 312102(b)(3). Specifically, the National Trust is directed to work with agencies at all levels of government, “corporations, associations, [and] individuals” to promote the “protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection with the site, * * * *regardless of whether the National Trust has acquired title to the property, or any interest in the property.*” *Id.* § 312105(h) (emphasis added). The National Trust’s interest in preserving the architectural history of the White House and President’s Park accordingly falls squarely within its congressionally chartered role and concern.

Indeed, the National Trust’s ability to preserve the architectural and historic environment of property it owns—including the Decatur House in President’s Park—is directly affected by the ballroom construction. *See* Nat’l Trust Br. 27–28; Env’t Assessment at 11 (The new ballroom “would have permanent adverse impacts on the cultural landscape [of President’s Park], particularly the White House Grounds cultural landscape.”). The Decatur House was the first private home built in the area near the White House and sits on the northwest corner of President’s Park, looking out onto the

future ballroom site. *See* Merritt Decl. ¶ 9; FONSI at 15 (“[V]iews of the White House from Lafayette Park and the Ellipse will be permanently altered due to the modifications to the East Wing.”). Lafayette Square is home not only to the Decatur House, but also to other historic buildings that have played a key role in American history, like the Dolley Madison House and the President’s Guest House. Matthew R. Costello, *Lafayette Square: The People’s Park*, 32 WASH. HIST. Fall 2020, at 10; *see also* Merritt Decl. ¶ 9.

Protecting the nature of its own historic neighborhood is certainly pertinent to the National Trust’s mission. Congress has charged the National Trust to “preserve * * * for public benefit” the Decatur House, 54 U.S.C. § 312102(b)(2), and to “facilitate public participation in the preservation of sites, buildings, and objects of national significance” more broadly, *id.* § 312102(a). After all, the significance of the Decatur House is dependent, in part, on its location in one of the most architecturally historic areas in the District of Columbia. Tearing a hole in the architectural cohesion of President’s Park and the Lafayette Square historic district diminishes the historic significance of the Decatur House itself and threatens the legacy of the oldest residence in the area. *See* Merritt Decl. ¶ 9. By bringing this lawsuit on behalf of its thousands of members who share “a substantial interest in preserving and protecting historic and cultural resources in Washington, D.C.,” the National Trust is facilitating just such participation and fulfilling its “advocacy” mission. *See* Hoagland Decl. ¶ 3; 2d Am. Compl. ¶¶ 21–22; *see also International Union, United Auto., Aerospace & Agric. Implement Workers of America v. Brock*, 477 U.S. 274, 286 (1986) (reasoning that “there is little question that the interests” of a union advocating for its members’ unemployment benefits were “germane to the organization’s purpose” when one of the goals enumerated in

the union's constitution was to advocate "on a national scale" for benefits).

Further, the National Trust was established "to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest[.]" 54 U.S.C. § 312102(a), as well as to "further" the "national policy" of preserving such sites, buildings, and objects "for the inspiration and benefit of the people of the United States[.]" *id.*; *id.* § 320101. Such a mission is certainly pertinent to the National Trust's aim of ensuring a historically integrated and cohesive design for whatever is built where the East Wing used to stand. *See id.* § 312105(k) ("The National Trust may generally do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created.").

In that regard, we note that this court has previously held that the National Trust has associational standing to challenge the spoliation of historic sites over which it has no ownership or legal interests. In *Sierra Club v. Jewell*, 764 F.3d 1 (D.C. Cir. 2014), we held that a group of "environmental and historic preservation organizations," including the National Trust, had associational standing to challenge the delisting of Blair Mountain battlefield from the National Register of Historic Places. *Id.* at 3. This court so held even though "the Battlefield area [was] privately owned" and there was no evidence that any member "possess[ed] any legal entitlement to set foot" on it. *Id.* at 6. We explained that "there is no reason that the cognizability of aesthetic and associated interests in a particular site could turn on owning a legal right to enter or view the property." *Id.*

The dissenting opinion insists that *Sierra Club* amounts to nothing more than a "drive-by jurisdictional ruling[.]" Dissenting Op. 10. Hardly. *Sierra Club* did not "silently

assume[] jurisdiction or merely state[] without analysis that it existed[.]” *United States v. Jones*, 846 F.3d 366, 369 (D.C. Cir. 2017) (citation omitted). Quite the opposite, *Sierra Club*’s only holding was that the plaintiffs there—the National Trust included—had standing. *See* 764 F.3d at 3. And *Sierra Club* did so in express reliance on declarations from the National Trust’s members. *See id.* at 5; Decl. of Barbara Rasmussen, *Sierra Club v. Salazar*, 894 F. Supp. 2d 97 (D.D.C. 2012) (No. 10-1513), ECF No. 23-6, at ¶ 1; Decl. of Nell Ziehl, *Sierra Club*, 894 F. Supp. 2d 97, ECF No. 23-8, at ¶ 1. *See also National Parks Conservation Ass’n v. Semonite*, 925 F.3d 500, 501 (D.C. Cir. 2019) (per curiam) (National Trust participation in suit challenging a utility’s erection of electrical transmission towers across the James River); *National Trust for Historic Pres. in the U.S. v. Dole*, 828 F.2d 776, 777 (D.C. Cir. 1987) (per curiam) (challenging construction barriers on the Duke Ellington Bridge).

C

Finally, there is no serious question that the injunctive and declaratory relief sought by the National Trust does not require the participation of an individual plaintiff. *Hunt v. Washington State Apple Advert. Comm’n*, 432 U.S. 333, 344 (1977) (holding that a “request for declaratory and injunctive relief” does not mandate “individualized proof[,]” and so it is “properly resolved in a group context”); *Animal Legal Def. Fund, Inc. v. Vilsack*, 111 F.4th 1219, 1225 (D.C. Cir. 2024) (holding that animal rights group seeking declaratory and injunctive relief against an agency did not require “personal participation” by individual members).

* * * * *

For all of those reasons, we affirm the district court's conclusion that the National Trust has clearly shown a likelihood of associational standing.

III

We now turn to the merits of the Defendants' appeal. For a preliminary injunction to issue, the district court must find that (1) the moving party is likely to "succeed on the merits"; (2) the moving party is likely to "suffer irreparable harm in the absence of preliminary relief"; (3) the equities favor the issuance of an injunction; and (4) "an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). We review the district court's issuance of a preliminary injunction for abuse of discretion. *Media Matters for America v. Paxton*, 138 F.4th 563, 573 (D.C. Cir. 2025).

On this record, the Defendants have not shown that the district court abused its discretion in enjoining above-ground construction of the planned ballroom itself while still allowing the below-ground construction of security features and the above-ground construction of measures necessary to ensure safety and security.

A

The National Trust has shown that it is likely to succeed on the merits.

The Defendants concede that the Executive lacks any inherent constitutional authority to construct the ballroom. Instead, as all agree, the Constitution gives Congress exclusive authority to regulate federal property and the District of

Columbia. *See* U.S. CONST. Art. IV, § 3, cl. 2; *id.* Art. I, § 8, cl. 17. The only question is therefore whether Congress has authorized the Defendants’ ballroom construction by statute.

The Defendants point to two potential sources of authority. The first is 54 U.S.C. § 100101(a), a provision of the statute creating the National Park Service. The second is 3 U.S.C. § 105(d), which addresses the President, and under which the Office of the Executive Residence (EXR) is purportedly acting to lead the construction.

Importantly, however, the Defendants have authority to carry out the ballroom construction only if *both* statutes apply. Section 100101(a) alone cannot support the project because, as we detail below, the only statute that could supply EXR authority to lead the project is Section 105(d). And the Defendants conceded at oral argument that Section 105(d) alone cannot support the project. Oral Arg. Tr. 55:4–56:19. That is so because the project is funded by private donations given to the National Park Service and—even on the Defendants’ view of the case—those funds can be used to support the ballroom construction only if the National Park Service could use the funds under Section 100101(a) for the identified purposes of conservation and preservation.⁶

⁶ The dissenting opinion asserts that we “need not address the Trust’s APA challenge to NPS’s construction authority[.]” Dissenting Op. 24–25 n.8. That assertion rests on the premise that the Park Service’s sole involvement is “collecting donations and transferring them to EXR[.]” *Id.* But the Defendants themselves claim that the Park Service can fulfill that role only “because the [ballroom construction] is authorized by the [Park Service’s] Organic Act.” Defs.’ Opening Br. 45. Indeed, that is why the Defendants concede that the Organic Act must apply for them to be able to undertake the ballroom project using donations to the Park Service.

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Regardless, the Defendants are unlikely to succeed on the merits under either provision. If the Park Service is acting under 54 U.S.C. § 100101(a), then the Defendants violated the Administrative Procedure Act because Section 100101(a) does not authorize the ballroom construction. And to the extent the project instead rests on the President's authority under 3 U.S.C. § 105(d), then the Defendants acted *ultra vires* by relying on a patent misconstruction of that statute. Indeed, the statutory landscape reveals that over the decades, Congress has jealously guarded its authority over the White House and President's Park in multiple ways. Contrary to the Defendants' telling, Congress has not relinquished to the Executive Branch full authority to reshape these iconic, historic sites.

1

The National Trust is likely to succeed on its claim, brought under the APA, that the National Park Service Organic Act does not authorize the ballroom project.

The starting point for the National Trust's claim is 40 U.S.C. § 8106. That statute, first enacted in 1912, provides that "[a] building or structure shall not be erected on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress." The Defendants do not dispute that, by constructing the ballroom, they would "erect[]" a "building or structure" on a "park [or] public grounds of the Federal Government in the District of Columbia[.]"

The plain text of Section 8106 unambiguously bars the ballroom construction, absent another statute providing the National Park Service with "express authority" to construct buildings in federal parks in the District of Columbia. The Defendants nevertheless argue that Section 8106 does not bind

the Executive Branch at all, because “it was concerned with stopping construction by unauthorized third parties[.]” Defs.’ Opening Br. 50–51. The statute’s text makes no such suggestion. The Defendants’ only support for this theory is a statement by an Executive Branch official in 1926 suggesting that the statute was enacted to “prevent[] encroachments upon park property by other Government offices or by the public, and has never been construed to prevent such construction by the park authorities within the limits of the appropriations.” *Id.* at 51 (quoting *District of Columbia Appropriation Bill, 1927: Hearings Before the Subcomm. of the H. Comm. on Appropriations*, 69th Cong. 533 (1926)). It suffices to say that this solitary statement, made over a decade after Section 8106’s enactment, cannot change the clear statutory text.

Because Section 8106 applies by its plain terms, the Defendants must identify “express authority” for the Park Service to erect structures in federal parks in the District of Columbia, and thus to engage in the ballroom construction. As noted, they rely upon 54 U.S.C. § 100101(a), which was enacted after Section 8106 in 1916 and today states:

The Secretary, acting through the Director of the National Park Service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

54 U.S.C. § 100101(a). Because the White House is within a National Park Service “System unit[]”—President’s Park, *see*

Act of Sept. 22, 1961, § 1, 75 Stat. at 586—the Defendants contend that this general language confers the requisite express authority for construction on federal property in the District of Columbia, and so the National Trust is unlikely to succeed on its contrary-to-law claim under the Administrative Procedure Act, *see* Defs.’ Opening Br. 43–45.⁷

There are two flaws with that position. First, Section 100101(a) says nothing about construction, much less construction in the District of Columbia. The operative language is instead strikingly general, providing that the Park Service “shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units[.]” 54 U.S.C. § 100101(a). Perhaps Section 100101(a)—by permitting “means” and “measures” that conform to the fundamental purpose of the Park System—authorizes certain construction in national parks generally. But Section 8106 bars construction on parks and other public grounds of the federal government *specifically in the District of Columbia*, unless Congress provides “express authority” to do so. Read in context, we do not think a statute that arguably authorizes an agency to engage in construction and other acts throughout the country—without addressing the District of Columbia in particular—constitutes the type of “express authority” Section 8106 demands.

Second, and independently, the Defendants’ claim that the ballroom construction is authorized by Section 100101(a) also contravenes the express condition the statute places on the Park Service’s authority. The statute authorizes the Director to take

⁷ System units are defined as “any area of land and water administered by the Secretary [of the Interior], acting through the Director [of the Park Service], for park, monument, historic, parkway, recreational, or other purposes.” 54 U.S.C. § 100501; *see id.* § 100102(6).

actions that “conform to the fundamental purpose of the System units,” and specifies that purpose as “to *conserve* the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as *will leave them unimpaired* for the enjoyment of future generations.” 54 U.S.C. § 100101(a) (emphases added). To drive the point home, Congress in the 1978 Redwood Amendment expressly “reaffirm[ed], declare[d], and direct[ed]” that the Park Service’s authority “shall not be exercised in derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress.” *Id.* § 100101(b)(2).

Reading those provisions together, Congress has prohibited any action that does not “conserve the scenery * * * and historic objects” in national parks. “Conserve” means “to keep from being damaged, lost, or wasted; save.” *Conserve*, WEBSTER’S NEW WORLD DICTIONARY 297 (3d college ed. 1988); *see also Conserve*, THE AMERICAN HERITAGE DICTIONARY 313 (2d college ed. 1991) (defining “conserve” as “[t]o protect from loss or depletion”). The East Wing is a “historic object[]” within President’s Park. 54 U.S.C. § 100101(a). The Defendants do not explain how their construction project—which will significantly and permanently alter the historic appearance and architecture of the entire White House campus by demolishing and replacing the East Wing—can possibly “conserve” the East Wing, much less the “scenery” of President’s Park, so as to “leave them unimpaired for the enjoyment of future generations.” *Id.* To the contrary, the Defendants tout the many ways in which the project, in their view, will “demoli[sh]” and “replac[e]” that historic object. Defs.’ Opening Br. 12, 38; *see also* Env’t Assessment at 11, 14 (observing that “[d]econstruction and replacement of the East Wing would result in the permanent

alteration of a component that has been integral to White House operations since its construction in 1942[.]” and that the ballroom “would have permanent adverse impacts on the cultural landscape”). Section 100101(a) certainly does not “directly and specifically” authorize that impairing construction as the Redwood Amendment requires. 54 U.S.C. § 100101(b)(2).

The Defendants assert that this express statutory obstacle amounts only to a “policy dispute” with the Park Service’s determination that the ballroom construction generally promotes the purposes of President’s Park. Defs.’ Reply Br. 21. The Defendants miss the point. There is no finding—and we do not see how there could be—that the ballroom construction “conserves” the “historic objects” in President’s Park as the statute requires. *See generally* Env’t Assessment; FONSI. In fact, the Park Service found that the ballroom’s construction would do the opposite. Env’t Assessment at 15 (“These changes would affect elements that have shaped the property’s character since the early 20th century.”); FONSI at 6 (“These changes will result in long-term adverse effects on the cultural landscape.”); *id.* at 7 (“Adding a second story to the East Colonnade will further modify the setting, contrasting with the single-story design of the West Colonnade and changing the traditional spatial organization[.]”).⁸

⁸ President’s Park’s enabling legislation provides that “nothing done under this Act shall conflict with the administration of the Executive offices of the President or with the use and occupancy of the buildings and grounds as the home of the President and his family and for his official purposes.” Act of Sept. 22, 1961, § 3, 75 Stat. at 586. The plain text of this provision *limits* the Park Service’s authority. And the massive destruction and construction involved in building the ballroom does not plausibly qualify as the “administration,” “use,” or “occupancy” of the residence or grounds.

In urging that Section 100101(a) expressly authorizes the ballroom construction, the Defendants' brief is notably devoid of any argument based on the statute's text. Instead, the Defendants' position rests on three previous Park Service projects in the District of Columbia: the construction of the National Capital Region headquarters campus in East Potomac Park; the construction of a tennis stadium in Rock Creek Park; and the renovation of the U.S. Park Police Horse Stables on the National Mall. *See* Defs.' Opening Br. 44–45; *see also* Supp. Decl. of Tammy Stidham, ECF No. 52-1, at ¶¶ 14–22. They assert that none of those projects was specifically authorized by Congress, and that the Park Service instead relied on Section 100101(a)'s general authority. Perhaps that is true. But no one challenged those projects in court, and “the existence of a prior administrative practice” does not “relieve us of our responsibility to determine whether that practice is consistent with the agency's statutory authority.” *SEC v. Sloan*, 436 U.S. 103, 118 (1978); *cf. NLRB v. Noel Canning*, 573 U.S. 513, 573 (2014) (Scalia, J., concurring in the judgment) (“[P]ast practice does not, by itself, create power.”) (quoting *Medellín v. Texas*, 552 U.S. 491, 532 (2008)). Even on the Defendants' own terms, moreover, those prior projects appear far more consistent with Section 100101(a) than the ballroom project. It is easy to see how construction of the Park Service's regional headquarters and renovation of Park Police stables might enable “conserv[ation]” and safe “enjoyment” of Park sites without meaningfully impairing any “natural and historic objects” within the Park. 54 U.S.C. § 100101(a). But it strains credulity to think that the demolition and replacement of the

So nothing in that language empowers the Park Service to bypass its express statutory confines just to accommodate the President's “longstanding need[s].” Env't Assessment 31.

East Wing constitute an effort “to conserve” that “historic object[.]” *Id.*

At bottom, we may assume that Section 100101(a)’s general language authorizes the Park Service to engage in some construction projects in national parks generally—at least as long as those projects are designed to promote conservation and leave historic objects unimpaired for the enjoyment of future generations. But it cannot constitute the “express authority” for “erect[ion]” of “building[s] or structure[s]” on public grounds *in the District of Columbia* that 40 U.S.C. § 8106 demands—especially when there is no argument that the construction at issue will “conserve” historic sites in keeping with Section 100101(a) and Congress’s express reaffirmation of that requirement in the Redwood Amendment.

Indeed, Congress has time and again expressly authorized construction projects on public grounds in the District of Columbia. *See, e.g.*, Act of June 28, 1902, ch. 1301, § 1, 32 Stat. at 460 (East and West Wings); An Act To provide for the construction of certain public buildings, and for other purposes, ch. 380, § 1, 44 Stat. 630, 630–631 (1926) (buildings of Federal Triangle); An Act To provide for the construction of a building for the Supreme Court of the United States, ch. 9, §§ 1–3, 46 Stat. 51, 51 (1929); An Act To authorize the Board of Regents of Gunston Hall to establish a memorial to George Mason in the District of Columbia, Pub. L. No. 101-358, § 1, 104 Stat. 419, 419 (1990); National Museum of African American History and Culture Act, Pub. L. No. 108-184, § 8, 117 Stat. 2676, 2680–2682 (2003) (codified at 20 U.S.C. § 80r-6). Section 100101(a) bears no resemblance to those express authorizations.

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We now turn to the Defendants' assertion that 3 U.S.C. § 105(d)(1) grants the President himself authority to build a towering ballroom on the former East Wing site. Before proceeding, we note again the secondary role that Section 105(d) plays in the Defendants' theory: The Defendants expressly conceded that if Section 100101(a) does not authorize the construction, then Section 105(d) cannot independently support it because the Defendants are relying on National Park Service funds. Oral Arg. Tr. 55:4–56:19. Our analysis of Section 100101(a) thus resolves the likelihood of success on the merits factor on the Defendants' own terms. For completeness, we nevertheless address Section 105(d).

The National Trust's challenge to the President's reliance on Section 105(d) cannot proceed under the APA because the President is not an "agency" subject to APA review. *See Franklin v. Massachusetts*, 505 U.S. 788, 796 (1992). Instead, the National Trust brings an equitable *ultra vires* claim. *Ultra vires* review provides a critical backstop when "there is no other means * * * to protect and enforce [a statutory] right." *Leedom v. Kyne*, 358 U.S. 184, 190 (1958). It is available when the President "has taken action entirely 'in excess of [his] delegated powers and contrary to a *specific prohibition*' in a statute." *Nuclear Regul. Comm'n v. Texas*, 145 S. Ct. 1762, 1776 (2025) (quoting *Brotherhood of Ry. & S.S. Clerks v. Association for the Benefit of Non-Cont. Emps.*, 380 U.S. 650, 660 (1965)). We will thus grant *ultra vires* relief when the President acts based on an "utterly unreasonable" statutory interpretation or a "patent[] * * * misconstruction" of the law. *Federal Express Corp. v. Department of Com.*, 39 F.4th 756, 764–765 (D.C. Cir. 2022) (quotation marks omitted).

The baseline for this analysis is again Section 8106, the statute providing that “[a] building or structure shall not be erected on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress.” 40 U.S.C. § 8106. This is a “clear and mandatory” provision that leaves no discretion and thus can support *ultra vires* review. *Changji Esquel Textile Co. v. Raimondo*, 40 F.4th 716, 722 (D.C. Cir. 2022) (quotation marks omitted).

The Defendants counter that Section 8106 should play no role in the *ultra vires* analysis because it does not apply to the President. They argue that, per *Franklin v. Massachusetts*, 505 U.S. 788 (1992), “generally applicable statute[s]” like Section 8106 “should not be construed as restricting the President without a clear statement to that effect.” Defs.’ Opening Br. 51.

The Defendants overread *Franklin*. That case concerned whether the President was an “agency” within the meaning of the APA, as the APA’s definition of “agency” neither “explicitly excluded” nor “explicitly included” the President. *Franklin*, 505 U.S. at 800 (citing 5 U.S.C. §§ 701(b)(1), 551(1)). Had the Court held that Congress’s “textual silence” was sufficient to bring the President within the APA’s purview, then “the President’s performance of his statutory duties [could] be reviewed for abuse of discretion[.]” which would implicate “separation of powers and the unique constitutional position of the President[.]” *Id.* at 800–801. The wide-ranging implications of applying the APA—which could conceivably apply to any presidential action under any of his statutory and constitutional authorities—warranted caution without an “express statement” that Congress intended that result. *Id.* at 801.

Here, by contrast, Section 8106 concerns a limited and defined subject over which Congress, all agree, has twofold constitutional primacy: construction on federal property within the District of Columbia. *See Palmore v. United States*, 411 U.S. 389, 397 (1973) (“Congress may * * * exercise all the police and regulatory powers [in the District of Columbia] which a state legislature or municipal government would have in legislating for state or local purposes.”). Applying Section 8106 as a limit to any presidential statutory authority concerning construction in the District of Columbia would not “significantly alter the balance between Congress and the President[,]” and so there is no compelling reason to apply a clear statement rule. *Armstrong v. Bush*, 924 F.2d 282, 289 (D.C. Cir. 1991). Indeed, we have previously found that the President violated a generally applicable statute that does not expressly state that it applies to the President. *See Chamber of Com. of U.S. v. Reich*, 74 F.3d 1322, 1339 (D.C. Cir. 1996) (National Labor Relations Act).

We therefore conclude that Section 8106 applies and requires the Defendants to identify, in Section 105(d) or elsewhere, “express authority” for the President to erect a building or structure. We note, however, that even if Section 8106 did *not* apply to the President, little of what we say below about Section 105(d) would change. Section 8106 aside, the Defendants would still need to identify affirmative authority for their transformative ballroom construction in Section 105(d). And as we now explain, the Defendants’ view that Section 105(d) provides that authority violates numerous aspects of the statute and amounts to a “patent[] misconstruction” of the law. *Federal Express Corp.*, 39 F.4th at 764.

Section 105(d)(1) states:

There are authorized to be appropriated each fiscal year to the President such sums as may be necessary for * * * the care, maintenance, repair, alteration, refurnishing, improvement, air-conditioning, heating, and lighting (including electric power and fixtures) of the Executive Residence at the White House[.]

3 U.S.C. § 105(d)(1).

According to the Defendants, this provision “expressly authorizes the President” to make “major renovations of the White House” through its references to “alterations and improvements.” Defs.’ Opening Br. 35 (capitalization altered). On the Defendants’ telling, the ballroom project constitutes such an alteration or improvement. *Id.* at 36–38. Indeed, as explained below, the Defendants’ position suggests that Section 105(d)(1) grants the President unilateral authority to carry out *any* construction project—up to and including demolishing and replacing the entire White House—with any source of funding he can identify. There are multiple independent obstacles to that expansive view.

a

First, Section 105(d)(1) does not confer independent authority upon the President absent an accompanying appropriation under that Section on which the President can rely. Yet the Defendants are relying on privately donated funds, not congressional appropriations.

The plain text of Section 105(d)(1) does not expressly grant the President any independent authority. It instead addresses *Congress*: “There are authorized to be appropriated

each fiscal year to the President” certain sums. This “authorized to be appropriated” formulation is prototypical of what is referred to in appropriations law as an “appropriation authorization.” GAO REDBOOK 2-54 (4th ed. 2016). Such a law confers no affirmative authority to act on the Executive Branch. Instead, as the text indicates, it serves only as “a directive to Congress itself, which Congress is free to follow or alter * * * in the subsequent appropriation act.” *Id.* at 2-56; *see Steward Mach. Co. v. Davis*, 301 U.S. 548, 577 (1937) (“All [an appropriation authorization] does is to authorize future appropriations.”). An appropriation authorization is distinct from “[e]nabling” or “organic” legislation that might “establish[] a program” or “prescribe[] a function[.]” GAO REDBOOK 2-54 (4th ed. 2016). Standalone appropriation authorizations are not strictly necessary—a single law might both authorize appropriations and serve as enabling legislation providing affirmative authority to act. *See* Gillian E. Metzger, *Taking Appropriations Seriously*, 121 Colum. L. Rev. 1075, 1089–1091 (2021); *see also* Railroad Rehab. & Improvement Fund, 65 Comp. Gen. 524, 527 (1986) (explaining that freestanding authorization laws are “traditional” but “not required”). But where freestanding authorization laws exist, they do not, on their own, grant powers to the Executive. And the language of Section 105(d), which has remained unchanged since its enactment in 1978, indicates that it is just such a standalone appropriation authorization. Indeed, the session law clearly marked Section 105(d) (but not the immediately preceding provisions) as an “[a]ppropriation authorization.” *See* Act of Nov. 2, 1978, 92 Stat. at 2446.

Comparing Section 105(d) with the immediately surrounding and concurrently enacted provisions confirms the point. Section 105(a)(1), for example, states that “the President is authorized to appoint and fix the pay of employees in the White House Office without regard to any other provision of

law[.]” That language explicitly provides the President authority to act. So too for Section 105(b)(1): “[T]he President is authorized to appoint and fix the pay of employees in the Executive Residence at the White House[.]” And for Section 105(c): “The President is authorized to procure for the White House Office and the Executive Residence at the White House” certain services. It is precisely this type of language—authorizing the President to act, as opposed to speaking to future Congresses—that is noticeably absent from Section 105(d).

The Defendants’ argument ignores how Congress legislates. *See West Va. Univ. Hosps., Inc. v. Casey*, 499 U.S. 83, 100 (1991) (explaining that courts ought to interpret statutes in a way that “fits most logically and comfortably into the body of both previously and subsequently enacted law”). When Congress wishes to pair an appropriation authorization with a conferral of substantive authority, it generally does so in two distinct steps. Section 5 of the Indian Reorganization Act, 25 U.S.C. § 5108, is illustrative. That law first provides that “[t]he Secretary of the Interior is authorized, in his discretion, to acquire” property “for the purpose of providing land for Indians.” *Id.* It then separately provides that “there is authorized to be appropriated” funds “[f]or the acquisition of such lands[.]” *Id.* Numerous other statutes follow a similar pattern.⁹ But glaringly absent from Section 105(d) is any affirmative grant of authority to the Executive.

⁹ *See, e.g.*, 16 U.S.C. §§ 410ggg-1(a)(2), 410ggg-3(a)(1) (giving the Secretary of the Interior “[s]pecific authorities” to “conduct and maintain oral histories” of World War II, and then authorizing appropriations of “such sums as may be necessary to conduct” those oral histories); 8 U.S.C. § 1711(d) (instructing the Secretary of State to “implement enhanced security measures for the review of visa applicants[.]” and then authorizing appropriations “to

The only language in Section 105(d) that could be construed as a grant of substantive authority to the President explicitly limits that authority to funds that Congress directly appropriates for Section 105(d)'s purposes. After describing the purposes for which “appropriat[ions]” are “authorized[.]” the provision states that “[s]ums appropriated under this subsection for expenses described in paragraph[] (1) * * * may be expended as the President may determine[.]” 3 U.S.C. § 105(d). Thus, when Congress appropriates funds “under” Section 105(d), the President has authority to expend those funds—but only those funds—to act under Section 105(d). *Id.* Put another way, the President is authorized to act under Section 105(d) *only* with funds “appropriated under [that] subsection[.]” *Id.* And those appropriations can themselves come with additional strings attached. *See, e.g.*, Further Consolidated Appropriations Act, 2024, 138 Stat. at 532 (appropriating funds “pursuant to 3 U.S.C. 105(d) * * * for required maintenance, resolution of safety and health issues, and continued preventative maintenance”). So, even when funds are appropriated under Section 105(d), the President's actions are limited by both the amount appropriated and any terms and conditions accompanying the appropriation.

carry out” that directive); 20 U.S.C. §§ 1078(f)(1), 1071(b)(5) (authorizing the Secretary of Education to pay certain loan processing fees, and then authorizing appropriations of “sums as may be necessary” for those payments); 42 U.S.C. § 18363(a), (c) (authorizing the NASA Administrator to “decommission” “Space Shuttle orbiter vehicles[.]” and then authorizing appropriations of “such sums as may be necessary” to do so); 52 U.S.C. §§ 21121(a), 21123 (authorizing the Election Assistance Commission to develop the “Help America Vote College Program[.]” and then authorizing appropriations “to carry out” that program).

Comparing Section 105(d) with other common statutory formulations again underscores the point: Section 105(d) does not authorize the President to draw on, for example, “any available funds,” 23 U.S.C. § 132(b), or “amounts otherwise available,” 42 U.S.C. § 7433(a)(1), or any privately donated “gift of money,” 22 U.S.C. § 2697(b). Instead, the statute authorizes the President to expend those funds—and only those funds—that Congress “appropriate[s] under” Section 105(d).¹⁰

That limited authority offers no basis for the demolition and replacement of the East Wing. The only relevant Section 105(d) appropriation that the Defendants have identified appears in the Further Consolidated Appropriations Act, 2024, which states: “For the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d), \$2,475,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.” 138 Stat. at 532. Reading Section 105(d) and the Appropriations Act together, the President is surely authorized to direct the expenditure of \$2.475 million “for required maintenance * * * and continued preventative maintenance.” *Id.* But to assert that Congress has authorized the construction of a \$400 million ballroom using private donations is patently unreasonable.

The Defendants have no response to this dispositive flaw in their position, even though both the district court and the National Trust identified it. *See National Trust III*, 827 F.

¹⁰ For that reason, the dissenting opinion’s contention that Park Service “gift funds are an appropriation” under 31 U.S.C. § 1321(b)(1) is beside the point. Dissenting Op. 23 & n.7. Regardless of whether those sums could be considered appropriations through a daisy-chain of *other* statutes, they are not “sums appropriated under” Section 105(d)(1) to be expended on the Executive Residence. 3 U.S.C. § 105(d).

Supp. 3d at 107; Stay Opp’n, No. 26-5101, Dkt. 2167556, at 15–17 (April 8, 2026). That is, they do not even attempt to explain why, notwithstanding Section 105(d)’s text and the appropriations principles discussed above, the President has statutory authority to perform Section 105(d) projects with funds that were not “appropriated under” Section 105(d).

The Defendants instead proceed as if it is self-evident that the President can carry out construction under Section 105(d) by drawing on any available source of funds. And the Defendants purport to find such available funds in the form of monies donated by third parties—some known, some not—to the National Park Service under 54 U.S.C. § 101101. That statute authorizes the Secretary of the Interior “in the administration of the Service” to accept “money that may be donated for the purposes of the System.” 54 U.S.C. § 101101(2). The Defendants insist that the Park Service can contract with EXR to construct the ballroom under the Economy Act, 31 U.S.C. § 1535, and fund that contract using those donations because EXR has authority to engage in the construction.

That theory does not withstand scrutiny. Put simply, funds donated to the Park Service by third parties under 54 U.S.C. § 101101 are not funds “appropriated under” Section 105(d) by Congress. There is no plausible argument to the contrary—again, the Defendants simply ignore the problem.

Relatedly, the Park Service’s ability to accept donations does not mean it can use those funds however it wishes, much less that it may then transfer those funds to other agencies (or the President) to fund projects the Park Service has no authority to carry out. Government funds may be spent only as Congress directs. *See Reeside v. Walker*, 52 U.S. (11 How.) 272, 291 (1851) (“However much money may be in the Treasury at any

one time, not a dollar of it can be used in the payment of any thing not thus previously sanctioned.”); *see also* 31 U.S.C. § 1301(a) (“Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”). Section 101101(2) itself provides the Park Service only the ability to “accept” donations, not to “accept and use” them. *Compare* 54 U.S.C. § 101101(2), *with id.* § 101102(a)(1). Congress has elsewhere provided that money donated to the Park Service’s trust fund is “appropriated to be disbursed in compliance with the terms of the trust.” *See* 31 U.S.C. § 1321(b)(1); *see also id.* § 1321(a)(17). Those terms allow expenditures only “for the benefit of, or in connection with, the [Park] Service, its activities, or its services.” 54 U.S.C. § 101113(a)(1). The donated funds could thus likely be used by the Park Service if the agency had statutory authority to undertake the ballroom project (which it does not, as explained in Section III.A.1, *supra*). But donations to the Park Service cannot be redirected by the agency to fund a project that is being carried out under statutory authority granted only to the President or another agency, especially when that statutory authority requires targeted appropriations.

Nor does the Defendants’ invocation of the Economy Act, 31 U.S.C. § 1535, undermine the National Trust’s likelihood of success. The Defendants insist that the Economy Act permits the Park Service to transfer both its statutory authority and its private donations to EXR through an inter-agency contract. That theory fails for three independent reasons.¹¹

¹¹ The dissenting opinion contends that we should not address the Economy Act because “the Trust never directly challenged the government’s reliance on” that statute. Dissenting Op. 24. But our colleague fundamentally misunderstands how the Economy Act fits into the analysis. At the threshold, as we have explained, our analysis of Section 105(d) is only an alternative holding given the

First, the Economy Act could allow the use of the Park Service's donated funds for the construction only if the Park Service *also* had authority to construct the ballroom. As the Defendants concede, "the purpose of [an Economy Act] transaction must be something the *ordering agency*"—here, the Park Service—"is authorized to do." GAO REDBOOK 12-26 (3d ed. 2008) (emphasis added); *see* Defs.' Opening Br. 48 ("[F]unds transferred under the Economy Act are 'available for the purposes for which the *appropriation from which [the funds are] transferred [is] available[.]*'") (quoting Acting Comptroller Gen. Elliott to the Sec'y of War, 18 Comp. Gen. 489, 490–491 (1938)) (emphasis added); Oral Arg. Tr. 35:2–9 (Question: "[I]n your view, it always has to be something [the Park Service] o[r] Interior has the authority to do?" Answer: "Yes." Question: "They have to have the legal authority so that they could sort of just do this job themselves?" Answer: "Yes.")). The Park Service, however, likely has no authority to construct

Defendants' express concession that they cannot construct the ballroom unless the NPS Organic Act authorizes them to do so. *See* pp. 52–53 & n.6, 61, *supra*. The dissenting opinion glosses over that concession and offers no analysis at all of the National Trust's APA claim against the Park Service. *See* Dissenting Op. 24–25 n.8. That failure alone defeats the dissenting opinion's merits analysis. Our alternative analysis of Section 105(d) starts by agreeing with the district court's holding that EXR cannot draw on funds Congress did not appropriate under that provision. *See National Trust II*, 827 F. Supp. 3d at 107. In response to that argument, advanced by the National Trust and accepted by the district court, the Defendants suggested that the Economy Act offers them an escape hatch from Section 105(d)'s limiting language, and the Trust responded. *See* Defs.' Opening Br. 46, 48; *see also* Nat'l Trust Br. 43–44 (responding to the Defendants' argument). The dissenting opinion's charge that rejecting the Defendants' attempted response to one of several independent flaws in their position somehow violates party presentation principles is false.

the ballroom. *See* Section III.A.1, *supra*. The Park Service cannot contract its way out of the statutory constraints Congress imposed on it by simply paying another agency to do for it what Congress has said it cannot do. *Cf. Cummings v. Missouri*, 71 U.S. (4 Wall.) 277, 325 (1867) (“[W]hat cannot be done directly cannot be done indirectly.”).

Second, “[t]he Economy Act does not give a *performing* agency”—here, EXR—“any authority which it would not otherwise have.” GAO REDBOOK 12-28 (3d ed. 2008) (emphasis added). That is, EXR can act in this case only with the authority conferred by Congress under Section 105(d). And as we have just explained, Congress has carefully calibrated Section 105(d)’s appropriation authorization so that Congress retains control over construction at the White House through the recurring appropriations process. Indeed, as we detail in the sections below, there are two additional substantive limitations on EXR’s authority under Section 105(d) that bar the ballroom construction. EXR cannot sidestep those limits and authorize itself to take action at the Executive Residence at the White House via the Economy Act just because some agency—any agency—could take that action somewhere else. Nor, as just discussed, have the Defendants identified such an agency in the Park Service.

Third, the Economy Act authorizes one “agency” to contract with another “agency” for “goods or services” under certain conditions. 31 U.S.C. § 1535(a). Yet the Defendants have nowhere bothered to explain why EXR is an “agency” within the meaning of the Economy Act, even though they argued strenuously and successfully below that EXR is not an “agency” under the Administrative Procedure Act. P.I. Opp’n at 22; *National Trust II*, 821 F. Supp. 3d at 71; *cf. Sweetland v. Walters*, 60 F.3d 852, 855 (D.C. Cir. 1995) (per curiam) (holding that the Executive Residence is not an “agency” under

the Freedom of Information Act). Indeed, the statutory definitions of “agency” under the Economy Act and the Administrative Procedure Act are both phrased generally and do not expressly include or exclude the President or EXR. *See* 31 U.S.C. § 101; 5 U.S.C. § 551(1). The Defendants’ failure even to acknowledge, let alone address, an indispensable statutory predicate to the success of their argument reinforces the National Trust’s likelihood of success.

Stepping back, it is easy to see why Congress has not authorized the use of private gifts (or “any available funds”) for major renovations at the White House. When Congress permits an agency or the President to pursue programs with donated or general funds, it necessarily gives up some of its own power to check the Executive Branch. The “power of the purse,” after all, is one of Congress’s crucial means of leverage over the Executive. *See Public Citizen, Inc. v. National Highway Traffic Safety Admin.*, 489 F.3d 1279, 1295 (D.C. Cir. 2007). Donation-based financing of government can thus “circumvent or skew the normal processes of democratic decision-making.” Margaret H. Lemos & Guy-Uriel Charles, *Patriotic Philanthropy? Financing the State with Gifts to Government*, 106 Calif. L. Rev. 1129, 1178 (2018). The Framers viewed congressional control over appropriations as a means of “preventing fraud and corruption” or the appearance thereof. *Office of Pers. Mgmt. v. Richmond*, 496 U.S. 414, 427 (1990); *see also id.* (“[Congress’s] power to control and direct the appropriations, constitutes a most useful and salutary check upon * * * corrupt influence and public speculation[.]”) (quoting 2 JOSEPH STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES § 1348 (3d ed. 1858)). Congress accordingly does not cede its appropriations power lightly. It stands to reason that Congress would be reluctant to relinquish its oversight and control over the Executive by allowing the

President to use private donations to remake the White House, one of our Nation's most historic and well-known sites.

Indeed, where Congress has allowed the use of donations at the White House, it has done so for modest purposes, accompanied by myriad procedural requirements. Most notably, Congress has authorized the Park Service “to accept donations of furniture and furnishings for use in the Executive Residence[.]” 3 U.S.C. § 110. But Congress then instructed the Director of the Park Service to “appoint a temporary committee” with nine members to “have full power to select and pass on the articles in question and to recommend the same for acceptance.” *Id.* It is difficult to believe that Congress would be so focused on structuring review of donated furniture yet entirely outsource to the President authority to reshape the White House complex itself with any funds he can obtain, regardless of the source.

Finally, the Defendants point to four examples of “President-directed construction at the White House[.]” Defs.’ Opening Br. 8–9. Those instances have no bearing on the meaning of Section 105(d)(1). First, the historical record suggests that Congress appropriated funds for two of those projects: President Franklin D. Roosevelt’s wartime renovation of the East Wing, as both parties agree, and his Depression-era renovation of the West Wing. *See* Defs.’ Opening Br. 8–9 (citing Act of April 28, 1942, 56 Stat. at 236); Nat’l Trust Br. 35; *see also National Trust III*, 827 F. Supp. 3d at 112 & n.12. Second, “there is nothing to indicate” that a third project—President Gerald Ford’s construction of a swimming pool—was “ever called to the attention of Congress” when Congress enacted Section 105(d). *See United States v. Calamaro*, 354 U.S. 351, 359 (1957). Finally, even spotting the Defendants those four exceptions, their rarity proves the rule. The historic practice from the Founding and

codified in Section 105(d)(1)’s text is that Congress routinely and vigorously exercises its authorization and appropriation control over major construction on White House grounds. *See* Section I.A.1, *supra*; *see also Noel Canning*, 573 U.S. at 538 (“[W]hen considered against 200 years of settled practice, we regard these few scattered examples as anomalies.”).

b

The Defendants’ Section 105(d)(1) argument runs into a second textual wall. Even after Congress has appropriated funds under Section 105(d), the plain text confines their usage to the care, maintenance, and so forth, “of the Executive Residence at the White House[.]” 3 U.S.C. § 105(d)(1). Just as the Defendants have ignored the statutory limitations in the National Park Service Organic Act, the Defendants likewise breeze past the “Executive Residence at the White House” qualifier and make no argument at all—not one word—that the East Wing is part of the Executive Residence at the White House. *See* Amicus Br. of American Inst. of Architects et al. 10.

President’s Park consists of the White House and its surrounding grounds. *See* Act of Sept. 22, 1961, § 1, 75 Stat. at 586. The White House, in turn, consists of a collection of structures—including, most notably: (1) the West Wing, “the part of the White House in which the Oval Office, the Cabinet Room and the Situation Room are located”; (2) the former East Wing, which “serve[d] as office space for the First Lady and her staff, the Department of Defense, and the United States Secret Service”; and (3) the main building in between, where the President and his family live. 155 CONG. REC. H10028 (daily ed. Sept. 29, 2009). With that context, the phrase “Executive Residence at the White House” would be a very strange way to refer to the *entire* White House. Instead, it is

most naturally read to refer only to the last structure. “Residence,” after all, means “[t]he place in which one lives; a dwelling[.]” *Residence*, THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 1106 (New College ed. 1976). And that understanding comports with the duties of “Executive Residence staff[.]” which include “general housekeeping, prepar[ing] and serv[ing] meals, greet[ing] visitors, and provid[ing] services as required in support of official and ceremonial functions.” *Sweetland*, 60 F.3d at 854 (quoting Report of Senate Appropriations Committee, S. REP. No. 286, 103d Cong., 2d Sess. 51 (1994)).

That understanding of “Executive Residence” also fits common usage. Bills introduced in Congress have repeatedly referred to the “Executive Residence” as separate and distinct from the East and West Wings. *See, e.g.*, Our Lawn Act, H.R. 6116, 117th Cong. § 2 (2021) (defining “Federal property” to include “the White House grounds and the White House (including the Old Executive Office Building, *the West Wing*, *the East Wing*, *the Rose Garden*, and *the Executive Residence*, but not including the second floor of the Executive Residence))” (emphasis added); Our Lawn Act, H.R. 8228, 116th Cong. § 2 (2020) (same). *Compare* Consolidated Appropriations Act, 2010, Pub. L. No. 111-117, 123 Stat. 3034, 3187–3188 (2009) (appropriating \$84.5 million for “East Wing Infrastructure Systems Replacement” to the General Services Administration), *with id.* at 3167 (appropriating \$13.8 million “[f]or the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House” directly to the Executive Office of the President); *compare also* Omnibus Appropriations Act, 2009, Pub. L. No. 111-8, 123 Stat. 524, 659, 661 (appropriating \$76 million for “West Wing Infrastructure Systems Replacement” to the GSA), *with id.* at 638 (appropriating \$13 million for “the

Executive Residence at the White House” to the Executive Office of the President). *See generally* The White House—The Vice President—Gifts, 2 Op. O.L.C. 349, 350 (1977) (expressing “understanding that, by arrangement with the National Park Service, maintenance and furnishing of the East and West Wings of the White House are the responsibility of the General Services Administration”). Similarly, the Park Service’s Comprehensive Design Plan for the White House, which “provide[s] a framework for future management” of the “White House and President’s Park,” expressly distinguishes the “Executive Residence” from the “East and West Wings” of the White House. 2000 Design Plan at 5, 13, 32.

The President, in promoting the ballroom, also describes the “Residence” as distinct from the White House Wings. *See About the White House*, The White House, <https://perma.cc/8F8U-YHNB> (“President Theodore Roosevelt began a major renovation of the White House, including the relocation of the President’s offices *from the Second Floor of the Residence to the newly constructed temporary Executive Office Building* (now known as the West Wing).”) (emphasis added); *id.* (“The \$250 million project includes modernized offices and bulletproof glass, upgrading the historic 1902 structure *while preserving the main residence.*”) (emphasis added); *see also Blassingame v. Trump*, 87 F.4th 1, 33 (D.C. Cir. 2023) (Katsas, J., concurring) (“Unless speaking at some specific campaign or political event, [the President] will thus likely be ‘clothed in the trappings’ of his Office—whether *in the West Wing [or] in the Executive Residence[.]*”) (emphasis added).

c

Finally, express statutory limits on the presidential use of Section 105(d)(1) funds strike a third textual blow to the

Defendants' argument. Recall that the statute refers to "the care, maintenance, repair, alteration, refurnishing, improvement, air-conditioning, heating, and lighting (including electric power and fixtures) of the Executive Residence at the White House[.]" 3 U.S.C. § 105(d)(1). The Defendants focus on the words "alteration" and "improvement," and argue that their remaking of the White House qualifies as either. That argument does nothing to undercut the National Trust's likelihood of success on the merits.

Start with "alteration." That verb "alter" means "to change some of the elements or ingredients or details *without substituting an entirely new thing or destroying the identity of the thing affected.*" *Alter*, BLACK'S LAW DICTIONARY 71 (5th ed. 1979) (emphasis added); *see also Alter*, 1 OXFORD ENGLISH DICTIONARY 365 (2d ed. 1989) (defining "alter" as "to make some change in character, shape, condition, position, quantity, value, etc. *without changing the thing itself for another*") (emphasis added). The Defendants wholly ignore the definition's limiting language, characterizing Section 105(d) as "capacious." Defs.' Opening Br. 36. In the same vein, they have previously equated "alter" with "modify," Defs.' Stay Mot. 17, failing to appreciate that the term "modify" also "carries a connotation of increment or limitation" and "must be read to mean to change moderately or in minor fashion[.]" *Biden v. Nebraska*, 143 S. Ct. 2355, 2368 (2023) (quotation marks omitted); *see also Modify*, BLACK'S LAW DICTIONARY 1155 (rev. 4th ed. 1968) (defining "modify" as "to change in incidental or subordinate features"). The Defendants do not dispute that the ballroom is a change far from minor.

Section 105(d)(1)'s inclusion of "improvement" also does not strengthen the Defendants' hand. The Defendants draw primarily on the proposition that "in the real property context,

to ‘improve’ means to build structures on land.” Defs.’ Opening Br. 36–37 (quotation marks omitted) (citing, e.g., *Land*, BLACK’S LAW DICTIONARY (12th ed. 2024); *Improved Land*, BLACK’S LAW DICTIONARY (5th ed. 1979); Brian Sawers, *The Right to Exclude from Unimproved Land*, 83 Temple L. Rev. 665, 666 (2011); Act of Sept. 4, 1841, ch. 16, § 10, 5 Stat. 453, 455 (granting “public lands” to persons “who shall inhabit and improve the same”)). But all of the Defendants’ citations indicate at most that “improvement” carries that connotation in the context of improvements *to land*. See *id.* The term “improvement,” however, can encompass “valuable addition[s]” to either land or buildings. See *Improvement*, BLACK’S LAW DICTIONARY (4th revised ed. 1968) (defining “improvement” more broadly as a “valuable addition made to property” that is “usually” but not always “real estate”). And as we will next explain, the term carries a different meaning depending on the context. To understand the nature of the “improvement[s]” discussed in Section 105(d)(1), we must consult the text of that provision.

Section 105(d)(1) plainly does not implicate improvements to land. It instead concerns “improvement * * * of the Executive Residence at the White House[.]” 3 U.S.C. § 105(d)(1) (emphasis added). The phrase “Executive Residence at the White House,” in turn, clearly refers to a *building*. Cf. Section III.A.2.b, *supra*. First, the word “residence” frequently refers to a “type of structure.” *Bruno v. Hanna*, 164 A.2d 647, 649 (N.J. Super. Ct. App. Div. 1960); see also *Residence*, THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 1106 (New College ed. 1976) (defining “residence” as “[t]he place *in which* one lives; a dwelling”) (emphasis added). Second, it would be passing strange to say that one can “ke[ep] [furniture] *in*[.]” “refurnish[.]” “air-condition[.]” or “heat[.]” a parcel of land. 3 U.S.C. §§ 102, 105(d)(1) (emphasis added). Third, when

Congress refers to the land appurtenant to the White House, it does so explicitly. *See, e.g.*, 3 U.S.C. § 421(a) (ADA applies to “White House and its appurtenant grounds”); 18 U.S.C. § 1752(c)(1)(A) (illegal to enter “White House or its grounds” without lawful authority).

Although the word “improvement” can carry a broader meaning in the context of “changes to land,” “its meaning is otherwise” when used in the “context of” “[b]uilding[s]” or “[s]tructure[s].” *Vogel v. Reed Supply Co.*, 177 S.E.2d 273, 281 (N.C. 1970). In the latter context, courts have long “distinguish[ed] * * * improvement of an existing structure from construction of a new structure[.]” *Hanson Assocs., P.C. v. Gallery Plaza P’ship*, 32 Va. Cir. 356, 356 (Va. Cir. Ct. 1994). That distinction is sometimes drawn by assessing whether changes are made to the interior or exterior of a building: “[A] mere change in a building’s purpose by virtue of extensive interior alterations * * * constitutes improvements to an existing building[.]” *Id.* But “concomitant alterations in the building’s exterior” transform that improvement into “new” construction. *Id.* (collecting cases); *see also Cinelli Builders, Inc. v. Ferris*, 911 N.Y.S.2d 446, 447 (N.Y. App. Div. 2010) (Plaintiff “was not required to possess a home improvement contractor’s license” when “the construction was for a ‘new home’” and “not a ‘home improvement’”). Other times, the distinction is drawn by considering the extent of changes to the building: An “addition to [an] existing structure” that is “about one-seventh of size of [the] existing building” has been treated as an improvement to the existing building, *id.*, whereas “a substantial addition to a structure” was “treated as a new erection or construction,” *Anastasi v. Brunet*, 90 A.2d 636, 637 (Pa. Super. Ct. 1952); *see also id.* (holding that the “erection of a building adjoining” a “22 by 35 feet” “dwelling house”

constituted “new construction” because the complex became “a large rambling structure covering 2354 square feet”).¹²

However that distinction is drawn, the proposed ballroom—which would replace the East Wing with a new structure dwarfing other parts of the White House—constitutes new construction, not an improvement. Indeed, in the construction context, courts “uniform[ly] conclu[de]” that the verb “erect” means “[t]he creation of something new, *as distinguished from the * * * improvement of something already existing.*” *State ex rel. Celebrezze v. National Lime & Stone*

¹² The dissenting opinion cites a pair of statutes that supposedly “confirm[]” that the term “improvement” in Section 105(d)(1) must “include the construction of buildings” and suggests that “improvement” carries the same meaning whether the thing “improved” is land or an existing structure. Dissenting Op. 19–20. That is incorrect. One of those laws uses the statutory term of art “construction or facility improvement project.” *See* 10 U.S.C. § 2687a(a)(3)(B)(i) (“improvement to real property”). The other addresses improvements to land. *See* 16 U.S.C. § 666 (“improvements * * * of areas made available to the Secretary of Interior under” the Fish and Wildlife Coordination Act). Meanwhile, other statutes focused on buildings distinguish new construction from improvements to existing structures. *See, e.g.,* 10 U.S.C. § 2825(a)(2), (b)(2) (defining “improvement” to include “rehabilitation of a housing unit and major maintenance or repair work” and presenting improvement as an alternative to “a newly constructed unit”); 15 U.S.C. § 278d(a) (separately authorizing “construction of buildings” and “improvements to existing buildings”); 16 U.S.C. § 215 (separately authorizing the Park Service to provide for “the improvement of * * * buildings” and “the construction of * * * additional * * * buildings” in a national park); 42 U.S.C. § 8628 (prohibiting use of grant funds for “the purchase, construction, or permanent improvement * * * of any building”); 50 U.S.C. § 3303(a) (distinguishing a “project for the construction of any facility” from “improvement to any facility”).

Co., 627 N.E.2d 538, 542 (Ohio 1994) (formatting modified) (collecting cases); *see also Travelers Indem. Co. v. Wilkes County*, 116 S.E.2d 314, 317 (Ga. Ct. App. 1960) (similar). Accordingly, the verb “improv[e]” in Section 105(d)(1) affords the Defendants no “express authority of Congress” to “erect[]” an entirely new “building or structure” in the District of Columbia, 40 U.S.C. § 8106.

Reading “alteration” and “improvement” in context—as we must—only further refutes the Defendants’ position. *See, e.g., Deal v. United States*, 508 U.S. 129, 132 (1993); *Learning Res., Inc. v. Trump*, 146 S. Ct. 628, 643 (2026). The terms surrounding “improvement” and “alteration”—“care,” “maintenance,” “repair,” “refurnishing,” “air-conditioning,” “heating,” and “lighting”—all presuppose an already-existing structure and indicate minor changes. *See* 3 U.S.C. § 105(d)(1). The interpretive instruction that a word in such a list is “known by the company it keeps,” *Yates v. United States*, 574 U.S. 528, 543 (2015) (plurality opinion), applies with straightforward logical force here: Congress is extremely unlikely to have written a statute that says, in the same breath, that the President may maintain the Executive Residence at the White House, replace its light fixtures, fix the air-conditioning, *and demolish and replace the entire structure with whatever new structure he prefers*. One of those things is not like the others.

The Defendants (and the dissenting opinion) emphasize that the words “alteration” and “improvement” should have some meaning independent of the other terms in the list. *See* Defs.’ Opening Br. 38–39; Dissenting Op. 20 n.6. But “[t]he anti-surplusage canon is not an iron rule.” *Mullin v. Al Otro Lado*, --- S. Ct. ---, 2026 WL 1825741, at *8 (U.S. June 25, 2026). Indeed, “redundancies are common in statutory drafting—sometimes in a congressional effort to be doubly

sure, sometimes because of congressional inadvertence or lack of foresight, or sometimes simply because of the shortcomings of human communication.” *Barton v. Barr*, 140 S. Ct. 1442, 1453 (2020) (collecting cases). Recall, for instance, that Congress authorized appropriations for “care, maintenance, [and] repair” in the same breath. 3 U.S.C. § 105(d)(1). Regardless, the words “alteration” and “improvement” can easily have independent meaning without coming anywhere close to the Defendants’ expansive whatever-the-President-wants view. For example, as just discussed, an “improvement” to an existing structure often refers to renovations that update a structure without crossing the line to construction of an entirely new one. We need not precisely demarcate the bounds of that authority to recognize that demolishing and replacing an entire, major structure falls well outside of it.¹³

The Defendants’ contrary view that Congress has outsourced to any President full and unchecked authority to remake the White House is impossible to reconcile with the statutory context. As the district court explained, under the Defendants’ view of Section 105(d)(1)—as a complete conferral of authority to the President to engage in any construction he sees fit—the President could bulldoze the entire White House and replace it with a new building of his

¹³ It is also important to remember that the statute, properly viewed, is structured in another way that minimizes the type of line-drawing concerns that the Defendants conjure: Section 105(d)(1) requires *Congress* to appropriate funds specifically for the purpose of Section 105(d)(1) before the President can take *any* action at all under it. *See* Section III.A.2.a, *supra*. Congress can convey or clarify the permissible scope of work in a Section 105(d)(1) appropriation, as it did in 2024 when it limited the use of funds appropriated under Section 105(d)(1) to maintenance and resolution of health and safety issues. *See* Consolidated Appropriations Act, 2024, 138 Stat. at 532.

own design, including a “skyscraper.” *National Trust III*, 827 F. Supp. 3d at 107.

Congress does not “hide elephants in mouseholes.” *Whitman v. American Trucking Ass’ns*, 531 U.S. 457, 468 (2001). If Congress, acting against the backdrop of other statutes that strictly limit construction within Park System units in the District of Columbia, and which require the government to jump through significant procedural hoops to accept even donations of furniture at the White House, wanted to convey to the President unchecked construction authority over the White House, we would expect it to do so with language saying just that. We would not expect Congress to do so by turning to a provision titled “Assistance and services for the President,” adding a fourth subsection framed as a mere appropriation authorization, and inserting the words “alteration” and “improvement” alongside other statutory terms speaking to such anodyne matters as the President’s ability to use congressional appropriations to maintain power outlets and keep the building warm. 3 U.S.C. § 105(d)(1).

Even through the demanding lens of *ultra vires* review, the Defendants have identified no remotely plausible basis for their sweeping claim of authority to reshape one of our Nation’s most historic sites without express authorization by Congress.

B

The National Trust and its members have shown that they will suffer irreparable harm absent a preliminary injunction.

Concrete and extensive architectural, historic-preservation, professional, and visual injuries of the types claimed by Professor Hoagland—and factually found by the National Park Service itself to be material and permanent

results of the ballroom's planned size and scale—demonstrate irreparable harm. In *National Wildlife Federation v. Burford*, 835 F.2d 305 (D.C. Cir. 1987), for example, this court affirmed a finding of irreparable harm where a conservation organization showed that “its members’ interests in conserving natural resources for their aesthetic * * * use and enjoyment [would] be irreparably injured” absent preliminary relief, because those resources would be imminently sold or opened to mining operations, and thus “permanently lost[.]” *id.* at 324. Other appellate courts have upheld findings of irreparable harm in similar contexts. See, e.g., *National Wildlife Fed’n v. National Marine Fisheries Serv.*, 886 F.3d 803, 822 (9th Cir. 2018) (“[P]laintiffs have shown irreparable harm to their own interests stemming from the irreparable harm to the listed species[.]” upon which Plaintiffs depended for “recreational and aesthetic pursuits[.]”); *Sierra Club v. Army Corps of Eng’rs*, 645 F.3d 978, 995 (8th Cir. 2011) (“[I]rreparable harm to the environment necessarily means harm to the plaintiffs’ specific aesthetic, educational and ecological interests.”); *Valley Cmty. Pres. Comm’n v. Mineta*, 373 F.3d 1078, 1086 (10th Cir. 2004) (finding irreparable harm where plaintiffs’ “enjoyment of their land” would suffer due to the “greater proximity of a major highway” being constructed nearby).

Like the plaintiffs in those cases, Professor Hoagland has “delineated specific ways[.]” *Burford*, 835 F.2d at 324, in which the construction of a ballroom of the planned size and scale would irreparably and harmfully alter her use, experience, and enjoyment of the archaeological, historical, visual, and aesthetic appearance of the White House and President’s Park. The ballroom would “overshadow[] the White House, exceeding it in height and massing, [and] would diminish the primacy of the White House, which makes [an] architectural statement through its singularity on the landscape.” Hoagland Decl. ¶ 13; see *National Trust III*, 827 F. Supp. 3d at 115–116.

This would permanently impair the White House’s ability to “serv[e] as a landmark defining L’Enfant’s plan for the city” and to embody George Washington’s intent for a “modest” residence that reflects “republican simplicity[.]” Hoagland Decl. ¶¶ 10–11, 13.

Professor Hoagland also has identified specific reasons why this dramatic change to the architecture of the White House, Lafayette Square, and President’s Park would irreparably harm her. Professor Hoagland crosses through Lafayette Square monthly “to attend functions in neighboring buildings” to the White House, on walks to enjoy the architecture, and on other occasions. Hoagland Decl. ¶¶ 9, 12. Further, as a current Trustee of the National Trust, Professor Hoagland attends the National Trust’s Board meetings in the District of Columbia and intends to do so in 2026. *Id.* ¶¶ 2, 12. Those meetings are “usually” held at the Decatur House. *Id.* ¶ 12. Because the Decatur House is located on the corner of Lafayette Square and kitty-corner to the eastern side of the White House, that means Professor Hoagland will have to face whatever is erected in place of the old East Wing every time she attends these Decatur House Board meetings.

Professor Hoagland’s professional injuries are also irreparable. She is an architectural historian and the author of six books “on various aspects of American vernacular architecture[.]” including her most recent book about D.C.’s historic Row Houses. Hoagland Decl. ¶ 4. Professor Hoagland has attested that the changes to the White House and the careful layout of the L’Enfant Plan adversely “affect[] [her] own research” on Washington’s architecture. *Id.* ¶ 11.

Defendant National Park Service agrees that the ballroom construction will cause irreversible historical-preservation, architectural, and visual damage. After careful review, the

Park Service concluded that constructing a ballroom “that is approximately 90,000 square feet and 55 feet tall would have permanent adverse impacts” on “the White House Grounds cultural landscape.” Env’t Assessment at 11. The Park Service found that the project will “disrupt the historical continuity of the White House grounds” and “alter the architectural integrity of the east side of the property[,]” because the ballroom’s “larger footprint and height will dominate” and “creat[e] a visual imbalance with the more modestly scaled West Wing and Executive Mansion.” FONSI at 7; *see also National Trust III*, 827 F. Supp. 3d at 115–116 (crediting that finding). Additionally, building a second story to the ballroom will contrast with the single story of the West Colonnade “and chang[e] the traditional spatial organization and sightlines of the grounds.” FONSI at 7. In the words of the Park Service: “These changes will adversely alter the design, setting, and feeling of the White House and the grounds over the long-term.” *Id.*

The National Trust has also shown that this harm is sufficiently “imminen[t]” to support the issuance of a preliminary injunction. *See Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006) (emphasis omitted). The Defendants insist that construction needs to start right away. *See* Defs.’ Opening Br. 56; *see also* Decl. of John Stanwich, ECF No. 14-6, at ¶ 20; *National Trust III*, 827 F. Supp. 3d at 115. And, as the National Trust points out and Defendants do not dispute, the above-ground construction of the ground floor of the ballroom has begun, including portions of the pillars that will support additional floors. *See* Nat’l Trust Br. 47 & n.12.

The Defendants have made no argument that the harms that will be imposed by a towering ballroom could be redressed at the end of this litigation, absent preliminary injunctive relief.

They have not said anywhere that they will still be able to make material changes to the ballroom's planned size and scale (rather than its minor design features) further down the road. The Defendants' nascent construction of the supporting structure and their continued insistence that the ballroom is one "unified[] and cohesive" whole say quite the opposite. Defs.' Opening Br. 54.

Nor have the Defendants represented that, if they were to lose on the merits of the case, they would remove any unlawfully built structures to remedy the injuries. To the contrary, the Defendants insist that, once built, the ballroom must remain intact permanently for national security and safety reasons, making it harder for the district court to fashion any relevant remedy. *See, e.g., National Parks Conservation Ass'n*, 925 F.3d at 502 (remanding case for determination of a proper remedy where petitioners had defeated conservation groups' preliminary-injunction motion by arguing that petitioners' electrical transmission towers, if unlawfully built, could be removed, and then opposed the towers' removal as wasteful and disruptive *after* construction was completed); *id.* ("Had the [petitioners] said all along what they say now, either the district court or this court might have enjoined tower construction[.]").

C

The relevant equitable considerations also favor the National Trust.

1

The Defendants argue that the district court's preliminary injunction inequitably injures their safety and security interests. In considering those arguments, the bottom-line question is whether the district court abused its discretion in

concluding that the harms to the National Trust outweigh the Defendants' asserted harms and that an injunction is in the public interest. *Winter*, 555 U.S. at 25–26.

We note, at the outset, that the Defendants, including the President, have disclaimed *any* constitutional authority, whether explicit or implicit, to build the ballroom. P.I. Opp'n at 39 ("The President is not claiming inherent constitutional authority to undertake the East Wing project[.]"). They assert only statutory authority. *Id.* ("[H]e rests on statutory authority[.]"). But, as discussed, the only statute they rely on that arguably assigns some authority over White House alterations or repairs to the President is Section 105(d), which does not apply on these facts and which the Defendants admit does not by itself authorize the ballroom project. Oral Arg. Tr. 55:6–11; Section III.A.2, *supra*. And the statutory assignment of authority over national parks and historic sites to the National Park Service is to "conserve" and maintain such sites and to "leave them unimpaired[.]" 54 U.S.C. § 100101(a). Congress has not given the Park Service authority, specifically and expressly, or otherwise, to raze protected historic sites in the name of presidential functions or national security. As the Defendants are very likely without statutory authority to act, those interests cannot carry the weight that the Defendants claim in the balancing of interests. *See Huisha-Huisha v. Mayorkas*, 27 F.4th 718, 734 (D.C. Cir. 2022) (court's determination that the movant is likely to succeed on the merits and will suffer irreparable harm during the litigation absent an injunction—the two most critical factors in the preliminary injunction analysis—"lightens the Executive's stated interests").¹⁴

¹⁴ The dissenting opinion objects to "collapsing * * * the merits and the equities[.]" Dissenting Op. 32. Of course those two factors

Said another way, the district court’s exercise of equitable judgment falls more firmly within the scope of its discretion when the Defendants claim no Article II power for their action and likely lack any statutory basis for it too. *Cf. Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 582 (1952) (affirming preliminary injunction over a wartime President’s objection that “his action was necessary to avert a national catastrophe”); *NFIB v. OSHA*, 142 S. Ct. 661, 666–667 (2022) (per curiam) (staying a regulation over the government’s objection that it would “save over 6,500 lives and prevent hundreds of thousands of hospitalizations” in the midst of a global pandemic).

Turning specifically to the Defendants’ three claims of harm, none of them hold up. Each is either fully addressed by the injunction’s safety-and-security exception or unsustainable on this record. Likewise, none shows that the balance of equities tilts decisively in the Defendants’ favor.

do separate work. But as the dissenting opinion recognizes, *id.*, the Supreme Court and this court have repeatedly held that a likelihood of success on the merits or lack thereof can bear on the balancing of the equities. *See, e.g., Huisha-Huisha*, 27 F.4th at 734; *Karem v. Trump*, 960 F.3d 656, 668 (D.C. Cir. 2020); *Alabama Ass’n of Realtors v. Department of Health & Human Servs.*, 141 S. Ct. 2485, 2490 (2021) (per curiam) (“But our system does not permit agencies to act unlawfully even in pursuit of desirable ends” such as “combating the spread of * * * COVID-19[.]”). The dissenting opinion’s authorities agree. *See, e.g., Hanson v. District of Columbia*, 120 F.4th 223, 247 (D.C. Cir. 2024) (stating in case involving allegedly unconstitutional law that “the public interest * * * rises and falls with the strength of the moving party’s showing on the merits”) (formatting modified), *cert. denied*, 145 S. Ct. 2778 (2025); *id.* (“[The] equities might balance differently if the plaintiffs had established a likelihood of success on the merits of their constitutional claim[.]”).

First, as the district court found, much of the Defendants' equitable argument concerns security features that would be installed beneath the planned ballroom. *See National Trust IV*, 2026 WL 1027744, at *2. The district court's preliminary injunction allows construction of those underground features to go forward. Am. P.I. Order at 2. It halts only the above-ground "physical construction of the proposed ballroom" itself. *Id.* (emphasis added). So no harm shown there.

The Defendants object that the subterranean security features, as well as the exposed side of the Executive Mansion, need to be covered to protect them. Defs.' Opening Br. 55–56. The preliminary injunction allows that too. The district court's order modifying the injunction is explicit that the Defendants can put a fully protective covering over the underground construction and other exposed portions of the construction site. Am. P.I. Order at 2–3.

The Defendants next contend that only the *completed* ballroom, with its large size and mass, can sufficiently protect the White House complex—that is, the entire project is a "unified whole" that is essential to security and safety. Defs.' Opening Br. 18; *see also id.* at 54.

As an initial matter, the district court found that this argument contradicts what the Defendants told the district court throughout months of litigation—that is, that the above-ground and below-ground portions of the project were "independent of" one another. *National Trust IV*, 2026 WL 1027744, at *3 (formatting modified); *see* Section I.C.3, *supra*. Nowhere do the Defendants explain how this newly asserted national security requirement that either did not exist or was withheld from the district court in February materialized in April with such force that it should have tilted the district court's balance

of equities in the Defendants' favor. Such shifting and contradictory positions are a frail reed on which to rest equitable arguments.¹⁵

In any event, the Defendants' argument essentially boils down to the position that the ballroom, once completed two or more years from now, will be more secure than the now-demolished East Wing and an active construction site. Defs.' Opening Br. 54–55.

Of course a completed, fortified building fitted with modern security features will be more secure than an active

¹⁵ Undeterred by the district court's finding, the Defendants have taken to asserting more brand-new security justifications for the first time on appeal. For example, in a declaration submitted only to this court, the Secretary of the Army relays that the ballroom is an advanced "sacrificial" structure designed to protect the bunkers underneath. See Decl. of Daniel P. Driscoll, No. 26-5123, Dkt. 2169274, at Add. 21–22 ¶¶ 8–9 (April 17, 2026). The Defendants' reply brief (with no citation or declaration) also advances the new factual assertion that the ballroom's rooftop will feature a "highly sophisticated Drone Port[.]" Defs.' Reply Br. 2. Of course, "declarations that were not part of the record before the district court at the time of a judgment or order are not part of the record on appeal of that judgment or order." *Public Emps. for Env't Resp. v. Zeldin*, 174 F.4th 183, 191 (D.C. Cir. 2026) (quoting *Swanson Group Mfg. LLC v. Jewell*, 790 F.3d 235, 240 (D.C. Cir. 2015)). Especially when, as here, no reason at all is given as to why that same information could not have been provided to the district court over a month earlier, either *in camera* or on the public record. In addition, the district court could not have abused its discretion by failing to consider factual arguments the Defendants never put before it. See *Ellipso, Inc. v. Mann*, 480 F.3d 1153, 1160 (D.C. Cir. 2007). But because of the singular importance of safety and security, we have considered the information and it does not alter our analysis for the reasons explained.

construction site. But the existence of both a construction site and an unfinished project on top of the underground security features are the fully expected and necessarily planned-for side effects of this multi-year building project. The Defendants' own construction schedule means that no completed ballroom would be in place as the top structure for roughly two years at the earliest. *See* FONSI at 8 (estimating that construction is "anticipated" to be complete in "summer 2028"); Defs.' Opening Br. 3 (stating that the ballroom will be completed "a few months prior to the expiration of [President Trump's] term"). So whether or not the injunction remains in place, the Defendants' need for interim security measures will continue for the near future while the litigation proceeds.

Second, the Defendants argue that any delay to the multi-year construction timeline inflicts intolerable harm because "they will have no way to recoup that lost time, the added costs associated with delay, or the benefits" from a completed ballroom. Defs.' Opening Br. 58. On the record the Defendants have created, that argument carries little weight.

To start, the Defendants—quite unusually in a case involving national-security arguments—did not seek to expedite either the district court's proceedings or this appeal. This court acted on its own to do so.

In addition, any risk caused by the construction project and its multi-year timetable is overwhelmingly a problem of the Defendants' own creation. The Defendants unilaterally and likely without lawful authority destroyed a large portion of the White House structure and dug an open pit in its place. Then, after commencing a lengthy construction project, they publicly announced to the world the vulnerabilities that self-chosen endeavor has created.

More importantly, the Defendants' arguments avoid discussion of the comprehensive and fully protective security plan for the President and the White House that necessarily would have been put in place *before* destroying the East Wing. The presumption of regularity requires us to take as given that such plans were made, and it is not for this court to question the rigor and full sufficiency of those measures in ruling on a preliminary injunction record. The Defendants' arguments and declarations, in other words, do not speak to the relevant question, which is what unplanned-for harm to their multi-year security plans will occur pending the resolution of this case. That silence is telling.¹⁶

Similarly, the Defendants have made no showing that any "added costs associated with delay" amount to a serious burden. Defs.' Opening Br. 58. The project, after all, is not being funded by the government itself or by the taxpayers. Nor has the Defendants' conclusory assertion of harm been factually substantiated in any way that would demonstrate the type of irretrievable losses that might equitably weigh in their favor.

Third, the Defendants assert that the East Wing was in poor shape, that the President lacks an adequate space to host

¹⁶ The dissenting opinion devotes pages to the Defendants' declarations about whether a completed ballroom is more secure than a construction site. Dissenting Op. 27–30. In doing so, the dissenting opinion sets the construction site as the baseline for its equities inquiry. *Given the construction site*, the dissenting opinion reasons, safety and security considerations favor continued construction. *Id.* at 30–31. That framing jumps right over how the construction site got there in the first place—through the Defendants' likely unlawful actions and intentional plans—and assumes that no sufficient security plan was made and is in place for the construction period.

important guests, and that the temporary tents used to host events on White House grounds are both costly and unsightly. *See* Defs.' Opening Br. 57–58.

That may well be. Yet nowhere have the Defendants argued that they could not have done what every other President has done to obtain improvements to the White House: Ask Congress, which is the branch the Constitution tasks with making such decisions about federal property.

Further, as the National Park Service pointed out in its Finding of No Significant Impact, the erection of temporary tents is no new feature at the White House. *See* FONSI at 5, 10; *see also* Stanwich Decl. ¶ 7 (“To accommodate [large] events, large tents are typically erected on the South Lawn of the White House.”); Decl. of Matthew C. Quinn, ECF No. 30-2, at ¶ 10 (“[T]ents were often set up on the South Grounds of the White House Complex to host larger events.”). The preliminary injunction does nothing more than maintain the status quo temporarily while this litigation resolves. To the extent the injunction harms the Defendants by potentially forcing them to continue hosting official events in formal tents on White House grounds for a few extra months, that harm would not alter the equities balance.

At bottom, the Defendants’ position is that, once the district court credited their argument that the independent underground construction alone could go forward, the court surrendered all power to stop the ballroom’s construction at all. No matter how unlawful that construction likely is and no matter that the construction will, by the Defendants’ own admission, cause permanent and irreparable harm, the Defendants insist that the ballroom project must be *fait accompli* and no injunction at all can or ever could issue.

Worse still, the Defendants argue that even if they are acting entirely without authority and lawlessly, no court—not the district court, this court, or the Supreme Court—has the power to stop them since the East Wing has already been destroyed. When asked “[w]hen * * * it bec[a]me impossible for courts to stop this project,” the Defendants stated point-blank: “[I]t would have been improper to enjoin it even on day one.” Oral Arg. Tr. 77:2–5; *see id.* at 74:18–75:20 (Question: “And so your position is [that] this can’t be stopped by a court? * * * That [the district] court, this [c]ourt, the Supreme Court, no court could stop the building of this today?” Answer: “Yes.”); *id.* at 76:3–17 (Question: “[I]magine [that] you are wrong on the law. * * * [Imagine the] statutes were as clear as could be * * * [that] you have no authority to do this, and you’ve done it. There’s nothing to be done.” Answer: “That is our position.”); *id.* at 77:7–15 (Question: “So if this were complete lawlessness by the [g]overnment * * *, [it] couldn’t be stopped?” Answer: “On these theories, I think that’s right.”); *id.* at 78:10–12 (Question: “So this is really something that can’t be stopped in courts.” Answer: “I think that’s right.”).

That is wrong. The bold assertion that the Executive can act with utter lawlessness, destroying treasured national landmarks and harming the interests of individuals, and that no court can stop it flouts our constitutional order. And it is no basis on which to claim the favor of courts’ equitable judgment. While this court accords great weight and deference to invocations of national security and the safety of the President, such arguments are not an automatic get-out-of-law-free card. Nor do they require courts to stand by while the Executive acts without authority. That is especially true when (i) the Defendants’ security claims have repeatedly and materially shifted in their content throughout this litigation, (ii) some of those claims were never even shared with the district court, (iii)

the Defendants have failed to substantiate the asserted security harms on this record given the district court's safety-and-security exception and the other identified gaps in the Defendants' arguments, and (iv) the preliminary injunction includes a safety-and-security exception that the Defendants largely ignore.

The Defendants' invocation of *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008), does not help them. *See* Defs.' Opening Br. 59. In *Winter*, the Supreme Court held that the district court had abused its discretion by issuing a preliminary injunction restricting the use of certain sonar technology in Navy training exercises. 555 U.S. at 32–33. But that was because “the ultimate legal claim [was] that the Navy must prepare an [Environmental Impact Statement], not that it must cease sonar training[.]” *Id.* at 32.

Here the injury is not procedural; it is substantive: The Defendants likely lacked any statutory or constitutional authority to act at all. Also, in *Winter* the challenged “training ha[d] been going on for 40 years with no documented episode of harm[.]” 555 U.S. at 33. Here, the Defendants have taken unprecedented action without any claim of constitutional or likely showing of statutory authority.

No matter, say the Defendants. In their telling, the policy goals of having a ballroom are so imperative that construction must continue regardless of its legality. *See* Defs.' Opening Br. 57–59. But it “is not our role to weigh such” policy arguments when the Executive exceeds the limits Congress has imposed upon it. *NFIB*, 142 S. Ct. at 666. The Constitution expressly assigns authority over federal property to the Congress, not the President. U.S. CONST. Art. I, § 8, cl. 17; *id.* Art. IV, § 3, cl. 2. So the only thing standing between the Executive and its ballroom is congressional authorization.

Since the Nation's founding, Congress has regularly exercised its powers over federal property and the purse to authorize and fund improvements to the White House at the Executive's request. *See* Section I.A.1, *supra*. The Defendants make no argument that, if a massive ballroom is indispensable to national and presidential security, Congress would refuse to allow it. And the equities do not swing in the Defendants' favor merely because end-running the Constitution's allocation of powers apparently seemed a more expedient route to their desired goal. *Cf. Alabama Ass'n of Realtors v. Department of Health & Human Servs.*, 141 S. Ct. 2485, 2490 (2021) (per curiam) ("[O]ur system does not permit agencies to act unlawfully even in pursuit of desirable ends."); *Huisha-Huisha*, 27 F.4th at 734 (same).

For all those reasons, the district court did not abuse its discretion in finding that the Defendants have not demonstrated harm sufficient to outweigh the permanent and irreparable injuries that construction of the ballroom will cause.

2

The district court appropriately concluded that the public interest weighs strongly in favor of the injunction.

To start, Congress has inscribed into law the weighty public interest in the preservation and conservation of historic sites on federal property. National parklands in the District are "unique resources that the Federal Government holds in trust for the American people." *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 290 (1984). Congress established the National Park system to "*conserve*" our Nation's "scenery[and] natural and historic objects" in order "to provide for the enjoyment * * * in such manner and by such

means as will leave them *unimpaired* for the enjoyment of future generations.” 54 U.S.C. § 100101(a) (emphases added). Congress later added that National Parks are to be “preserved and managed for the benefit and inspiration of all the people of the United States[.]” *Id.* § 100101(b)(1)(C).

The Defendants’ own Environmental Assessment and Finding of No Significant Impact show, with extensive factual findings, that far from conserving and preventing impairment, construction of the proposed ballroom on the East Wing site will permanently and irreparably harm the public interest in preserving the historic appearance of the White House, its architectural symmetry, and its Founding-Era role in anchoring the architectural layout of the District. FONSI at 6–7. As the Park Service summarized, “[t]hese changes would affect elements that have shaped the property’s character since the early 20th century[.]” Env’t Assessment at 15, and “depart[] from the traditional aesthetic values and architectural integrity” that have persisted throughout the White House’s history, *id.* at 11.

The Defendants also emphasize that the ballroom project’s nearly half-a-billion-dollar price tag is being privately funded by “American patriots.” Defs.’ Opening Br. 3. The United States is blessed to be filled with many patriots. But in this case, the Executive Branch’s self-help trenches not only on Congress’s control over federal property and historic sites, but also on Congress’s power of the purse. The amount of private donations is unprecedented. *See* Press Release, Nat’l Park Serv., National Park Foundation Receives Historic \$100 Million Grant from Lilly Endowment Inc. (Aug. 26, 2024) (celebrating a \$100 million grant as “the largest ever received by [National Park Foundation] and the largest grant benefitting national parks”). By way of comparison, the \$400 million projected cost of the ballroom project amounts to

approximately 8% of the Park Service's budget for Fiscal Year 2026, *see* NAT'L PARK SERV., BUDGET JUSTIFICATIONS AND PERFORMANCE INFORMATION FISCAL YEAR 2027, at 4 (2026), and exceeds 1,500 times the level requiring special scrutiny by the Department of Interior for conflicts of interest, *see* DEPARTMENT OF THE INTERIOR, 374 DM 6.10.E(2)(b).

In bypassing Congress's control at two levels, the ballroom project short-circuits congressional oversight, veteran preferences for work on federal properties, 38 U.S.C. § 4212(a)(1), and rules favoring the use of American sources for construction materials, especially at national sites and where national security is involved, *see, e.g.*, 3 U.S.C. § 110; 41 U.S.C. §§ 8302(a)(1), 8303(a).

Congress, after all, has its own expertise and constitutional role in matters of national security and safety, especially where public lands and properties are involved. U.S. CONST. Art. I, § 8, cl. 1 ("The Congress shall have Power To * * * provide for the common Defence and general Welfare of the United States[.]"); *see also Holder v. Humanitarian L. Project*, 561 U.S. 1, 33–34, 36 (2010) (affording Congress "deference" when an issue "implicates sensitive and weighty interests of national security and foreign affairs"). It is Congress's job to ensure that any major construction and security projects at the White House will protect the safety of all Presidents, present and future, while preserving the historical and architectural significance of that unique location. Congress cannot perform its constitutional function when the Executive chooses to proceed wholly unilaterally.

The separation of powers, after all, exists not to protect the Branches *qua* Branches, but to ensure and preserve the liberty of the people of the United States. *See Boumediene v. Bush*, 553 U.S. 723, 742 (2008) (The separation of powers "serves

not only to make Government accountable but also to secure individual liberty.”); *Metropolitan Wash. Airports Auth. v. Citizens for the Abatement of Aircraft Noise, Inc.*, 501 U.S. 252, 272 (1991) (“The ultimate purpose of this separation of powers is to protect the liberty and security of the governed.”); THE FEDERALIST NO. 47 (James Madison) (“The accumulation of all powers, legislative, executive, and judiciary, in the same hands * * * may justly be pronounced the very definition of tyranny.”); *see also Free Enter. Fund v. Public Co. Acct. Oversight Board*, 561 U.S. 477, 497 (2010) (“The separation of powers does not depend on * * * whether the encroached-upon branch approves the encroachment.”) (formatting modified).

That is why, throughout history, Presidents have lived in the house the people built. Executive actions that take control of that property out of the hands of the people’s representatives while irreparably harming the historical and visual architecture of perhaps the most prominent public building in the United States seriously intrude on the public interest.

Given all of those considerations, the district court did not abuse its discretion in entering its carefully tailored preliminary injunction with its safety-and-security exception.

IV

For the foregoing reasons, we affirm the district court’s judgment issuing the modified preliminary injunction. The administrative stay entered by this court on April 17, 2026, is vacated. We hereby stay this ruling for fourteen days to allow the Defendants, if they choose, to seek Supreme Court review.

So ordered.

RAO, *Circuit Judge*, dissenting: Construction is underway at the White House to build underground security facilities covered by a large ballroom. The President has determined the ballroom is necessary for the overall security of the White House as well as to provide a secure space for hosting large presidential events.

Objecting to the design of the ballroom, the National Trust for Historic Preservation sued. The district court issued an extraordinary injunction halting all construction of the ballroom. This was a blatant abuse of discretion.

To begin with, the district court had no jurisdiction because the Trust has no standing to stop construction at the White House. The ballroom is also likely within the President's authority to make improvements to the Executive Residence at the White House. Finally, the balance of equities overwhelmingly favors the government. The district court elevated the aesthetic displeasure of a single passerby over the government's security interests in the ballroom and the security risks of leaving an open construction site at the President's home and office. These errors in equitable judgment require vacating the injunction.

The district court seized supervision of construction at the White House, and my colleagues affirm this judicial overreach. Because the injunction is beyond the proper province of the federal courts, construction should be allowed to continue. I respectfully dissent.

I.

Last summer, President Trump announced plans to renovate the East Wing of the White House, a project that will include updated underground national security facilities, new offices, and a large ballroom for hosting official events. The project broke ground in October 2025. Because the White

House is situated within President's Park, a unit of the National Park System, the Office of the Executive Residence ("EXR") is managing the project in coordination with the National Park Service ("NPS"). The project is funded primarily with private donations to the NPS gift fund.

The Trust, a congressionally chartered nonprofit corporation, filed this lawsuit in December 2025 asserting claims under the Administrative Procedure Act ("APA") and the Constitution. The district court concluded the Trust had associational standing based on the alleged aesthetic injury of one of its members, Alison Hoagland, who claims the sight of the ballroom will harm her during monthly walks past the White House. *See Nat'l Tr. for Historic Pres. in the U.S. v. NPS ("National Trust I")*, 821 F. Supp. 3d 62, 68–71 (D.D.C. 2026). The district court denied the Trust's initial request for a preliminary injunction, however, because EXR was not an "agency" whose actions are reviewable under the APA and because the Trust failed to state a constitutional claim under *Dalton v. Specter*, 511 U.S. 462 (1994).

The Trust then amended its complaint to assert ultra vires claims that EXR lacked authority for the ballroom project. The district court granted a preliminary injunction. It held the Trust was likely to succeed in showing the ballroom project was not authorized by any statute and therefore barred by 40 U.S.C. § 8106, which requires the "express authority of Congress" to build on federal land in the District of Columbia. The district court also held the Trust had shown irreparable harm to Hoagland's aesthetic interests. Finally, the court concluded the balance of equities favored the Trust because the ballroom would "overshadow the White House and disrupt the appearance of a historic and cultural icon" and because "the White House does not belong to any one man—not even a president!" *Nat'l Tr. for Historic Pres. in the U.S. v. NPS*

(“*National Trust II*”), 827 F. Supp. 3d 93, 116 (D.D.C. 2026) (cleaned up). The injunction barred further “physical development of the proposed ballroom,” with an exception for actions “strictly necessary” to ensure the “security of the White House and ... the personal safety of the President and his staff.” J.A. 497.

The government appealed and sought a stay. Meanwhile, the Trust asked the district court to clarify that the injunction’s security exception did not permit construction of the ballroom. My colleagues dismissed the government’s emergency stay motion over my dissent and remanded for the district court to decide the motion for clarification. *See Nat’l Tr. for Historic Pres. in the U.S. v. NPS*, 2026 WL 980554, at *3 (D.C. Cir. Apr. 11, 2026); *id.* (Rao, J., dissenting).

On remand, the district court modified the injunction. The current injunction bars any “above-ground, physical construction of the proposed ballroom.” J.A. 513. The injunction also contains a similar exception for measures “strictly necessary” for White House security and the President’s safety as well as new exceptions for “below-ground construction of national security facilities” and “above-ground construction ... that is strictly necessary to cover, secure, and protect such national security facilities.” *Id.* These exceptions do not allow construction of the proposed ballroom. *Id.*

The government appealed and moved for a stay. We issued an administrative stay and expedited briefing to consider the merits of the government’s challenge to the preliminary injunction.

II.

“A plaintiff seeking a preliminary injunction must make a clear showing that he is likely to succeed on the merits, that he

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is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Starbucks Corp. v. McKinney*, 144 S. Ct. 1570, 1576 (2024) (cleaned up). A “preliminary injunction is an extraordinary remedy” that is “never awarded as of right.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). We review the grant of a preliminary injunction for abuse of discretion, which includes review for errors of law.

The district court’s preliminary injunction halting construction of the ballroom is an abuse of discretion for three independent reasons. First, the Trust lacks standing to seek an injunction against the ballroom construction because it has failed to make the “clear showing” that it can bring this lawsuit. *Murthy v. Missouri*, 144 S. Ct. 1972, 1986 (2024) (cleaned up). Second, the Trust cannot prevail on its ultra vires “Hail Mary pass” because EXR likely has statutory authority to construct the ballroom. *NRC v. Texas*, 145 S. Ct. 1762, 1776 (2025) (cleaned up). And third, the balance of equities overwhelmingly favors the safety and security of the President over the aesthetic interests of a single passerby.

A.

To demonstrate a likelihood of success on the merits, a plaintiff must first make a “clear showing” of Article III standing. *Murthy*, 144 S. Ct. at 1986. The Trust’s attempt to show associational standing falls well short of this standard. A lawsuit to halt construction of the ballroom is not germane to the Trust’s statutory purposes. Moreover, the Trust rests its standing on a single member whose aesthetic harm is insufficient to make out an injury in fact.

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1.

Article III of the Constitution vests the Judiciary with the power to resolve specific “‘Cases’ or ‘Controversies,’” not abstract “questions and issues.” *Ariz. Christian Sch. Tuition Org. v. Winn*, 563 U.S. 125, 132 (2011) (quoting U.S. Const. art. III, § 2). The federal courts are not an “open forum” for “general complaints” from citizens who “roam the country in search of governmental wrongdoing.” *FDA v. Alliance for Hippocratic Med.*, 144 S. Ct. 1540, 1554–55 (2024) (cleaned up). Plaintiffs must therefore demonstrate standing to sue, which requires an injury in fact caused by the defendant and redressable by the court. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992). This “irreducible constitutional minimum” ensures a proper party is seeking relief that may be properly issued by a federal court. *Id.* at 560.

As an association, the Trust must show that “(1) its members would otherwise have standing to sue in their own right; (2) the interests it seeks to protect are germane to [its] purpose; and (3) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *SSM Litig. Grp. v. EPA*, 150 F.4th 593, 596 (D.C. Cir. 2025) (cleaned up). Because the Trust seeks a preliminary injunction, it must present evidence of specific facts clearly showing a substantial likelihood of standing. *Elec. Priv. Info. Ctr. v. Presidential Advisory Comm’n on Election Integrity*, 878 F.3d 371, 377 (D.C. Cir. 2017); *see also Murthy*, 144 S. Ct. at 1986, 1990; *Obama v. Klayman*, 800 F.3d 559, 568 (D.C. Cir. 2015) (Op. of Williams, J.) (explaining the burden to show standing for a preliminary injunction is more demanding than the burden to survive summary judgment because the latter merely “preserve[s] the question of standing”).

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The Trust is not entitled to the extraordinary remedy of a preliminary injunction because it has failed to make a clear showing of associational standing.

2.

The fundamental problem for the Trust's standing is that this lawsuit is not germane to its purposes because Congress did not provide the Trust with any statutory authority or interest pertinent to the White House.

“The germaneness requirement mandates pertinence between litigation subject and organizational purpose.” *Int’l Dark-Sky Ass’n, Inc. v. FCC*, 106 F.4th 1206, 1218 (D.C. Cir. 2024) (cleaned up). This requirement is “modest yet important.” *Ctr. for Sustainable Econ. v. Jewell*, 779 F.3d 588, 597 (D.C. Cir. 2015) (cleaned up). When assessing standing, courts normally require a litigant to assert “his or her own legal rights and interests,” and prohibit claims based on the “legal rights or interests of third parties.” *Hollingsworth v. Perry*, 570 U.S. 693, 708 (2013) (cleaned up). The germaneness requirement ensures that an association has, if not a concrete and particularized injury in fact, then at least a “stake in the resolution of the dispute.”¹ *United Food & Commercial Workers Union Loc. 751 v. Brown Grp., Inc.*, 517 U.S. 544,

¹ “Despite its continued reliance on associational standing, the [Supreme] Court has yet to explain how the doctrine comports with Article III.” *Alliance*, 144 S. Ct. at 1569 (Thomas, J., concurring). Associational standing deviates from the ordinary rule that plaintiffs must assert claims based on their own injuries. Moreover, associational standing arguably lacks a basis in “historical practice [or] traditional equitable principles” and provides an end run around limitations on universal injunctions. Michael T. Morley & F. Andrew Hessick, *Against Associational Standing*, 91 U. Chi. L. Rev. 1539, 1545, 1593 (2024).

555–56 (1996). Private associations are generally afforded leeway to define their purposes, and germaneness is often easily established. *See, e.g., Int’l Dark-Sky Ass’n*, 106 F.4th at 1218; *Humane Soc. of the U.S. v. Hodel*, 840 F.2d 45, 59–60 (D.C. Cir. 1988) (finding germaneness in a lawsuit by a private nonprofit organization “despite the absence of an explicit reference to aesthetic interests in [its] certification of incorporation”).

The Trust, however, is not a private association. It is a congressionally chartered nonprofit corporation that “owes its creation to an act of Congress” and “derives all of its capacities, faculties and powers” from statute. *Bankers Tr. Co. v. Tex. & Pac. Ry. Co.*, 241 U.S. 295, 308 (1916); *see* 54 U.S.C. § 312102(a). Government entities may exercise only those powers conferred by Congress. *Cf. La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986) (explaining that an agency “literally has no power to act ... unless and until Congress confers power upon it”). Congress has vested the Trust with certain statutory powers and has specified the actions it is authorized to pursue. *See* 54 U.S.C. §§ 312102(b), 312105(a); *Dep’t of Transp. v. Ass’n of Am. Railroads*, 575 U.S. 43, 46, 53–54 (2015) (explaining how Amtrak, a federally chartered corporation, “is required to pursue ... goals defined by statute” instead of “its own private ... interests”). As a congressionally chartered nonprofit, the Trust can sue only to vindicate its statutory authority.

The Trust’s lawsuit is not germane to its statutory purposes and powers. Congress empowered the Trust to serve four enumerated “purposes”: (1) receiving donations of historic sites, buildings, and objects; (2) preserving and administering those sites, buildings, and objects; (3) accepting and administering gifts to carry out its preservation efforts; and (4) executing other specified statutory functions. 54 U.S.C.

§ 312102(b). The list notably does not include any sweeping purposes and simply states the principal actions the Trust is authorized to take. Congress also provided more detail about the “powers” of the Trust, all of which may be exercised only “[t]o the extent necessary to enable it to carry out the functions vested in it by this chapter.” *Id.* § 312105(a). Of particular relevance here, the Trust may acquire real property for preservation but is prohibited from acquiring property within the National Park System. *See id.* § 312105(g).

The White House is located within President’s Park, which is part of the National Park System. The Trust therefore has no statutory authority related to the White House: it cannot acquire donations of real property within President’s Park, and it cannot preserve or administer such property.² This limitation is reinforced by the fact that Congress has elsewhere provided special legislation regarding President’s Park, which tasks NPS with administering the Park but preserves “the use and occupancy of the buildings and grounds as the home of the President and his family and for his official purposes.” Pub. L. No. 87-286, 75 Stat. 586 (1961). Congress has specifically defined the Trust’s powers, none of which are germane to a lawsuit challenging the building of a ballroom and updated security facilities on White House grounds.

The district court’s contrary conclusions about germaneness are critically flawed. For evidence of the Trust’s purposes, the district court relied on the association’s amended

² Nor does this suit have anything to do with a cooperative agreement. *Contra* Majority Op. 48. That the Trust is authorized to execute cooperative agreements with other federal entities only underscores the inappropriateness of its current lawsuit seeking coercive injunctive relief against NPS and EXR. *See* 54 U.S.C. § 312105(h).

complaint. *National Trust I*, 821 F. Supp. 3d at 71; *see also* Majority Op. 45–46, 49 (similarly relying on the complaint and an October 2025 letter). Mere assertions, however, cannot establish germaneness because the Trust is a federal entity whose purposes and powers are defined by law.

Unable to rely on the Trust’s statutory authority, the district court next invoked hortatory language about why Congress established the Trust. *National Trust I*, 821 F. Supp. 3d at 71 (citing 54 U.S.C. § 312102(a)); *see also* Majority Op. 45, 50 (same). But such generalities cannot expand the Trust’s purposes and powers, which are specifically enumerated in other provisions. *See* 54 U.S.C. §§ 312102(b), 312105(a).

My colleagues offer new germaneness arguments not raised by the Trust. But these arguments in support of jurisdiction have been forfeited. *See Scenic Am., Inc. v. U.S. Dep’t of Transp.*, 836 F.3d 42, 53 n.4 (D.C. Cir. 2016); *see also Clark v. Sweeney*, 146 S. Ct. 410, 412 (2025) (per curiam) (admonishing that “courts call balls and strikes; they don’t get a turn at bat”) (cleaned up). In any event, the majority’s attempts to shore up the district court’s deficient reasoning are unpersuasive.

The majority first concedes that the National Trust is “differently situated from some other associational plaintiffs because its purposes are statutorily defined.” Majority Op. 47. But then, without explanation, the majority simply treats the Trust as though it was a private organization that may set its own mission. That equivalency is unjustified.

Although we have not squarely addressed the germaneness inquiry for public entities, it is fundamental to our constitutional order that creatures of federal law are limited by their statutory grants. The Trust is a congressionally chartered nonprofit and therefore has no authority to sue the federal

government to pursue unstated goals that may seem obvious to some federal judges but are found nowhere in the Trust's charter.

The majority next attempts to rely on the Trust's ownership of the Decatur House, a historic building off the northwest corner of Lafayette Park near the White House. But ownership of the Decatur House does not manufacture germaneness to challenge construction projects in President's Park, over which the Trust has no statutory authority. Congress explicitly conferred control over President's Park to NPS, subject to the President's use and occupancy, and specifically excluded the Trust from all land in the National Park System. The Trust may not circumvent these explicit statutory limitations simply by owning property near President's Park and then seeking an injunction against NPS and EXR. The majority's florid criticisms of the ballroom's design and its impact on the Lafayette Park area cannot make up for the lack of germaneness to the Trust's statutory interests.

Finally, the majority claims that our precedents establish the Trust has standing to pursue lawsuits for purposes unconnected to its statutory grant. *See* Majority Op. 50–51. But this is really grasping at straws. The majority cites three decisions: the first held that a large coalition of plaintiffs had standing but did not specifically consider the Trust's standing or discuss germaneness, and the other two cases did not mention standing at all.³ The majority's authorities are thus worthy of no more precedential effect than a drive-by jurisdictional ruling, which is to say: none. *See Pennhurst State*

³ *See Sierra Club v. Jewell*, 764 F.3d 1 (D.C. Cir. 2014); *Nat'l Parks Conservation Ass'n v. Semonite*, 925 F.3d 500 (D.C. Cir. 2019) (per curiam); *Nat'l Trust for Historic Pres. in the U.S. v. Dole*, 828 F.2d 776 (D.C. Cir. 1987) (per curiam).

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Sch. & Hosp. v. Halderman, 465 U.S. 89, 119 (1984) (“When questions of jurisdiction have been passed on in prior decisions sub silentio, this Court has never considered itself bound when a subsequent case finally brings the jurisdictional issue before us.”) (cleaned up).

Our associational standing precedents allow private entities some latitude to define their purposes. The Trust, however, is a federal entity limited to exercising the powers conferred by Congress. It cannot generate standing by redefining its purposes to include aesthetic oversight of the White House, property that Congress has explicitly withheld from the Trust’s purview. This lawsuit is not germane to the Trust’s statutory authority, and therefore the Trust lacks standing to challenge the building of the ballroom.

3.

In addition, the Trust identifies no member with standing to sue. The Trust rests its standing on a single member, Alison Hoagland, who alleges aesthetic harm that might arise from completion of the ballroom. The district court’s standing analysis rests on an embellished account of Hoagland’s declaration, filling in claims of harm that she perhaps could have made but did not. Looking at Hoagland’s actual statements, she has failed to demonstrate an imminent and particularized injury in fact.

a.

An injury in fact must be concrete, particularized, and actual or imminent. *TransUnion LLC v. Ramirez*, 141 S. Ct. 2190, 2203 (2021). The Supreme Court has recognized that harm to aesthetic interests can be an injury in fact that confers standing. *Sierra Club v. Morton*, 405 U.S. 727, 734 (1972). In the typical aesthetic injury case, however, the plaintiff is not

directly regulated by government action, but instead complains about actions that cause harm elsewhere, for instance to the natural beauty of a national park or to the continued existence of wildlife. Standing is therefore “‘substantially more difficult’ to establish.” *Summers v. Earth Island Inst.*, 555 U.S. 488, 493–94 (2009) (quoting *Lujan*, 504 U.S. at 562). As the Court recently explained, “distress at or disagreement with the activities of others is not a basis under Article III for a plaintiff to bring a federal lawsuit.” *Alliance*, 144 S. Ct. at 1561 n.3. When assessing aesthetic injuries, courts must especially scrutinize whether a plaintiff satisfies the requirements of imminence and particularization.

An aesthetic injury must be actual or imminent, and standing predicated on future aesthetic injury requires evidence detailing future plans. *See Lujan*, 504 U.S. at 564 (finding no standing based on vague “‘some day’ intentions”); *Summers*, 555 U.S. at 494 (finding standing based on “imminent plans” to visit the affected land). For example, any person could visit Yosemite National Park and have an aesthetic interest in viewing its landscapes, but not every person has standing to vindicate future aesthetic harm to the Park. By requiring that a plaintiff have “concrete plans” to visit the affected area, the judicial power is reserved for remedying actual or imminent injuries. *Lujan*, 504 U.S. at 564 & n.2.

Particularization requires that an aesthetic injury “affect the plaintiff in a personal and individual way.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016) (cleaned up). For instance, Yosemite is managed by the government for the benefit of all Americans, and so every American arguably holds a common and undifferentiated interest in its preservation. An injury to that shared public interest, however, would constitute only a generalized grievance that does not support Article III standing. After all, “[v]indicating the *public* interest (including

the public interest in Government observance of the Constitution and laws) is the function of Congress and the Chief Executive,” not the courts. *Lujan*, 504 U.S. at 576. The adjudication of a generalized grievance violates the separation of powers by turning the federal courts into “virtually continuing monitors of the wisdom and soundness of Executive action.” *Id.* at 577 (cleaned up).

To demonstrate an aesthetic injury is particularized, a plaintiff must show she will “use the land” in a way that will be impaired by the challenged action. *Env’t Def. Fund v. FERC*, 2 F.4th 953, 969 (D.C. Cir. 2021). For instance, stargazers and astronomers “‘use’ the sky” and thus have standing to challenge government action that will result in light pollution from satellites. *Int’l Dark-Sky Ass’n*, 106 F.4th at 1217; *see also Sierra Club v. Jewell*, 764 F.3d 1, 5–6 (D.C. Cir. 2014) (permitting standing for individuals who “view and enjoy” a battlefield). By contrast, someone who “incidentally views something unpleasant” while driving by does not “use” the relevant property and therefore lacks a particularized injury. *Env’t Def. Fund*, 2 F.4th at 970. A person who merely passes by an eyesore possesses nothing more than a generalized grievance, which cannot support standing to sue.

b.

The Trust’s only evidence of member standing is Hoagland’s declaration. Her asserted aesthetic injury can be understood in two ways—as a speculative injury to her particular use of the White House, or as an imminent but generalized injury from incidentally viewing the ballroom. Either way, she lacks standing to sue.

If Hoagland’s aesthetic injury is to her specific use and enjoyment of the White House, as the district court and majority maintain, she fails to demonstrate her harm is

imminent. In her declaration, she does not state any concrete plans to use and enjoy President's Park. Hoagland details her academic credentials, past academic work, and historical preservation efforts around Washington, D.C., but she nowhere states that her work or her other activities specifically require viewing the White House without the planned ballroom. *See* Hoagland Decl. ¶¶ 4–8, 10–11. Hoagland instead claims that she expects to “travel to the area around the White House ... about once a month” to “attend functions in neighboring buildings.” *Id.* ¶ 12. Her assertions about future use of President's Park are tenuous at best and do not satisfy the Trust's burden at the preliminary injunction stage to make a clear showing of imminent aesthetic injury to a member.

If Hoagland's aesthetic injury is instead incidentally viewing a ballroom she finds displeasing, her harm is imminent but not particularized. Her declaration merely states that about once a month she will walk by the White House on her way to other buildings. *Id.* On these walks, she anticipates being “impressed” with the White House but displeased with the planned ballroom. *Id.* These allegations mirror those of the petitioner in *Environmental Defense Fund*, who lacked standing because she complained only about an “eyesore” that she occasionally passed while traveling elsewhere. 2 F.4th at 968–69. Since Hoagland's objection to the appearance of the ballroom could be made by anyone planning to travel by the White House, it constitutes nothing more than a generalized grievance insufficient for Article III standing.

Because Hoagland's declaration is plainly insufficient on its own terms, the district court and the majority stretch to characterize her alleged harm as imminent and particularized. But courts may not manufacture standing by filling in the blanks for the plaintiff. The district court asserted that Hoagland will “visit President's Park ‘about once a month’ to

enjoy the historic character of the setting.” *National Trust I*, 821 F. Supp. 3d at 70. The majority likewise tries to build up Hoagland’s declaration with claims that she plans to “recreate[] by walking in front of the White House,” “tour[]” viewpoints of the White House, and visit Lafayette Park to “enjoy [the] architectural simplicity and historical significance” of the White House. Majority Op. 31–32.

Hoagland simply does not make anything like these statements. Notably, Hoagland does not claim that taking in an unchanged view of the White House is the object of her future plans.⁴ See Hoagland Decl. ¶ 12; *Env’t Def. Fund*, 2 F.4th at 969 (requiring the petitioner to show her “planned future uses of the land have been foreclosed by the construction”).

Hoagland’s ambiguous declaration does not satisfy the demanding standard for showing standing to obtain a preliminary injunction. When seeking the extraordinary and coercive remedy of a preliminary injunction, a plaintiff must make a “clear showing” of a substantial likelihood of standing. *Murthy*, 144 S. Ct. at 1986 (cleaned up). By reading between the lines of Hoagland’s declaration to uphold the preliminary injunction, the majority contravenes the Supreme Court’s admonition in *Murthy*. We may not “gloss[] over complexities in the evidence” submitted by Hoagland, and courts cannot issue preliminary injunctions based on “murky” evidence of standing. *Id.* at 1988, 1992 n.8.

⁴ To satisfy imminence and particularization, our precedents require relatively modest facts detailing future aesthetic use and enjoyment of land, such as a plane ticket to view endangered species. See, e.g., *Lujan*, 504 U.S. at 564 & n.2. But the court should not lower the hurdle still further by compensating for a deficient declaration in order to open the courthouse doors to associations challenging government action.

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By allowing standing for the Trust based only on Hoagland's declaration, the majority's reasoning would permit adjudication of any government action that a plaintiff finds unsightly. But that contravenes the settled understanding that "general emotional 'harm,' no matter how deeply felt, cannot suffice for injury-in-fact for standing purposes." *Humane Soc. of U.S. v. Babbitt*, 46 F.3d 93, 98 (D.C. Cir. 1995). I would decline the Trust's "unprecedented and limitless" assertion of standing, which would improperly convert the federal courts into a "vehicle for the vindication of the value interests of concerned bystanders." *Alliance*, 144 S. Ct. at 1556, 1562 (cleaned up).

In sum, Hoagland falls short of making a clear showing of standing for a preliminary injunction. And having failed to demonstrate it likely has a member with standing, the Trust lacks associational standing.

* * *

Without a clear showing of standing for the Trust, the district court abused its discretion by halting construction of the ballroom.

B.

The construction of the ballroom is also likely within EXR's statutory authority. The Trust's ultra vires claims therefore fail and cannot justify issuance of the preliminary injunction. *See Ark. Dairy Co-op Ass'n, Inc. v. U.S. Dep't of Agriculture*, 573 F.3d 815, 832 (D.C. Cir. 2009) (holding that failure to demonstrate likelihood of success on the merits is sufficient to deny a preliminary injunction).

To prevail on an ultra vires claim, the plaintiff must demonstrate: (1) "the statutory preclusion of review is implied

rather than express”; (2) “there is no alternative procedure for review of the statutory claim”; and (3) “the agency plainly acts in excess of its delegated powers and contrary to a specific prohibition in the statute that is clear and mandatory.” *Changji Esquel Textile Co. Ltd. v. Raimondo*, 40 F.4th 716, 722 (D.C. Cir. 2022) (cleaned up). The third element is “especially demanding” and requires an “extreme” statutory violation. *Id.* (cleaned up). For this reason, an ultra vires claim is “essentially a Hail Mary pass—and in court as in football, the attempt rarely succeeds.” *NRC*, 145 S. Ct. at 1776 (cleaned up).

1.

The district court erred in concluding that the Trust is likely to succeed on its ultra vires claims. The Trust’s claims hinge on 40 U.S.C. § 8106, which requires “express authority of Congress” to erect a “building or structure ... on any reservation, park, or public grounds of the Federal Government in the District of Columbia.” Even assuming this provision applies to EXR, a point the government disputes, it cannot carry the ultra vires analysis on its own. Section 8106 is not a specific statutory prohibition against construction projects on federal lands in the District. Rather, it requires us to determine whether another statute expressly authorizes such construction by EXR. Section 8106 does not eliminate the requirement that to make out a successful ultra vires claim the Trust bears the burden of showing that EXR has acted “plainly ... in excess of its delegated powers.”⁵ *Changji*, 40 F.4th at 722.

⁵ To the extent the district court placed the burden of proof on the government, this was legal error. *See National Trust II*, 827 F. Supp. 3d at 104 (“[T]he President must identify some law that allows him to demolish the East Wing and construct his planned ballroom with private funds.”); *see also* Majority Op. 63. The Trust bears the “stringent” burden of demonstrating that extraordinary preliminary

The Trust is unlikely to complete its Hail Mary pass. At the outset, the Trust “dress[es] up ... typical statutory-authority argument[s]” as ultra vires claims, a common but ultimately futile maneuver. *NRC*, 145 S. Ct. at 1776. As the Supreme Court has consistently maintained, ultra vires review is a narrow exception to the rule that judicial review of executive action requires statutory authorization. The availability of such review rests on the principle that the statutory violation must be “so extreme that one may view it as jurisdictional or nearly so.” *Nyunt v. Chairman, Broad. Bd. of Governors*, 589 F.3d 445, 449 (D.C. Cir. 2009) (Kavanaugh, J.) (cleaned up). Accordingly, the ultra vires exception “does not apply simply because an agency has arguably reached ‘a conclusion which does not comport with the law.’” *NRC*, 145 S. Ct. at 1776 (quoting *Boire v. Greyhound Corp.*, 376 U.S. 473, 481 (1964)); see also *DCH Reg’l Med. Ctr. v. Azar*, 925 F.3d 503, 509 (D.C. Cir. 2019) (recognizing that ultra vires review does not extend to “garden-variety errors of law or fact”) (cleaned up).

The Trust’s claims boil down to an assertion that EXR’s statutory authorities are not sufficiently explicit to authorize the ballroom construction. In support of its claims, the Trust advances a range of typical statutory interpretation arguments about the scope of EXR’s authority under 3 U.S.C. § 105(d) and the meaning of specific terms in that provision. The Trust’s arguments that EXR has stretched its statutory authority too far are insufficient to sustain an ultra vires claim. See *NRC*, 145 S. Ct. at 1776.

In any event, the Trust’s statutory arguments fail, and so the district court erred in concluding that construction of the

relief is warranted and that construction of the ballroom is an “extreme” statutory violation. *Changji*, 40 F.4th at 722–25.

ballroom plainly exceeds EXR's authority under section 105(d).

Section 105(d) authorizes appropriations for the President to undertake certain actions, including for the "care, maintenance, repair, alteration, refurnishing, improvement, air-conditioning, heating, and lighting (including electric power and fixtures) of the Executive Residence at the White House." 3 U.S.C. § 105(d)(1). Section 105(d) provides authority for EXR to build the ballroom because the ballroom qualifies as an "improvement" of the Executive Residence.

Because "improvement" has multiple definitions, we must determine which definition best comports with the "statutory scheme." *Jennings v. Rodriguez*, 138 S. Ct. 830, 845 (2018). Section 105(d)(1) enumerates modifications that can be made to real property, and so the provision is best read as incorporating the real property definition of "improvement." See *Sekhar v. United States*, 570 U.S. 729, 732 (2013) ("It is a settled principle of interpretation that, absent other indication, Congress intends to incorporate the well-settled meaning of the common-law terms it uses.") (cleaned up). In the context of real property, "improvement" means a "valuable addition made to property (usually real estate)" that "amount[s] to more than mere repairs or replacement." *Improvement*, Black's Law Dictionary (5th ed. 1979). The prototypical example is a "building[]," but the definition also includes "any permanent structure." *Id.*

Federal law confirms this understanding of "improvement." In numerous statutes dealing with real property, Congress has used "improvement" to include the construction of buildings. See, e.g., 10 U.S.C. § 2687a(a)(3)(B)(i) (referring to "construction ... or extension of a building, structure, or other improvement to real

property”); 16 U.S.C. § 666 (authorizing appropriations for the “construction of such facilities, buildings, and other improvements”). The district court never addressed the real property definition of “improvement,” and my colleagues attempt to limit the meaning of “improvement” in a manner that is not supported by the common law.⁶

⁶ The district court relied on the *noscitur a sociis* canon and adopted a more colloquial interpretation of “improvement” as akin to ordinary maintenance and upkeep. But limiting the scope of “improvement” to maintenance and upkeep creates a surplusage problem by rendering “improvement” wholly redundant with the terms “maintenance” and “repair,” which are also listed in section 105(d)(1). See *Walters v. Metro. Educ. Enters., Inc.*, 519 U.S. 202, 209 (1997) (“Statutes must be interpreted, if possible, to give each word some operative effect.”). These competing canons reinforce how the Trust raises at most garden variety legal errors insufficient to support an ultra vires action.

My colleagues suggest that, at common law, an “improvement” of a building is a narrower concept than an “improvement” to land. See Majority Op. 80–81 & n.12. Yet the cases they cite show that even a “substantial addition[]” to a building qualifies as an “improvement” while the replacement of that building with a new one does not. *Anastasi v. Brunet*, 90 A.2d 636, 637 (Pa. Super. Ct. 1952); see also *Hanson Assoc., P.C. v. Gallery Plaza P’ship*, 32 Va. Cir. 356, at *3 (Feb. 9, 1994) (describing a sizeable “addition to [an] existing structure” and a “new back building” as “improvements to an existing building”); *Cinelli Builders, Inc. v. Ferris*, 78 A.D.3d 881, 882 (N.Y. App. Div. 2010) (concluding the “construction of [a] new home” was not “home improvement”). Consistent with this principle, courts often refer to new wings or extensions of existing buildings as “improvements” of those buildings. See, e.g., *City of Buffalo v. J. W. Clement Co.*, 269 N.E.2d 895, 900 (N.Y. 1971) (referring to the “addition of a full wing” as an “improvement[]”). These cases and common law principles confirm the ballroom is an “improvement” because it is an addition to the Executive Residence.

The planned ballroom is a lawful improvement of the Executive Residence at the White House because it is a building or structure extending from and supporting the Residence. Even accepting the majority's premise that the Residence is limited to the central structure of the White House, the Residence is a multifunctional building with living spaces for the President and his family, as well as office space. The Residence also includes historic spaces, like the State Dining Room and the East Room, which are used for receiving and hosting foreign dignitaries and guests.

The ballroom is intended to increase capacity for official functions and events beyond what can be provided by existing facilities. To that end, the ballroom will be integrated with the Executive Residence, enabling both "direct ceremonial procession from the East Room" and "secure second-story access from" the Residence into the ballroom. NPS, White House East Wing Modernization & State Ballroom Env't Assessment 2 (Aug. 2025). Because the ballroom will adjoin the Executive Residence and expand its hosting capacity, it qualifies as an "improvement" under section 105(d)(1).

The best reading of section 105(d) is that it authorizes EXR's construction of the ballroom. Although my colleagues disagree, at a minimum the real property meaning of "improvement" demonstrates that EXR has not exceeded its authority in a manner "clearly in defiance of" section 105(d). *Griffith v. FLRA*, 842 F.2d 487, 493 (D.C. Cir. 1988) (cleaned up). The Trust's ultra vires claims are therefore likely to fail.

2.

The district court also asserted in passing that the funding for the ballroom does not comport with section 105(d). But this argument misreads the statute. And the majority's efforts to weave together a wholly new rationale under the Economy

Act—neither raised by the Trust nor relied upon by the district court—cannot support the preliminary injunction.

The district court determined, with little analysis, that any funding for actions under section 105(d) must be appropriated explicitly under section 105(d). Since Congress appropriated only about \$2.5 million explicitly for section 105(d) expenses, EXR lacks the funds to build the ballroom. To support this conclusion, the district court pointed to language in the statute addressing the President’s authority to spend “[s]ums appropriated under” section 105(d). *See National Trust II*, 827 F. Supp. 3d at 107. When an appropriation is made under section 105(d), authorized actions may be undertaken “as the President may determine” with only limited oversight by the Comptroller General. 3 U.S.C. § 105(d). Read in context, this bookkeeping language simply *expands* the President’s discretion to use these particular appropriations. Nothing in section 105(d) limits available appropriations to those made explicitly pursuant to section 105(d).

Therefore, improvements to the Residence may be funded with other available appropriations, and it is well established that NPS gift funds may qualify as an appropriation. An appropriation is “simply a law that authorizes expenditures from a specified source of public money for designated purposes.” *CFPB v. Cmty. Fin. Servs. Ass’n of Am., Ltd.*, 144 S. Ct. 1474, 1480 (2024). Appropriations are found not only in line-item spending bills, but also in statutes that identify a government revenue stream and authorize its expenditure for specified ends. *See id.* at 1486. Thus, when Congress authorizes the Executive to collect and spend private donations, such funds generally “constitute appropriated funds unless Congress provides otherwise.” Gov’t Accountability Off., *Principles of Federal Appropriations Law* 6-226 (3d ed. 2006).

Here, the NPS gift statute authorizes the collection of donations “for the purposes of” the National Park System, which includes President’s Park and the White House. 54 U.S.C. § 101101(2). These donations are held in the NPS trust fund, and Congress has explicitly provided that those donations are “appropriated to be disbursed in compliance with the terms” of the trust. 31 U.S.C. § 1321(a)(17), (b)(1). Congress could not have been clearer that NPS gift funds are an appropriation. The donations the government claims it is using here are therefore an “appropriation” that can fund the ballroom.⁷ The only legal argument supporting the district court’s injunction with regard to the ballroom’s funding is that gift funds cannot qualify as an appropriation capable of funding actions under section 105(d). But that argument contravenes the best reading of the statute as well as longstanding principles of appropriations law.

I recognize there is another step to this funding mechanism, namely that the NPS gift funds are being made available for use by EXR through an agreement with NPS under the Economy Act. Whether that particular transaction is lawful and comports with the Economy Act, however, is a question the district court did not reach because it was “not squarely at issue.” *National Trust II*, 827 F. Supp. 3d at 108. Any claims about the Economy Act or the funding structure for EXR’s use of the gift funds were not decided or relied upon by the district court in issuing the preliminary injunction.

My colleagues again try to fill in the gaps by arguing that the Economy Act does not permit EXR to use NPS gift funds to construct the ballroom. But in general, this court does not

⁷ Because the NPS gift funds are an appropriation, the majority incorrectly assumes that the “privately donated funds” involved here are “not congressional appropriations.” Majority Op. 64.

reach issues that were “neither raised nor decided below.” *Holcomb v. Powell*, 433 F.3d 889, 903 (D.C. Cir. 2006) (cleaned up). Before the district court, the Trust never directly challenged the government’s reliance on the Economy Act to finance EXR’s construction under section 105(d) with NPS gift funds. The majority’s reliance on the Economy Act goes beyond the issues (not just the arguments) presented by the Trust. But respect for party presentation should apply with special force to a motion for a preliminary injunction, where the plaintiff’s burden is demanding and the requested relief is “a matter of discretion, not a question of right.” *Sherley v. Sebelius*, 644 F.3d 388, 398 (D.C. Cir. 2011).

Furthermore, this court has declined to uphold a preliminary injunction “based upon a legal theory not embraced by the district court.” *Id.* Here, the district court made clear that whether the NPS-EXR agreement complied with the Economy Act was “not squarely at issue” and therefore did not serve as a basis for the preliminary injunction. *National Trust II*, 827 F. Supp. 3d at 108. The majority spins out a series of original Economy Act arguments. But we cannot make up for the district court’s errors and the Trust’s forfeiture to save the preliminary injunction.⁸

⁸ My colleagues also rely on a phantom concession to assert that the Trust’s APA claims against NPS can independently support the injunction. *See* Majority Op. 70 n.11. Below, the Trust challenged only the authority of NPS to construct the ballroom, not its authority to fund EXR’s construction under the NPS gift statute and the Economy Act. At oral argument, the government maintained that, regardless of NPS’s construction authority, the NPS gift statute and EXR’s authority under section 105(d) permit EXR to build the ballroom. *See* Oral Arg. Tr. 55:21–56:6 (acknowledging that “to use the gift funds,” the ballroom project must satisfy the requirement of the “gift statute” that it “advance the purposes of the park system”);

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In sum, EXR's construction of the ballroom is likely authorized by section 105(d), and so it is neither prohibited under section 8106 nor ultra vires. Because the Trust's ultra vires claims are likely to fail, they cannot support the preliminary injunction.

C.

Because the government's interest in the security of the White House far outweighs any alleged harm to the Trust, the equitable balance favors the government and requires vacating the preliminary injunction.

"An injunction is a matter of equitable discretion; it does not follow from success on the merits as a matter of course." *Winter*, 555 U.S. at 32. The balance of equities and public interest factors may foreclose injunctive relief even if the plaintiff has a meritorious claim. *See id.* at 31–32; *see also Hecht Co. v. Bowles*, 321 U.S. 321, 329–31 (1944) (describing the "long tradition" of courts' discretion to deny injunctive relief based on the public interest, irrespective of the merits). "In each case, courts must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief." *Winter*, 555 U.S. at 24

see also Gov't Br. 5 (arguing that section 105(d) "independently authorize[s] the Project").

I therefore need not address the Trust's APA challenge to NPS's construction authority, which the district court considered only "to the extent that NPS is directing or otherwise involved" in constructing the ballroom. *National Trust II*, 827 F. Supp. 3d at 113. Because EXR is managing the project and the role of NPS is limited to collecting donations and transferring them to EXR, the claims challenging the construction authority of NPS cannot independently support the preliminary injunction.

(cleaned up). The balance of equities and public interest factors merge here because the government opposes the injunction. *See Nken v. Holder*, 556 U.S. 418, 435 (2009).

Because an injunction is a prospective remedy, we balance the equities in relation to the current state of the case, including the ongoing ballroom construction. *Cf. Pub. Utils. Comm'n of Ohio v. United Fuel Gas Co.*, 317 U.S. 456, 466 (1943) (explaining that “an appeal in an equity suit must be decided on the basis of the circumstances that exist now”).

The district court found the equities favor the Trust because the ballroom will “overshadow the White House and disrupt [its] appearance” and because the “government’s concerns regarding the safety and security of the White House ... [are] a problem of the President’s own making!” *National Trust II*, 827 F. Supp. 3d at 116 (cleaned up). Putting to one side the district court’s aesthetic judgments and general outrage, the Trust’s equitable interest boils down to the aesthetic preferences of a single individual.

The district court abused its discretion in concluding that the Trust’s minimal harm outweighs the government’s interest in the security and safety of the President, the First Family, and White House staff and visitors. First, the district court improperly glossed over, ignored, or discounted the government’s evidence demonstrating the security harms from halting construction of the ballroom. Second, the district court cannot compensate for the slight aesthetic harm to a passerby by resorting to hyperbole and its view of the legal merits.

1.

Neither the district court nor the majority assign proper weight to the credible and detailed evidence—from the Secret Service, the Secretary of the Army, and the Army Corps of

Engineers—that halting construction of the ballroom impairs White House security. Weighed against aesthetic harm to a single passerby, this evidence compels the conclusion that the equities overwhelmingly favor the government.

To begin with, we must “give great deference to the professional judgment of military authorities concerning the relative importance of a particular military interest.” *Winter*, 555 U.S. at 24 (cleaned up); *see also Trump v. Hawaii*, 138 S. Ct. 2392, 2422 (2018) (holding courts must give “appropriate weight” to “the Executive’s evaluation of the underlying facts” in the context of national security). In matters involving White House security, we have emphasized that “reviewing courts [must] be appropriately deferential to the Secret Service’s determination of what ... constitutes a potential risk to the physical security of the President or his family.” *Sherrill v. Knight*, 569 F.2d 124, 130 (D.C. Cir. 1977). Deferential review starts by fully considering the evidence put forward by the government.

The Deputy Director of the Secret Service has explained how the ongoing construction impairs the ability of the Service to “provide a secure 360-degree perimeter to safely protect the President, First Family, and residence.” Quinn Decl. ¶ 4; *see also id.* (explaining “the current unfinished construction site compromises the ability of Secret Service personnel” to undertake “protective security operations”). The “current construction debris and large holes” also impair the ability of the Secret Service to “effectively secure[] the east side of the White House Building.” *Id.* ¶ 5. The construction delay imposed by the preliminary injunction inevitably extends the time during which the President’s residence remains less secure. “Every day added to the Project is another day impairing full security.” *Id.* ¶ 9.

In addition to the security threat posed by the construction delay, the government has provided declarations from senior military and Secret Service officials thoroughly detailing the security benefits of the ballroom. These declarations explain how the ballroom will alleviate security vulnerabilities that currently impact large events involving the President, which must be hosted offsite or in soft tents.⁹ *Id.* The ballroom is also uniquely designed to fortify the underground national security facilities beneath it. The ballroom “will provide a fixed structure equipped with ... modern protective security measures, including threat-resistant building materials,” and will “serve as a fortified structural buffer.” *Id.* ¶ 10.

The Secretary of the Army has further explained why the underground national security facilities cannot be adequately protected by the concrete slab and modest topping structure allowed by the district court’s injunction. Driscoll Decl. ¶ 4. The ballroom’s dimensions and structure are essential for security. According to the Secretary, “[t]o provide adequate subterranean protection without” the “height and mass” of the ballroom, “engineers would need to dig impractically deep.” *Id.* ¶ 6. The ballroom provides a critical “dual-layered system” of protection for the national security facilities, “comprising a sacrificial outer cover coupled with a hardened inner structural element.” *Id.* ¶ 8; *see also id.* ¶¶ 8–12.

Corroborating the Secretary’s account, the Commanding General of the U.S. Army Corps of Engineers has similarly described how the “height and mass” of the ballroom “provide crucial, physical layers to shield” the national security facilities

⁹ The security risks presented by large offsite events involving the President were unfortunately confirmed by the assassination attempt against President Trump at the Washington Hilton during the White House Correspondents’ Dinner. *See* Gov’t Br. 1, 58–59.

beneath it. Graham Memorandum ¶ 4; *see also id.* ¶¶ 5–9. The height of the ballroom will also provide an “essential elevated platform to engage and neutralize aerial systems,” such as drones, that pose an increasingly serious threat to White House security. *Id.* ¶ 4; *accord* Driscoll Decl. ¶ 6. There is no dispute that the Secretary’s declaration and the Army Corps memorandum are authentic, credible, and “go[] to the heart of the contested issue,” so it would be “inconsistent with this court’s own equitable obligations to pretend that [they] do[] not exist.”¹⁰ *Colbert v. Potter*, 471 F.3d 158, 166 (D.C. Cir. 2006) (cleaned up).

¹⁰ My colleagues simply assert they have “considered” these documents but say nothing about how the government’s interests weigh in the equitable balance. *See* Majority Op. 92 n.15. They also maintain that no consideration is necessary because the government submitted the materials only on appeal when seeking a stay. But this court regularly considers additional evidence in assessing the asserted harms underlying a stay motion. *See* Fed. R. App. P. 27(a)(2)(B)(i) (allowing the submission of “[a]ny affidavit or other paper necessary to support a motion”). The new declarations specifically address the security deficiencies of the alternatives to the ballroom (such as a concrete slab) allowed by the district court’s modified injunction.

Furthermore, the government preserved the argument that the ballroom is necessary to protect the national security facilities beneath it, an argument merely amplified by the additional factual evidence. We should not fault the government for limiting prior disclosure of sensitive information regarding White House security plans and vulnerabilities. The government has appropriately provided additional details in seeking a stay of the injunction, which the district court issued despite the declarations the government provided below about White House security and the President’s safety.

The equities in this case turn on complex architectural and security determinations best made by the Secret Service and the military—not judges. Despite the evidence and technical analysis submitted by the government, the district court brushed off these security concerns as “problem[s] of the President’s own making!” *National Trust II*, 827 F. Supp. 3d at 116. And the majority merely assumes that because there must be a “fully protective security plan” for the White House during construction, the injunction extending construction has no consequence for the President’s security.¹¹ Majority Op. 94 & n.16. But that armchair judicial assumption directly contradicts the Secret Service’s assessment that the ongoing construction impairs full security at the White House. Quinn Decl. ¶ 9.

The district court and the majority have “failed properly to defer to senior [Secret Service and Army] officers’ specific, predictive judgments about how the preliminary injunction would reduce the effectiveness” of current efforts to secure the White House. *See Winter*, 555 U.S. at 27; *cf. Hawaii*, 138 S. Ct. at 2421 (“[W]e cannot substitute our own assessment for the Executive’s predictive judgments on [national security] matters.”). A judges-know-best approach to presidential security cannot support the preliminary injunction.

At bottom, the balance of equities turns on the “relative harms” incurred by the Trust and the government. *Trump v. Int’l Refugee Assistance Project*, 582 U.S. 571, 580 (2017) (per

¹¹ Like the district court, the majority wrongly criticizes the government for asserting the security benefits of the ballroom after previously representing that below ground construction would not lock in the above ground design. There is nothing contradictory about stating the ballroom is designed to serve critical security functions while also recognizing that some design changes may be feasible.

curiam) (cleaned up). In this case, the current safety of the President, as well as his family, staff, and guests, clearly outweighs future aesthetic harm to Hoagland. The circumstances here parallel those in *Winter*, in which the Supreme Court vacated a preliminary injunction because the plaintiffs' "ecological, scientific, and recreational interests in marine mammals" were "plainly outweighed by the Navy's need" to adequately train its antisubmarine forces. 555 U.S. at 25–26, 33.

The government's serious and substantiated security interests in completing the ballroom plainly trump what the Trust has placed on the other side of the scale—the aesthetic preferences of one individual who walks by the White House about once a month. This minimal harm cannot justify a preliminary injunction that threatens the security and safety of the President of the United States.

2.

The district court's conclusion that the equitable balance favors the Trust was an abuse of discretion.

First, as already explained, the district court failed to properly balance the relative harms because it conspicuously disregarded the full extent of the security risks posed by halting construction of the ballroom. The majority doubles down on this error, even when faced with additional credible evidence from the government.

Second, perhaps because the actual harms overwhelmingly favor the government, the district court let the merits drive the equitable analysis by leaning on the government's alleged lack of statutory authority. *See National Trust II*, 827 F. Supp. 3d at 116 (claiming the government "cannot suffer harm from an injunction that merely ends an

unlawful practice”) (cleaned up); *see also* Majority Op. 95–96 (similar). The district court also repeatedly exclaimed that the government lacks constitutional authority, even though the government has never claimed such authority. *See National Trust II*, 827 F. Supp. 3d at 116; *see also* Majority Op. 89, 97, 100.

This collapsing of the merits and the equities was an abuse of the district court’s equitable discretion. While the merits may bear on the equities, the merits are not dispositive of the equities. On this, the Supreme Court has been clear: “As a matter of equitable discretion, a preliminary injunction does not follow as a matter of course from a plaintiff’s showing of a likelihood of success on the merits.” *Benisek v. Lamone*, 585 U.S. 155, 158 (2018) (per curiam). Rather, because an injunction is an equitable remedy, courts must exercise their “traditional equitable discretion” in deciding whether to grant such relief. *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 311–13, 319 (1982). “Crafting a preliminary injunction is an exercise of discretion and judgment, often dependent as much on the equities of a given case as the substance of the legal issues it presents.” *Int’l Refugee Assistance Project*, 582 U.S. at 579.

The importance of exercising equitable judgment beyond the merits is reflected in the fact that an injunction may be vacated solely for failing to strike the right equitable balance. *See Winter*, 555 U.S. at 23–24, 31 (vacating an injunction based only on the equities). Indeed, this court must “balance the equities of the parties and the public even when a party seeks to restrain the enforcement of an allegedly unconstitutional law.” *Hanson v. District of Columbia*, 120 F.4th 223, 247 (D.C. Cir. 2024) (per curiam); *see also Benisek*, 585 U.S. at 158 (affirming denial of an injunction only on the equities despite claims asserting a constitutional injury). *Contra* Majority Op.

97 (attempting to limit *Winter*'s reliance on the balance of equities to procedural harms). The district court's double reliance on the merits cannot compensate for deficiencies in the Trust's equitable position.

Third, the district court emphasized the injunction's exception for construction strictly necessary for White House security. But this exception does not undermine the government's equitable interests. The exception does not permit construction of the ballroom despite the unique and essential security benefits it provides. Moreover, even if the exception could mitigate some safety concerns, its scope will ultimately be determined by the district court, not by those managing construction or overseeing the security of the White House. As in *Winter*, the fact the government "may return to the district court to request relief" if the injunction "actually results" in security harms provides "cold comfort." 555 U.S. at 31 (cleaned up). The government should not be forced to rely on the district court's architectural approval to secure the President's home and office.

Fourth, the equitable balance was heavily influenced by the district court's aesthetic judgments and failure to account for the benefits of the ballroom. For example, the district court assumed the proposed ballroom will "disrupt the appearance" of the White House. *National Trust II*, 827 F. Supp. 3d at 116. The majority also relies on its disapproval of the ballroom's design, commenting that the project is "destroying [a] treasured national landmark[]." Majority Op. 96. Putting aside that the old East Wing was treasured by few if any visitors, a judge's aesthetic opinions cannot compensate for the limited harm incurred by the Trust.

Moreover, if this injunction turns on choosing between the district court's assessment of the ballroom and the President's,

Congress has already made that choice. Congress expressly preserved the President's authority over President's Park. The statute creating the Park states, "nothing done under this Act shall conflict ... with the use and occupancy of the buildings and grounds as the home of the President and his family and for his official purposes." 75 Stat. at 586.

Among the President's official uses for the Park is the hosting of state events that welcome foreign dignitaries. *See* Dep't of the Interior, Comprehensive Design Plan: The White House & President's Park 28, 51 (2000) (explaining that a central function of the White House and President's Park is to serve as the "setting for state events"); *cf.* U.S. Const. art. II, § 3 (providing the President "shall receive Ambassadors and other public Ministers"). As presidential administrations of both parties have recognized, current facilities are "inadequate" for large White House events. Comprehensive Design Plan, *supra*, at 102–03, 115, 121–22.

The ballroom serves the purposes of President's Park by fulfilling the longstanding need to accommodate large events. NPS determined that any effect of the ballroom on the architectural balance of the White House was outweighed by various benefits the ballroom provides President's Park and the public that enjoys it. Such benefits include "enhanced tour features," "upgraded visitor amenities," and "a permanent, secure event space ... that provides increased capacity for official state functions ... consistent with essential functional requirements of the Executive Office of the President" and with the "historic integrity and cultural landscape of the White House and its grounds." Env't Assessment, *supra*, at 2, 17. Importantly, the ballroom will alleviate the need for large events to rely on "huge, unsightly tents" that damage the Park, and unlike those tents, the ballroom will not disrupt the "long

vista linking the White House, Washington Monument, and Jefferson Memorial.” *Id.* at 1–2, 8, 10.

Finally, this case is not about tearing down the White House and building a skyscraper or razing the Statue of Liberty. *Contra National Trust II*, 827 F. Supp. 3d at 107; Majority Op. 42. The equitable balance is between the asserted aesthetic harm to a single passerby and the safety and security of the President as well as his family, staff, and guests at the White House. In this case, the equities are squarely with the government, and therefore the district court abused its discretion in seizing control of construction at the President’s home and office.

* * *

In deciding the ballroom construction “has to stop!” the district court transgressed the equitable authority of the federal courts. The preliminary injunction is a clear abuse of discretion and must be vacated. I respectfully dissent.

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-5123**September Term, 2025**

FILED ON: AUGUST 7, 2026

NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES,
APPELLEE

v.

NATIONAL PARK SERVICE, ET AL.,
APPELLANTS

Consolidated with 26-5134

Appeals from the United States District Court
for the District of Columbia
(No. 1:25-cv-04316)

Before: MILLETT, RAO, and GARCIA, *Circuit Judges*

J U D G M E N T

These causes came to be heard on the records on appeal from the United States District Court for the District of Columbia and were argued by counsel. On consideration thereof and in accordance with the opinion of the court filed herein this date, it is

ORDERED and **ADJUDGED** that the District Court's judgment issuing the modified preliminary injunction be affirmed, and the administrative stay entered by this court on April 17, 2026, be vacated. It is

FURTHER ORDERED that this ruling is hereby stayed for fourteen days to allow the Defendants, if they choose, to seek Supreme Court review. It is

FURTHER ORDERED that the conditional cross-appeal, No. 26-5134, be dismissed as moot.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk

Date: August 7, 2026

Opinion for the court filed by Circuit Judges Millett and Garcia.
Dissenting opinion filed by Circuit Judge Rao.

IN THE SUPREME COURT OF THE UNITED STATES

NATIONAL PARK SERVICE, ET AL.,

Applicants

v.

No. 26A____

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES

**DECLARATION OF MARCO RUBIO, SECRETARY OF STATE AND ASSISTANT TO
THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS**

I, Marco Rubio, in my capacity as Secretary of State and Assistant to the President for National Security Affairs, hereby declare as follows:

1. I am the Secretary of State of the United States of America and the Assistant to the President for National Security Affairs (National Security Advisor). As Secretary of State, I am the President's chief foreign affairs advisor. I carry out the President's foreign policy through the Department of State and the Foreign Service of the United States. *See* 22 U.S.C. § 2651a. As National Security Advisor, amongst other duties, I advise and assist the President in carrying out his constitutional, statutory, and other official and ceremonial duties pertaining to national and homeland security. *See* National Security Presidential Memorandum-1 (Jan. 20, 2025).

2. The statements made herein are based on my personal knowledge and on information provided to me in my official capacity.

3. I am familiar with the lawsuit *National Trust for Historic Preservation in the United States v. National Park Service, et al.* and the principles at issue therein.

4. The purpose of this declaration is to confirm, in my capacities as Secretary of State and National Security Advisor, that a ruling staying the construction of the East Wing Project would cause significant and irreparable harm to the foreign policy and national security posture of the United States, with a particular focus on events and developments during the last two months while this case has been under submission to the D.C. Circuit.

5. In executing my duties as Secretary of State and National Security Advisor, I am familiar with the standards of development, etiquette, and security maintained in locations intended for conducting the official representative business of the various executive officers of foreign states and international organizations. I am also familiar with the impact such spaces have on the proper regulation and effectuation of the goals of foreign commerce.

6. In the course of diplomatic relations, there is a high degree of importance placed on protocol and etiquette. Such relational forms are often critical to the success or failure of our diplomatic efforts. The dignity afforded to heads of state and senior delegations through ceremonial practices can convey essential, unspoken signals about our seriousness, respectfulness, and influence. Hosting such important guests in outdated and inadequate facilities undermines such critical signaling imperatives.

7. In my work with heads of state and foreign ministers, I am frequently hosted in reception facilities that are visually impressive and reflective of the wealth and beauty of the nations I am visiting. In the United States, by contrast, we currently lack the ability to hold large events of a similar magnitude on White House grounds for those same heads of state and foreign dignitaries. Instead, we must currently host such visits in plastic or canvas tents on the South Lawn with unsafe and unsanitary portable bathrooms and accommodations unbecoming our national stature. For example, on April 28, 2026, we hosted the King and Queen of the United Kingdom. During

that event, we could host only a reception with a limited guest list because of the facility space constraints.

8. Our obligations extend beyond those immediate events, however, to the duty to project an authoritative image of the manifestations of free government and leadership in an era of rapid innovation. First, we risk compromising the reverence for free government and the gravitas of the Executive with trappings unbefitting the President's duties. Moreover, the ceaseless development of complex technologies is core to the modern economy and central to my global conversations. In that regard, it is essential to our global standing to maintain sophisticated physical spaces that combine creative innovation with principled continuity.

9. Finally, in the role of National Security Advisor, I am well aware of the diverse array of threats to which contemporary economic innovations also give rise. In addition to the aforementioned diplomatic demands on our infrastructure, we must also keep pace with the unique nature of rapidly evolving security risks. We do so by continuously implementing the most sophisticated defenses available.

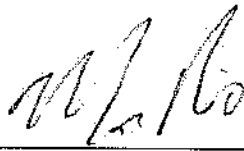
10. Our foreign counterparts offer premier security arrangements for United States officials. It is imperative that we not only offer the same level of elite security services, but offer the world's leading capabilities in an efficient manner on grounds over which we exert permanent control. These safety considerations include protection from natural elements and attacks by drones, projectiles, and other emerging threats. These risks could threaten the area beyond the White House complex and require sophisticated aerial, and other, countermeasures. These risks are also very real. On June 16, 2026, the Department of Justice announced charges against five individuals for a plot to attack and kill government officials attending the Ultimate Fighting Championship Freedom 250 event held at the White House on June 14, 2026. Those individuals

allegedly planned to deploy drones armed with explosives in and around the event, forcing an evacuation during which they intended for snipers to fire upon "high value targets." See Department of Justice, Five Men Arrested and Charged in Plot to Attack and Kill Government Officials and Others Attending the Ultimate Fighting Championship at White House (June 16, 2026), <https://www.justice.gov/opa/pr/five-men-arrested-and-charged-plot-attack-and-kill-government-officials-and-others-attending>.

11. We must obviously seek every reasonable means to mitigate both the more predictable risks, including weather and physical incursions, but also emerging threats such as drones. The East Wing Project is essential to that defensive security posture. The Project is absolutely critical not only for the physical safety of guests, but also for advancing our diplomatic relations and the interests and standing of the United States in the world.

I declare that the foregoing is true and correct to the best of my knowledge.

Dated: August 12, 2026.



Marco Rubio
Secretary of State and
Assistant to the President for National Security Affairs

PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

IN THE SUPREME COURT OF THE UNITED STATES

NATIONAL PARK SERVICE, ET AL.,

Applicants

v.

No. 26A__

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES

**DECLARATION OF GENERAL JOHN DANIEL CAINE, CHAIRMAN OF THE JOINT
CHIEFS OF STAFF**

I, John Daniel Caine, in my capacity as Chairman of the Joint Chiefs of Staff, hereby declare as follows:

1. I currently serve as the 22nd Chairman of the Joint Chiefs of Staff and assumed these responsibilities on April 11, 2025. Per Title 10 U.S.C. § 151, I serve as the principal military advisor to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

2. The statements made herein are based on my personal knowledge and on information provided to me in my official capacity.

3. I declare there is a valid military requirement for a secure, state-of-the-art facility that provides for the physical protection of the President and the command, control, and communication capabilities necessary for the President to carry out his Commander-in-Chief responsibilities over the United States Armed Forces anywhere across the globe at any time.

I declare that the foregoing is true and correct to the best of my knowledge.

PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

Dated: August 12, 2026.

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Date: 2026.08.12 20:05:15 -04'00'

General John Daniel Caine
Chairman of the Joint Chiefs of Staff

IN THE SUPREME COURT OF THE UNITED STATES

NATIONAL PARK SERVICE, ET AL.,

Applicants

v.

No. 26A ____

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES

**DECLARATION OF THE FEDERAL BUREAU OF INVESTIGATION CO-DEPUTY
DIRECTOR CHRISTOPHER G. RAIA**

I, Christopher G. Raia, on this 12th day of August 2026, swear and state:

1. I am the Co-Deputy Director of the Federal Bureau of Investigation (“FBI”), United States Department of Justice (“DOJ”), a component of the Executive Branch of the United States Government. I am responsible, for among other things, overseeing the FBI’s criminal, counterintelligence, espionage, cyber, and counterterrorism investigations. As the Co-Deputy Director of the FBI, I have official supervision and control over the files and records of the FBI.

2. The matters stated herein are based on my personal knowledge, my review and consideration of documents and information available to me in my official capacity, and information furnished by the Special Agents (“SA”) and other employees of the FBI and the Department of Justice.

FBI Investigations Involving Violent Threats against President Donald J. Trump

3. A review of internal files at the FBI revealed that from 20 January 2025 to present, there have been a total of approximately 1,600 incidents investigated by the FBI that have involved threats of violence to President Trump. This number includes over 1,500 preliminary threat assessments, 45 preliminary investigations, and 11 full investigations spanning multiple programs

to include counterterrorism, counterintelligence, criminal, cyber, and weapons of mass destruction threats. There are many additional threats in the years prior to this period. The below is not an exhaustive detail of all incidents, but summaries of 6 of the most significant and publicly reported threats and investigations addressed by the FBI.

A. ***IRGC-Directed Murder-for-Hire and Rally Assassination Plot:*** Asif Raza Merchant, a trained operative of the Iranian Islamic Revolutionary Guard Corps (“IRGC”), arrived in the US in early 2024. At his trial, Merchant admitted the IRGC trained and deployed him to the US to arrange political assassinations. In late 2023, he traveled to the US to identify and vet potential US persons to assist in the IRGC plot. In 2024, Merchant was sent to the US to action the plot, directed to arrange the murder of a US government official or politician. In mid-June 2024, a confidential source introduced Merchant to undercover FBI agents (UCs) whom Merchant recruited to kill a “political person,” stating instructions on who to kill would arrive after his departure. In furtherance of the plot, Merchant performed online searches for Trump rally schedules/locations and reported security protocols back to his Iranian handler. On 21 June 2024, Merchant paid the UCs a \$5,000 advance for the assassination but was arrested by law enforcement agents prior to boarding a flight. On 6 March 2026, a federal jury in NY convicted Merchant of murder for hire and attempting to commit an act of terrorism transcending national boundaries.

B. ***Butler, Pennsylvania Campaign Rally Shooting:*** On 13 July 2024, Thomas Crooks fired eight rounds from an AR-15-style rifle at a campaign rally for then Presidential Candidate Donald Trump at the Butler Farm Show grounds in Butler, Pennsylvania. These rounds struck and wounded President Trump, killed one campaign event attendee, and critically injured two others. A vehicle belonging to Crooks was found in the vicinity of the campaign event and was discovered to contain two improvised explosive devices which were ultimately neutralized by

law enforcement on site. FBI investigation indicates Crooks acted alone as he planned, prepared for, and attempted to assassinate President Trump at the campaign rally. Crooks registered to attend the Butler, Pennsylvania rally and engaged in overt acts that demonstrated intent to target President Trump.

C. *Trump International Golf Club Sniper Plot (West Palm Beach, FL)*: In September 2025, after a two-week trial, a jury found Ryan Wesley Routh, 59, guilty of attempted assassination of President Trump, assault of a federal law enforcement officer, and multiple firearms offenses. On 14 September 2024, Routh was observed pointing what appeared to be an AK-47-style rifle at him from a sniper's hide concealed in a fence line bordering the golf course. Law enforcement officers later recovered a Norinco SKS rifle equipped with a scope, a loaded magazine containing 19 rounds of ammunition and one round in the chamber, steel armor plates, and a camera affixed to the fence and pointing at the sixth green of the golf course where President Trump was about to play golf. Testimony at trial also established that Routh had dropped off a box at a witness's residence in April 2024 after making another trip to the area near the golf course. Inside the box was a handwritten letter addressed "Dear World," in which Routh stated, among other things, "This was an assassination attempt on Donald Trump but I am so sorry I failed you."

D. *White House Correspondents' Association Dinner Armed Attack*: On 25 April 2026, the White House Correspondents' Association Dinner was held at the Washington Hilton hotel in Washington, D.C., attended by high-ranking U.S. government officials including President Donald J. Trump, the Vice President, and Cabinet Secretaries. On 6 April 2026, Cole Tomas Allen (31) made a hotel reservation at the Washington Hilton for 24-26 April 2026. On 21 April 2026, Allen traveled by train from Torrance, CA, to Chicago, IL, arriving 23 April. He then boarded a train to Washington, D.C., arriving 24 April and checking into the Washington Hilton. The Dinner

broadcast began at 8:00 p.m., with President Trump and First Lady Melania Trump arriving around 8:00 p.m. at the concourse ballroom. At approximately 8:40 p.m., Allen approached a security checkpoint on the Terrace Level armed with a long gun and ran through the magnetometer. Secret Service personnel heard a loud gunshot as a Secret Service Officer was shot in the chest (but was protected by a ballistic vest). The officer returned fire, and Allen was subdued by nearby officers and arrested.

E. ***UFC Freedom 250 White House Multi-Target Conspiracy:*** On 9 July 2026, eight defendants were charged federally for an alleged plot to carry out a coordinated attack killing government officials and high-profile attendees at the Ultimate Fighting Championship (UFC) Freedom 250 event held at the White House on 14 June 2026. Targets included the President, the Vice President, the Prime Minister of Israel, Elon Musk, and other high-value targets. Beginning in May 2026, the defendants conspired to provide material support and resources (money, firearms, ammunition, body armor, explosives, drones, medical/communication equipment). They utilized encrypted and social media platforms (Signal, SimpleX, Discord, TikTok, Instagram) to plan attacks, recruit, engage in marksmanship/combat training, and establish operational plans. All eight men were indicted on two counts: 1. Conspiracy to provide material support to terrorists. 2. Conspiracy to commit murder on federal government territory and to murder a federal government official.

F. ***Trump National Golf Club Los Angeles Infiltration:*** On 31 July 2026, Federal agents conducting a security assessment at Trump National Golf Club Los Angeles (ahead of an August 4 visit by President Trump) observed Jeanine John Taele (38), a Marine Veteran, walking the course wearing an earpiece, filming, and photographing security-planning activities before driving away. On 2 August 2026, Taele returned to the club, approached federal agents, claimed

State Department employment, and admitted to having a loaded firearm in his parked truck. LA County Sheriff's Office deputies arrived and confirmed Taele was wanted for robbery. A search of his vehicle yielded a loaded 9mm pistol with hollow-point ammunition, a loaded magazine, binoculars, a 'security protection agent' badge, and an unregistered short-barreled rifle. Taele was arrested on 2 August 2026. State Charges under the California Penal Code were filed under § 211 (Robbery - Felony), § 32310(a) (Large-Capacity Magazines - Felony), § 33215 (Short-Barreled Rifle - Felony), § 25400(a)(1) (Concealed Loaded Firearm in Vehicle - Misdemeanor). FBI Los Angeles and the USAO deferred to the state prosecution in California while maintaining a federal complaint charging Taele with violation of 26 U.S.C. § 5861(d) (Possession of Unregistered Short-Barreled Rifle). Taele remains in custody.

4. Due to the above facts, and based upon my knowledge, training and experience, the President faces a heightened risk of assassination attempts from both foreign and domestic origins. This heightened risk to the President is unprecedented in recent times and is exacerbated by additional travel to venues outside of the established security of the White House. Over the past nine months, the threat environment facing the President and other political leaders has grown increasingly complex and dangerous. Foreign terrorist organizations, foreign enemies, transnational criminal networks, drug cartels, and others have demonstrated the intent to use sophisticated technologies and terror tactics to attack political leadership and foment unrest. These actors are willing and eager to use violence. For example, the President and other current and former senior US government officials assessed to have been involved in the January 2020 killing of former Iranian Revolutionary Guard Corps Qods Force Commander Qassem Soleimani have been and continue to be a persistent target of the Iranian regime. Since the late February outbreak of hostilities between the US and Iran, and in particular since the killing of Iranian Supreme Leader

Khamenei, we have seen heightened focus on the President in open calls by the Iranians, including an explicit bounty publicly declared, seeking his killing. In the domestic terrorism sphere, we have seen increased activity amongst a wide-set of anti-government and anarchist violent extremist actors, falling under the umbrella of NSPM-7, which includes those motivated to conduct targeted political violence, such as seen with the UFC Freedom 250 plotters, including a specific focus on President Trump and other senior government officials.

5. The East Wing Project has been described as a critical national security facility to protect and promote the security of the President and his guests. Halting this construction may expose the President to increased threats from sophisticated state and non-state actors.

Handwritten signature of Christopher G. Raia in dark ink, consisting of stylized initials and a surname.

Christopher G. Raia
Co-Deputy Director
Federal Bureau of Investigation

IN THE SUPREME COURT OF THE UNITED STATES

NATIONAL PARK SERVICE, ET AL.,

Applicants

v.

No. 26A_____

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES

**DECLARATION OF GARRETT R. HOFFMAN, DIRECTOR OF THE WHITE HOUSE
MILITARY OFFICE**

I, Garrett R. Hoffman declare as follows:

1. I am the Director of the White House Military Office (WHMO) and am a Major General in the United States Marine Corps. I have served as the Director, WHMO, since 2022. Prior to my current appointment, I have performed duties within the WHMO in a variety of roles to include as a Marine One pilot of the Marine Helicopter Squadron 1 (HMX-1), Assistant Operations Officer (HMX-1), Commander (HMX-1), Chief of Operations (WHMO), and Deputy Director (WHMO). I was commissioned in the United States Marine Corps in 1993, was designated a Naval Aviator in 1996, and have served in a variety of assignments and operational deployments.
2. As the Director of WHMO, I serve as the White House senior official for the management of the Continuity of the Presidency program which ensures the

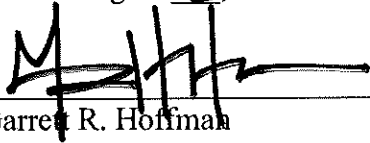
uninterrupted functioning of the Presidency. In my capacity as Director, WHMO, I oversee an organization that consists of over 4,000 military and civilian personnel, with representation from all six branches of the armed forces. These personnel of the Department of War proudly support the President of the United States, Vice President of the United States, First Lady, and their respective staffs around-the-clock both in the Washington, D.C. area and worldwide.

3. My knowledge of the East Wing modernization project is based on my official duties as the Director, WHMO, which includes frequent briefings and communications with WHMO personnel who are planning for, and executing the WHMO's work as a result of the Project. Because of this, I possess current knowledge of the status, scope and operational security considerations surrounding the Project.
4. The Project includes two inextricably intertwined elements: first, a below-ground modernization of information technology infrastructure, primary and back-up utilities, medical facilities, and operational planning and execution spaces related to protection of the President and the Vice President; second, an above-ground ballroom designed to protect and shield the below-ground infrastructure from aerial or other attacks.
5. The WHMO has been involved in the design of the Project, since its inception, with the United States Secret Service, the National Park Service, the Department of the Army, various engineering and design firms, as well as with the general contractor to ensure the structural and mechanical components of the Project provided the maximum level of protection to the President, Vice President, and members of the Cabinet in the event of an adversary attack.

6. In my judgement, the Project delivers updated WHMO spaces, modernized utility infrastructure, enhanced operational capabilities, and increased resiliency of classified national security programs that are fundamental to successful execution of the Continuity of the Presidency mission as required in National Continuity policy. Additionally, the Project provides extraordinary protection to these spaces that has not been available in the past. This layered, hardened and tested protection shields Cabinet level events and gatherings that thereby significantly reduces the threat to Continuity of the Presidency.

I declare that the foregoing is true and correct to the best of my knowledge.

Dated: August ~~13~~, 2026.

A handwritten signature in black ink, appearing to read "Garrett R. Hoffman", written over a horizontal line.

Director

White House Military Office

IN THE SUPREME COURT OF THE UNITED STATES

NATIONAL PARK SERVICE, ET AL.,

Applicants

v.

No. 26A____

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES**DECLARATION OF STEPHEN MILLER, ASSISTANT TO THE PRESIDENT AND
HOMELAND SECURITY ADVISOR**

I, Stephen Miller, in my capacity as Assistant to the President and Homeland Security Advisor, hereby declare as follows:

1. I am Assistant to the President and Homeland Security Advisor. In this capacity, I serve as the President's principal advisor on homeland defense, domestic security, and counterterrorism policy, which includes ensuring the continuity of government operations and the physical protection of the Executive Residence and the White House complex. As Director of the Homeland Security Council, I am responsible for overseeing the interagency coordination of homeland security operations required to anticipate, deter, and defeat state-sponsored, asymmetric, and domestic threats within the United States and against U.S. persons.
2. The statements set forth in this declaration are based upon my personal knowledge, official briefings, threat assessments, and vetted intelligence reports compiled and provided to me in my official capacity by the nation's intelligence agencies, including the United States Secret Service, the Federal Bureau of Investigation ("FBI"), the Department of Homeland Security ("DHS"), and constituent agencies of the United States Intelligence Community.

**STATE-SPONSORED ASSASSINATION ATTEMPTS, FOREIGN TERRORIST
NETWORKS, AND TRANSNATIONAL GANGS**

3. The contemporary threat environment confronting the President is unprecedented in scope and scale. It includes emboldened lone-wolf extremists with access to advanced technology, domestic assassination plots by those who have been ideologically radicalized, state-directed lethal plots, foreign terrorist proxies, and a wide variety of emerging asymmetric threats.
4. Vetted intelligence and unsealed federal indictments confirm active, state-directed plots to assassinate the President and other high-ranking United States officials.
5. For example, in the case of Asif Raza Merchant, a trained operative of Iran's Islamic Revolutionary Guard Corps was dispatched into the United States to arrange targeted killings of American political leaders. Merchant traveled to the United States to recruit domestic hitmen and to execute murder-for-hire schemes directed at President Trump and other senior officials. His plot was foiled, and he was convicted in the United States District Court for the Eastern District of New York.
6. Vetted intelligence confirms that threats to the President and other senior officials are severe, persistent, and increasingly ambitious.
7. The risk to Executive Branch leadership is further heightened by heavily armed transnational criminal organizations, many designated as Foreign Terrorist Organizations, operating along and across the southern land border of the United States that use military-grade armaments, anti-materiel weapons, sophisticated drone technology, and elite counter-surveillance capabilities to advance their ends.

LOW-ALTITUDE UNMANNED AERIAL SYSTEMS AND AERIAL STANDOFF THREATS

8. Rapid acceleration in drone technology, unmanned aerial systems (“UAS”), and one-way attack drones present an evolving threat to the President, the White House, and senior leadership.
9. The White House is the nerve center of the command-and-control operation for the entire U.S. national security apparatus and the Commander-in-Chief’s leadership of the U.S. defense apparatus. The construction of the East Wing Project (“Project”) is essential to developing the adaptive capabilities necessary to counter UAS threats.

PAST ATTACKS AND HISTORICAL BREACHES OF THE PROTECTIVE PERIMETER

10. The repeated assassination attempts against President Trump make any delay in the construction of this facility an unacceptable risk to the life of the President, the ability of our nation to have command and control of government in a national emergency, and to respond to dynamic threats if the United States government were ever to come under attack. On July 13, 2024, an assassin’s bullet came within millimeters of taking the President’s life, killed a rally attendee, and critically wounded two others.
11. On September 15, 2024, along the perimeter of the Trump International Golf Club in West Palm Beach, Florida, the Secret Service interdicted an armed individual who had positioned himself in a sniper’s nest with a clear line of sight to assassinate the President, and the attack was prevented only when an agent spotted the gunman before he could shoot the President.
12. In February 2026, an armed intruder breached the perimeter at the President’s Mar-a-Lago residence in Florida and was killed in the ensuing confrontation.
13. In April 2026, an armed individual stormed a security checkpoint at the Washington Hilton during the White House Correspondents’ Association dinner, at which the President was

scheduled to speak. Shots were fired before the individual was subdued. He has since been charged with attempting to assassinate the President of the United States.

14. In May 2026, a suspect opened fire toward the White House complex and was killed when Secret Service returned fire.
15. These assassination attempts are matters of public record. There are thousands of other threats that are identified, uncovered, and disrupted before an attack can be effectuated. Domestic terrorists, international terrorists, and American enemies around the world may seek to launch attacks on White House grounds against the President. The intrusion of the judiciary into the security affairs of the White House threatens to prevent development of necessary defenses and has invited new dangers, while limiting the ability of United States counter-terrorism leadership to defend the President from such intolerable risks.

EMPIRICAL INDICATORS OF THREAT ACCELERATION

16. Open-source research and threat monitoring confirm an unprecedented year-over-year surge in indicators of targeted violence directed toward public officials.
17. Secret Service and FBI threat-assessment systems report record volumes of actionable threats directed at protected officials. High-density public events and off-site appearances, including open-air rallies, external summits, and events such as the White House Correspondents' Association dinner, present materially greater operational vulnerabilities than fortified facilities on the White House grounds, a vulnerability the April 2026 attack at the Washington Hilton has now demonstrated in fact.
18. Specific to the White House complex, the President of the United States is the number one target of threats and assassination plots in the world. The protection of the President, his family, and the American government demands unrelenting vigilance and constant adaptation from the

Secret Service. Yet, a federal judge has blocked the very adaptations the Secret Service has deemed necessary to protect the President.

THE PROTECTIVE NECESSITY OF THE EAST WING PROJECT

19. The East Wing Protective Project is an urgent national security imperative engineered to defeat documented and rapidly evolving twenty-first-century threat vectors.
20. First, the Project incorporates advanced structural features, including military-grade ballistic shielding, blast-deflection geometry, and advanced air-filtration systems designed to safeguard the President and essential national security personnel during a major kinetic attack or siege conditions. The Project thereby also serves continuity-of-government interests by ensuring that the President and senior national security staff are able to operate from a protected facility during any attack on the nation's capital.
21. Second, a core architectural feature of the Project is an automated counter-UAS installation situated atop the facility. That installation integrates cutting-edge technology to provide necessary comprehensive coverage and air-defense for the entire White House complex and President's Park.
22. Third, the establishment of a fully fortified, multi-use secure venue on the White House grounds materially reduces the frequency with which the President, visiting heads of state, and Cabinet officials are exposed to high-risk public venues elsewhere in the Washington metropolitan area. As the events of July and September 2024 demonstrate, off-site venues can pose a significantly elevated threat to protectees, a threat which would be mitigated by finalization of the Project.

HARM FROM ANY INJUNCTION HALTING CONSTRUCTION

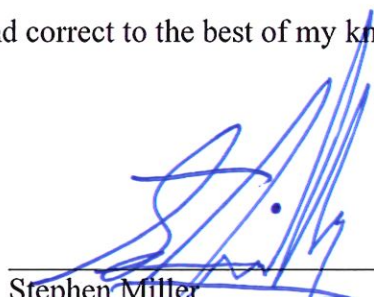
23. The harm from an injunction is immediate and compounding, and it cannot be remedied by any later judgment. Each day the Project is enjoined extends the period during which the President and senior officials lack the necessary physical security to address the evolving threat profile outlined in this declaration.
24. An injunction not only perilously delays the construction of facilities that have been deemed vitally necessary by Secret Service, the White House Military Office, and the government's entire national security apparatus, but it also creates a new and immediate threat by forcing the government to tolerate an open construction site on the White House lawn. The lower courts have effectively required the Commander-in-Chief of the United States military to leave an exposed excavation site at the foot of the most important facility in the United States.
25. A partially completed excavation and construction site immediately adjacent to the Executive Residence is itself a protective vulnerability because it further exposes the President's daily movements to outside observers and also requires additional Secret Service resources and adjustments to safeguard the White House complex.
26. Threats are dynamic, constantly evolving, and fast moving. Defending the life and security of the President requires instantaneous decision-making and is completely incompatible with the application of injunctions that freeze the security apparatus of the United States for weeks and months and jeopardize the secure operation of government. In my professional understanding of the complex way that threats evolve, the mere fact of, and publicity related to, the judiciary's intrusion into the Project have elevated risk to the President, senior officials, and the continuity of government.

CONCLUSION

27. For the foregoing reasons, halting or delaying construction of the East Wing Protective Project would compel the Executive Branch to protect the President against a rapidly escalating and highly sophisticated threat environment, would freeze the White House complex in a state of needless vulnerability, and would extend the exposure window well beyond the term of any injunction. In light of active foreign assassination plots, repeated attempted assassinations of the President, including the April 2026 attack at the Washington Hilton, the demonstrated capabilities of designated terrorist and cartel organizations, and the accelerating proliferation of weaponized drone technology; any judicial injunction of the Project directly compromises the security of the Chief Executive and inflicts immediate, severe, and irreparable harm upon the national security and homeland defense of the United States.

I declare that the foregoing is true and correct to the best of my knowledge.

Dated: August 13, 2026.



Stephen Miller
Assistant to the President and Homeland Security Advisor

IN THE SUPREME COURT OF THE UNITED STATES

NATIONAL PARK SERVICE, ET AL.,

Applicants

v.

No. 26A__

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES

**DECLARATION OF JEREMY EICHBERGER, SPECIAL AGENT IN CHARGE OF
PRESIDENTIAL PROTECTIVE DIVISION AT UNITED STATES SECRET SERVICE**

I, Jeremy Eichberger, in my capacity as the Special Agent In Charge of the Presidential Protective Division at the United States Secret Service, hereby declare as follows:

1. I am the Special Agent In Charge (SAIC) of the Presidential Protective Division (PPD) at the United States Secret Service (Secret Service). As the SAIC of PPD, I oversee the Secret Service component directly responsible for protecting the President of the United States and members of his immediate family at all times, conducting protective security surveys, and performing numerous special projects pertinent to Presidential and First Family protection. I have been a Special Agent with the Secret Service since 2002 and have served in all five Special Agent roles in PPD during my three assignments: Special Agent, Assistant to the Special Agent In Charge, Assistant Special Agent In Charge, Deputy Special Agent In Charge, and Special Agent In Charge. During my tenure in PPD, I have been tasked with protecting then-Presidents Obama, Trump (first term), and Biden, as well as current-President Trump (second term). As a result, I possess current

knowledge regarding the status, scope, and operational security considerations related to threats to the President and First Family, as well as the White House Complex.

2. The Secret Service is charged with ensuring the safety of the President, Vice President, their families, other high-ranking government officials, and foreign heads of state visiting the United States. *See* 18 U.S.C. §§ 3056, 3056A. As part of that mission, the Secret Service also protects the White House Complex, the Vice President's residence at the United States Naval Observatory in Washington, D.C., and the foreign diplomatic missions located in and around Washington, D.C.
3. Today's threat environment has reached unprecedented levels of danger for the President amid the alleged assassination attempt of the President at the White House Correspondents' Dinner in April 2026, two shooting incidents near the White House Complex/Holocaust Museum in May 2026, and an alleged plot to attack the Ultimate Fighting Championship Freedom 250 event at the White House Complex in June 2026. In addition, during the President's recent trip to Turkey in July 2026, the Secret Service became aware of a specific threat to the President, requiring the Secret Service to utilize specific tactics and procedures to ensure the President's safety. Moreover, since January 1, 2026, security incidents involving the White House Complex have caused the White House Incident Notification System condition level to be elevated 12 times.
4. But this is not the only year in which high-profile threat incidents have occurred against this President. On September 15, 2024, an individual was seen aiming a rifle on the golf course at the Trump International Golf Club in West Palm Beach, Florida. He was eventually found guilty of attempting to assassinate a presidential candidate, among other felonies. And, of course, on July 13, 2024, an individual fired several shots at then-

Candidate Trump in Butler, Pennsylvania, in an attempt to assassinate him. This threat environment demands a robust and heightened protective response to fulfill the Secret Service's solemn Congressional mandate to ensure the safety of the President.

5. The East Wing Project incorporates critical and overdue security enhancements to the White House Complex that will strengthen the Secret Service's ability to protect the President and First Family. The new East Wing will include much-needed space to house Secret Service protective operations, including offices for agents/officers and the storage of law enforcement equipment, in a location that is connected to the White House and thus near the President at his residence and primary place of work. Having Secret Service assets in close physical proximity to the President is key to enabling specialty teams and individual agents/officers to respond quickly to a threat or other critical incident.
6. The infrastructure of the new East Wing will be hardened and provide a protected environment for official events and other activities, including alternative or additional secured areas if there is a national emergency. The new East Wing has been designed with ballistic- and blast-resistant walls; counter unmanned aerial systems capabilities; and chemical, biological, and radiation countermeasures, among other security features. Thus, the ability to hold large events in the new East Wing will offer important security advantages over current options, which generally consist of private venues that the Secret Service does not own and did not participate in the design from a security vantage point.
7. Halting work in the midst of a complex construction project at the White House Complex poses substantial security risks that the Secret Service and other government entities will be forced to ameliorate. The East Wing Project utilizes an integrated engineering process

with a layered approach that would prove difficult, if not impossible, to achieve in a piece-meal process with a stop-and-go tempo. In addition, there is a distinct possibility that the supply chain will be disrupted if vendors are prohibited from manufacturing and supplying construction and security-related materials for the East Wing Project for an unknown or lengthy period of time. Similarly, during any work stoppage, construction workers with crucial experience and skills may depart for other jobs. Construction workers at the White House Complex undergo extensive security vetting and are not easily replaced. This uncertainty and instability also creates an opportunity for foreign adversaries to exploit the situation.

8. As the SAIC of PPD, I am well aware of the serious threats and dangers facing the President and First Family on a daily basis. Completion of the East Wing Project will augment security countermeasures at the White House Complex to enhance the safety of the President, other officials, and guests occupying the new East Wing.

I declare that the foregoing is true and correct to the best of my knowledge.

Dated: August 13, 2026.



Jeremy Eichberger
Special Agent In Charge
Presidential Protective Division
United States Secret Service

IN THE SUPREME COURT OF THE UNITED STATES

NATIONAL PARK SERVICE, ET AL.,

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v.

No. 26A__

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES

**DECLARATION OF SEAN M. CURRAN, DIRECTOR OF THE UNITED STATES
SECRET SERVICE**

I, Sean M. Curran, in my capacity as the Director of the United States Secret Service, hereby declare as follows:

1. I am the Director of the United States Secret Service (Secret Service), responsible for the successful execution of the agency's integrated investigative and protective missions. I lead more than 8,200 Special Agents, Uniformed Division Officers (Secret Service Police), Technical Law Enforcement, and Mission Support personnel.
2. The Secret Service is charged with ensuring the safety of the nation's highest-ranking officials, most notably the President of the United States. *See* 18 U.S.C. §§ 3056, 3056A. As part of that mission, the Secret Service also protects key locations where the nation's highest-ranking elected leaders live and work, as well as the foreign diplomatic missions located in and around Washington, D.C. Among these locations of national importance is the White House Complex, which includes the President's residence and office.
3. In my capacity as the Secret Service Director, I oversee the Secret Service's protective and investigative operations, including the directorates and offices responsible for the

protection of the President, as well as the security of the White House Complex. As a result, I possess current knowledge regarding the status, scope, and operational security considerations related to threats to Secret Service protected persons and sites.

Prior Declarations

4. The Secret Service Deputy Director previously submitted four declarations in this matter, filed on December 15, 2025; January 15, 2026; April 13, 2026; and April 27, 2026.
5. In his prior declarations, the Deputy Director addressed the need for continued construction “to maintain and update the security infrastructure of the project site and the White House Complex” and stated that, “[u]ntil this remaining work is completed, Secret Service’s ability to meet its statutory mission of protecting the President, the First Family, and the White House Complex continues to be hampered.” 1-15-26 Quinn Decl. ¶¶ 6, 7. Three months later, the Deputy Director re-emphasized that “[l]eaving the project site unfinished imperils that ability of the Secret Service to meet its statutory mission to protect the President, First Family, and White House Complex.” 4-13-26 Quinn Decl. ¶ 9.
6. The Deputy Director explained that “the current unfinished construction site compromises the ability of Secret Service personnel, including Emergency Response Teams and tactical K-9 handlers to readily traverse the White Complex” 4-13-26 Quinn Decl. ¶ 4. This includes the danger that Secret Service Police “will be hindered to effectively secure/defend the east side of the White House Building from an attack or security breach due to the current construction debris and large holes.” *Id.* ¶ 5.
7. The Deputy Director also addressed the security risks from an unfinished East Wing Project. He stated that “any delay in construction of the project may permit adversaries

to view the elements of construction, identify vulnerabilities, and pose ongoing national security risks to a critical piece of White House infrastructure that is necessary to safeguarding the President on a prospective basis.” 4-13-26 Quinn Decl. ¶12.

8. More broadly, the Deputy Director provided the Secret Service’s informed assessment about the long-term security benefits that the new East Wing will afford current and future Presidents and the White House Complex as a whole. *See* 1-15-26 Quinn Decl. ¶
9. He explained that “the current plans include threat resistant building materials such as bullet- and blast-proof glass and windows that enhance security measures” 4-13-26 Quinn Decl. ¶ 8.

Current Threat Landscape

9. Since the filing of the Deputy Director’s last declaration on April 27, 2026, the threat landscape has evolved. Acts of violence against the President and protected sites are occurring at an ever-increasing pace. Threats against Secret Service protectees are up about 40% compared to this time last year. These individuals are not merely making verbal threats; they are taking concrete steps to carry them out.
10. In his declaration filed on April 27, 2026, the Deputy Director addressed the recent assassination attempt of the President at the White House Correspondents’ Dinner (WHCD) at the Washington Hilton Hotel on April 25, 2026. He explained the security limitations of large off-site venues and the security advantages of holding large events at the White House Complex, not least because the White House Complex is a controlled facility with a permanent security infrastructure, whereas the Secret Service does not control the buildings at private venues. Moreover, holding large events at the White House Complex as opposed to a private venue such as a hotel will be less disruptive to

the D.C. community and local businesses—as there will be fewer geographical restrictions at and around the event site—while also providing the highest-level security possible for all attendees while minimizing the impact to the public and ultimately reducing government-related expenditures over time.

11. Numerous serious security incidents have occurred in the short time since the WHCD, exacerbating these factors. Just this month, on August 2, 2026, an individual was arrested at the Trump National Golf Club in Los Angeles, California, while possessing ammunition on his person and a loaded firearm in his pickup truck. This individual was identified during a security assessment at the golf club taken in advance of a visit to the club by the President on August 4. He was seen walking throughout the golf course, was wearing an earpiece, and took photographs and filmed videos of federal agents' security-planning activities. In addition, earlier this summer, eight individuals have been charged criminally in connection with an alleged plot to attack the Ultimate Fighting Championship Freedom 250 event at the White House Complex on June 14, 2026. They are charged with conspiracy to provide material support to terrorists and conspiracy to commit murder on federal government territory and to murder a federal government official. There were also significant security incidents on May 23, 2026, when an individual fired shots within yards of the White House Complex, and on May 4, 2026, when an individual shot at Secret Service Agents near the Holocaust Museum in Washington, D.C.
12. The ongoing Iran conflict has also significantly heightened the threat environment in the United States. As noted in the June 22, 2025, Department of Homeland Security National Terrorism Advisory System Bulletin, Iran has a long-standing commitment to target U.S.

Government Officials. Iranian leadership have publicly affirmed their posture of “Death to America” as a guiding principle and explicitly called for the assassination of President Trump.

13. The airborne threat vector against the President and protected sites, in particular, is persistent and substantial, and underscores the need for secure and hardened facilities for the President and other protectees. Since January 1, 2026, the Secret Service’s Aviation and Airspace Security Division (ASD) has identified 54 unmanned aircraft systems (UAS) detections, resulting in 27 mitigation actions and 25 operator intercepts, in the National Capital Region (NCR), which includes the White House Complex. These efforts led to 23 seizures, 13 of which were processed by the Secret Service’s Washington Field Office. The increase in air surveillance activity, particularly involving UAS, presents a continued and evolving security concern for protective operations.

East Wing Project

14. The former East Wing was an aging building—originally constructed during the Second World War—in need of critical renovations and upgrades to basic systems, including security infrastructure. The East Wing Project, once completed, will provide substantial security improvements to the White House Complex that will enhance the safety of the President, other protectees, and visitors. The new East Wing will include enhanced protection against ballistic, blast, UAS, chemical, biological, and radiological threats. For example, the Secret Service will be able to reinforce UAS countermeasures on the east side of the White House Complex, and increase UAS defenses to fortify against one of the nation’s largest emerging threats. In addition, the increased height and overall size of the new East Wing will drastically improve security at the White House Complex by

reducing line-of-sight during the President's transport on Marine One and for events on the White House South Lawn. This will reduce the risk of a targeted shooting from locations on 15th Street, N.W.

15. The new East Wing will improve Secret Service operations by delivering much needed space for offices, equipment, and response teams in a location that will allow rapid deployment during a critical incident. The security apparatus around the President—which includes the Secret Service's Presidential Protective Division and the Secret Service Police at the White House Complex—has grown substantially over the years and is sorely in need of additional space to support the protective mission. It is vital that the Secret Service has adequate space in close proximity to the President to effectively execute its protective mission. The East Wing Project will provide these additional hardened facilities necessary for the Secret Service to accomplish its statutory mission to protect the President.
16. The new East Wing will strengthen the White House's Continuity of Operations program by providing alternative and additional space to perform essential functions, including critical national security functions, in a secure building during an emergency, particularly in the event other parts of the White House Complex become unusable.
17. The Screening Facility component of the East Wing Modernization Project will upgrade the Secret Service's security posture at the White House Complex. Instead of temporary tents or trailers, the new Screening Facility will be a secure, underground facility with state-of-the-art technology to screen visitors. Visiting foreign dignitaries, other high-level officials, and guests will be better protected during screening in this new hardened structure than in previous screening locations.

18. From the perspective of the Secret Service's protective mission, the East Wing Project presents an advantageous opportunity to install and upgrade security countermeasures at the White House Complex in a way that likely will reduce overall costs compared to renovating existing structures, as well as maximize their efficacy due to being specifically procured to function as part of the new facility through an integrated engineering design. Such upgraded security measures have been long contemplated over several decades by the Secret Service for the East Wing in consultation with other departments and agencies of the Executive Branch. Once completed, these improvements will enhance security at the White House Complex for current and future Presidents.
19. The East Wing Project currently is an unfinished structure without permanent exterior walls or roof, inherently presenting safety and security risks at the White House Complex. Delays in construction continue to pose operational challenges for Secret Service personnel protecting the President and other protectees at the White House Complex, who must navigate through and around a construction site to provide a secure perimeter. Delays in construction also continue to increase the opportunity for bad actors to detect security and other design features being incorporated into the facility using aerial surveillance. As the Deputy Director noted in his prior declarations, "the current open construction site is, in and of itself, a coordinated and managed safety hazard [that] ... requires the Secret Service to redirect resources to account for the disruption to existing security procedures caused by construction activities." 1-15-26 Quinn Decl. ¶ 8. This remains true today.
20. Unfinished construction of this magnitude at the White House Complex presents enhanced risks to the Secret Service's protective operations. Given the heightened, real,

and dynamic threat environment of today, a partially constructed building attached to the White House poses a security and safety vulnerability that challenges the Secret Service's ability to fulfill its statutory mandate to protect the President and the White House Complex.

I declare that the foregoing is true and correct to the best of my knowledge.

Dated: August 13, 2026.

A handwritten signature in black ink, appearing to read 'SMC', written over a horizontal line.

Sean M. Curran
Director
United States Secret Service

IN THE SUPREME COURT OF THE UNITED STATES

NATIONAL PARK SERVICE, ET AL.,

Applicants

v.

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES

No. 26A ____

DECLARATION OF SECRETARY OF THE ARMY DANIEL P. DRISCOLL

I, Daniel P. Driscoll, declare as follows:

1. I currently serve as the 26th Secretary of the Army. I submit this supplemental declaration to update and further clarify information contained in the declaration I signed on April 17, 2026. This declaration is based on my personal knowledge, my professional experience, and information made available to me in my official capacity.
2. While the East Wing Project has been the subject of ongoing political discourse, this supplemental declaration is exclusively focused on the non-discretionary, national security imperative to protect our nation's pinnacle command and control node. My assessment and recommendations are driven solely by the physical security requirements of the National Command Authority (NCA).
3. The Department of the Army recommends immediate and uninterrupted completion of the White House East Wing construction to mitigate identified threat vulnerabilities and resolve what is fundamentally a critical defensive posture emergency. Planned construction and security enhancements establish robust, passive defense-in-depth architecture specifically engineered to harden the Presidential Emergency Operations Center (PEOC) against modern multi-domain threats. This is a mandatory security improvement designed to counter a sophisticated, modern

Unmanned Aerial System (UAS) threat vector that did not exist at scale in prior years, and which continues to increase. This project provides a vital, long-term capability that will benefit all Americans and all future administrations.

4. The global security environment continues to become increasingly volatile and dangerous. State and non-state actors increasingly employ commercially available and military-grade UAS carrying both improvised and purpose-built explosive payloads and capable of precision attack, penetration of lightly protected structures, and coordinated mass or swarm attacks. These tactics have been observed extensively in active theaters, including in the current conflict in Ukraine, and in the Middle East in current conflicts involving Israel, Iran and its affiliated actors, and across the broader region. These conflicts also demonstrate persistent adversary use of UAS to conduct surveillance, identify activity and signatures associated with command-and-control locations, and enable or conduct subsequent attacks against command nodes. Such employment demonstrates the particular risk posed to fixed, nationally significant command-and-control facilities whose locations and functions are publicly known, thereby bridging the gap between foreign battlefields and domestic homeland defense. Updated intelligence threat assessments validate the significant security concerns implicated by our adversaries' deployment of UAS. For example, during the World Cup, the United States experienced over 300 UAS incursions, some of which required kinetic engagement to eliminate the threat. This persistent threat of UAS attacks continues to increase, and our defensive measures must increase correspondingly. The current White House East Wing schematics are designed to mitigate identified vulnerabilities, including incursion by UAS, and resolve what is fundamentally a defensive posture emergency.

5. As stated in my previous declaration, the United States Army has been deeply involved in the East Wing construction project since its inception. The Army funded a portion of the structure

given that protection of the PEOC directly affects the ability to command and control the United States military. The U.S. Army's Engineer Research and Development Center (ERDC) has supported the White House East Wing design and construction since its inception as the world's premier expert in military engineering, installations and operational environments, civil works, geospatial research and engineering, and engineered resilient systems. In this heightened threat environment, the national security equities of protecting national leadership and strategic command and control directly implicate the Department's non-discretionary constitutional and statutory obligations to protect the National Command Authority, which must be given paramount consideration in this proceeding.

6. A dual-layered system comprising a sacrificial outer cover coupled with a hardened inner structural element is one of the most effective passive design measures to defeat emerging kinetic threats, particularly explosively armed UAS. Active counter-UAS capabilities provide important layers of protection but cannot eliminate this threat. Dense urban environments complicate UAS detection and engagement because of physical obstruction, electromagnetic congestion, and extensive legitimate use of the radio-frequency spectrum. Additionally, increasingly autonomous, pre-programmed, and non-radio-frequency-controlled UAS may reduce the effectiveness of traditional electronic countermeasures. Passive structural protection therefore provides an essential final layer of defense against UAS that evade, overwhelm, or are otherwise not defeated by active counter-UAS systems. The sacrificial overhead cover pre-detonates the explosive charge before it can reach the primary inhabited structure. From a civil engineering perspective, this outer layer forces the detonation to occur at a designated distance, creating a critical air gap known as standoff or "attic depth." The system effectively converts a localized, high-intensity near-contact detonation into a distributed, lower-magnitude blast wave that decays exponentially over distance. This

mitigation can only be accomplished with sufficient attic depth as currently engineered, and any reduction in this depth will fundamentally compromise mathematically validated blast-attenuation parameters and lead to catastrophic structural failure of the underlying node.

7. Currently, the West Wing is optimized for daily executive operations rather than engineered to withstand modern asymmetric attacks, necessitating a layered, hardened East Wing to protect the President and key staff. Furthermore, relying on emergency evacuation is tactically flawed; moving the President off-site activates classified movements and Continuity of Operations (COOP) assets that can often only be used once because their operational security and classified locations are permanently compromised upon activation, exposing the National Command Authority to transition risks during transit. Securing this reinforced subterranean node guarantees uninterrupted command and control in place. Finalizing this defense-in-depth architecture is a non-discretionary prerequisite to ensure the President can maintain continuity of government, uninterrupted operations, and effectively exercise National Command Authority during an attack or global crisis.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 13, 2026.

A handwritten signature in black ink, appearing to read 'D. Driscoll', is written over a horizontal line.

DANIEL P. DRISCOLL

Secretary of the Army

IN THE SUPREME COURT OF THE UNITED STATES

NATIONAL PARK SERVICE, ET AL.,

Applicants,

v.

No. 26A____

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES

Respondent.

**DECLARATION OF
JAY CLAYTON, DIRECTOR OF NATIONAL INTELLIGENCE;
JOHN RATCLIFFE, DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY;
KASHYAP PATEL, DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;
MARKWAYNE MULLIN, SECRETARY OF HOMELAND SECURITY**

I. Introduction

I, Jay Clayton, in my capacity as Director of National Intelligence, hereby declare as follows:

1. I am the Director of National Intelligence (“DNI”). The DNI oversees the United States Intelligence Community (“IC”) and serves as the principal intelligence adviser to the President. I previously served as the United States Attorney for the Southern District of New York, where I oversaw matters to include terrorism, espionage, money laundering, bribery, extortion, and threats to our nation’s critical infrastructure.

I, John Ratcliffe, in my capacity as the Director of Central Intelligence Agency, hereby declare as follows:

2. I am the Director of the Central Intelligence Agency (“CIA”). In that capacity, I lead the CIA and manage human intelligence collection and analysis, covert action, counterintelligence

collection, and liaison relationships with foreign intelligence services. I have held this position since January 2025. Before becoming Director of the CIA, I served as the DNI from May 2020 until January 2021. As Director of the CIA, I serve as the executive head of the Agency, pursuant to the National Security Act of 1947. That Act charges me with the duties of (1) collecting intelligence through human sources and other appropriate means; (2) correlating and evaluating intelligence related to the national security and providing appropriate dissemination of such intelligence; (3) providing overall direction for and coordination of the collection of national intelligence outside the United States through human sources and, in coordination with other elements of the United States Government, ensuring that the most effective use is made of authorized collection resources and that appropriate account is taken of the risks to the United States and those involved in such collection; and (4) performing such other functions and duties related to intelligence affecting the national security as the President or the DNI may direct.

I, Kashyap Patel, in my capacity as the Director of the Federal Bureau of Investigation, hereby declare as follows:

3. I am the Director of the Federal Bureau of Investigation ("FBI"). I have held this position since February 20, 2025. As the Director of the Federal Bureau of Investigation, I serve as the head of the agency pursuant to 28 U.S. Code § 532 and am authorized to conduct criminal and national security investigations pursuant to 28 U.S. Code § 533, and other authorities granted by statute and Executive Order. In that capacity, I oversee all operations and investigative activities, including national security and intelligence operations. Before becoming the Director of the FBI, I served as a public defender in Florida, where I was responsible for litigating criminal matters in federal and state courts, and in the Department of Justice, National

Security Division as a national security prosecutor where I led investigations and oversaw the successful prosecution of terrorism subjects. I also served as the national security advisor and the senior counsel for the House Permanent Select Committee on Intelligence where I led congressional oversight of sensitive programs for the Intelligence Community and U.S. Special Operations Forces. During the first Trump Administration, I served in multiple roles to include as deputy assistant to the president on the National Security Council, as deputy director of National Intelligence, and as the chief of staff to the Department of Defense.

I, Markwayne Mullin, in my capacity as the Secretary of Homeland Security, hereby declare as follows:

4. I am the Secretary of Homeland Security. I oversee all Department of Homeland Security intelligence matters, including Counter-Terrorism, Counterproliferation of Weapons of Mass Destruction, and Critical Infrastructure Protection. Prior to serving in President Trump's Cabinet, I represented the people of Oklahoma for 13 years in both the United States Senate and House of Representatives.

Each declarant, Jay Clayton, John Ratcliffe, Kashyap Patel, and Markwayne Mullin, hereby declares as follows:

5. The statements made herein are based on my personal knowledge and on information provided to me in my official capacity, including without limitations, discussions among our various agencies at varied times regarding the matters herein.
6. The purpose of this declaration is to describe certain national security threats that would be posed by a ruling staying the construction of the East Wing Project ("Project"). The construction of the Project is designed to mitigate national security threats including lethal plotting and to increase the national security capabilities, defensive and offensive, of the White

House Complex (“Complex”). The suspension of construction on the Complex, would not only delay these objectives, but could create greater opportunities for foreign adversaries to harm national security.

II. National Security Threats Mitigated by the Project and National Security Threats Posed by Delay of Construction

7. The Project is critical for ensuring that the White House can serve as a secure location for the gathering of the President, gathering of senior government officials, and gatherings that further the interests of the United States. The Project on the Complex also will improve the level of protection and ability to manage and mitigate threats to the President and senior government officials and will enhance the handling, management, and utilization of IC information, including the conduct of IC-directed support to the Complex.
8. United States (“US”) officials, including the President and other senior leaders who often meet at the Complex, continue to face a multifaceted threat landscape from state and non-state terrorist actors, which have various motivations and use a variety of tactics. A stay in the Project delays the ability to mitigate these threats. In addition, a delay substantially increases the risk of foreign malign actors gathering intelligence on the Complex.
9. For example, Iran’s Government remains committed to retaliating against US officials, whom they blame for the death of Supreme Leader Ali Khamenei. They have explicitly named President Trump and US officials as targets in public statements. Tehran is coordinating a public messaging campaign that describes vengeance as a “strategic and religious duty” for individuals and groups to justify revenge.

10. In addition, domestic actors inspired by terrorism ideologies pose an enduring threat to elected officials, as indicated by the shooting at the White House Correspondents' Dinner in April and assassination attempts against the President.
11. Also, state-sponsored cyber actors remain highly active in targeting the Complex and the broader US political apparatus through email breach operations, executive route surveillance, and persistent cyber espionage.
12. Foreign Intelligence Services typically utilize a variety of tactics, techniques, and procedures against sensitive US facilities, such as the Complex, to try to gain information that they believe can position their respective governments to undermine US national interests. During the suspension of construction, tactics, techniques, and procedures may be employed within the Complex by US adversaries. These could include but are not limited to: the recruitment of human intelligence assets within the construction crew or among personnel within the Complex to position technical surveillance devices; leveraging Unidentified Aerial Systems to conduct remote imaging or technical collection activities against the halted construction site; and/or utilizing space-based imaging capabilities against the halted construction site within the Complex to determine pattern of life, progress, identification of changes, or potential equipment loadouts contained at the site. There are also concerns with US adversaries exploiting vulnerabilities in global supply chains, which are highly complex and intertwined, during the construction to gain enduring access to the Complex.
13. In addition to these national security threats, the delay in construction introduces a greater prospect for national security vulnerabilities to emerge. The proximity of the Complex to a number of hotels and event spaces in Washington D.C. provides a direct line-of-sight to the construction and presents counterintelligence threats that are difficult to mitigate, particularly

during a construction phase. This phase provides adversaries with time to collect on the potential layout of the facility, construction tactics, and materiel, which could enable foreign intelligence services' collection. Additionally, the longer the construction continues, the more opportunities exist for these intelligence services' actors to recruit construction personnel to collect information about the layout, compromise the structure, or implant collection devices. Finally, the knowledge from observing how the Complex is built can also inform these actors about how to more effectively destroy the facility in the event of an armed conflict.

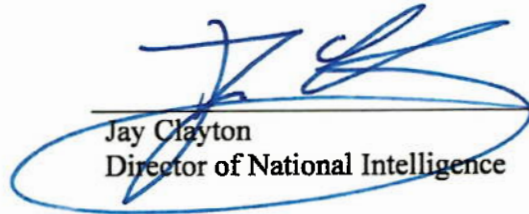
III. Conclusion

14. Two of the objectives of the project are to mitigate lethal plotting and to increase the national security capabilities, defensive and offensive, of the Complex. The delay increases the time to achieve these objectives and, as a result, increases the physical risks to the President and others, and more generally, delays improvements to the national security capabilities of the Complex. The delay also substantially increases the opportunities for adversaries to undermine these important objectives through collection, infiltration, and other actions.

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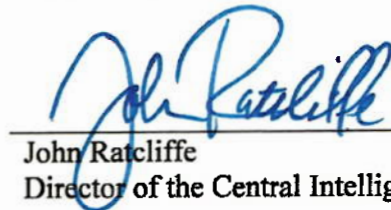
I declare that the foregoing is true and correct to the best of my knowledge.

Dated: August 13, 2026.



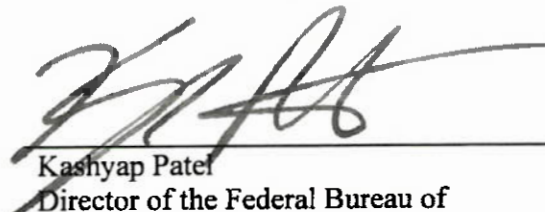
Jay Clayton
Director of National Intelligence

Dated: August 13, 2026.



John Ratcliffe
Director of the Central Intelligence Agency

Dated: August 13, 2026.



Kashyap Patel
Director of the Federal Bureau of
Investigation

Dated: August 13, 2026.



Markwayne Mullin
Secretary of Homeland Security

UNCLASSIFIED

IN THE SUPREME COURT OF THE UNITED STATES

NATIONAL PARK SERVICE, ET AL.,

Applicants

v.

No. 26A ____

NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED STATES**DECLARATION OF JOSHUA FISHER, DIRECTOR FOR WHITE HOUSE
MANAGEMENT AND ADMINISTRATION**

I, Joshua Fisher, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

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

2. I am the Director for White House Management and Administration ("M&A") and the Director of the Office of Administration ("OA"). In addition, I am responsible for managing the East Wing Modernization Project ("the Project") on behalf of the President of the United States. In this role, I meet regularly with the President, federal officials within the Office of the Executive Residence ("EXR") Chief Usher's Office, the United States Secret Service ("USSS"), the White House Military Office ("WHMO"), and other agencies, as well as contractors, architects, and engineers associated with the Project. The Project is being built not principally for President Trump, as construction will be completed only a short number of months before the end of his Term. Rather, the Project will primarily benefit future Presidents and world leaders who will enjoy its protections for generations.

3. Construction on the Project has been under way since October 20, 2025. The Project is currently ahead-of-schedule and under budget. To date, \$335 million of an expected \$400 million has been raised from private parties in connection with the Project, and has been donated to NPS pursuant to its donation-acceptance authority. The ballroom is funded by contributions from President Trump and some of the most prominent and successful corporations and people in America. As it stands today, on a daily basis, roughly 250 people are working on site. Construction on the Project is taking place roughly 20 hours a day, 7 days a week.

4. The Project has made remarkable progress. The concrete-and-steel superstructure is already at roof level, rising as high as 70 feet above ground in places, with a footprint of nearly 50,000 square feet and extensive above-ground works throughout. The structural foundation extends another 50 feet below ground with steel, concrete and rebar interconnecting the entire superstructure. Given the current progress, the superstructure is beyond the point of return. The freestanding concrete shear walls on-site cannot be left as-is without being tied together with the designed structural steel. These walls are engineered to work as a team—they do not have the necessary stability or strength to handle wind and heavy loads on their own. Until the structural steel is installed to connect them into one solid frame, leaving them partially built creates a major safety risk, and leaves the structure vulnerable.

5. Around 80% of the rebar has been placed, and concrete poured, for the Project. Altogether, the Project is approximately 65% finished, and it has passed the point where major changes to its design are feasible. The superstructure is scheduled to be completed by November 2026 and much of its façade will be substantially completed by April 2027. The entire Project is scheduled to be completed by August 2028. These estimates (and those below) are based on the assumption the Project will continue on schedule, and at the same pace as existing construction.

6. If the district court's injunction goes into effect, it will cause massive construction-related problems for the Project. Those problems are independent from the national-security hazards that also will accompany the injunction, and which are addressed in other declarations.

7. As indicated by the attached photos (Attachment A), construction of the underground facilities structure is nearly complete, and construction above ground is well underway. The second story of the building is presently under construction, with its above-ground features visible from the streets surrounding the White House, including Pennsylvania Avenue, Constitution Avenue, 15th Street and H Street, although not from President's Park. By way of comparison, the second attached photos (Attachment B) shows a mockup of the final design.

8. With respect to the concrete structure, we have already placed 6.4 million pounds of rebar; poured 18,000 cubic yards of concrete, this concrete is the hardest and strongest concrete there is, the type used in nuclear power plants- it is impermeable, and virtually impossible to deconstruct. The materials used, both in concrete and steel (and even glass), are meant to stop bombs, rockets, missiles, and even nuclear blasts. It is, in a very large way, a 'safe room' for the Presidency and the continuity of government. We have completed work in the Colonnade as well as the North Ballroom and are on schedule to complete the South Ballroom concrete structure by August 21st. With respect to the structural steel work, which predominately occurs above the 2nd floor ballroom level, installation has been completed in the Colonnade, and fabrication is on track for the Ballroom structural steel to commence during the month of August. In total, over 3 million pounds of structural steel have been procured and are being prepared for installation on the Project.

9. By August 21—the date when the injunction is set to go into effect under the D.C. Circuit's order—we expect to install another 1 million pounds of rebar; pour another 3,000 cubic yards of concrete; and make substantial progress on filling the remaining concrete into the structure, plus

erecting the steel for the Ballroom roof. This is consistent with a project of this scale, and the pace with which our schedule is advancing.

10. As for the façades, we have already procured 1 million pounds of steel; 58,000 square feet of glass; 60,000 pounds of aluminum finishes; and have quarried almost all of the required limestone. We have also made substantial progress on preparing the molds, panels, and other materials necessary for the façades, and have commenced fabrication of the precast concrete façade panels.

11. By August 21, we expect to make substantial progress on fabricating precast concrete façade panels, carving the limestone façade ornamentation and Corinthian columns, fabricating insulated glass window units, and preparing these building envelope materials for delivery to the site.

12. As for the mechanical, electrical, and plumbing (MEP), we have installed 5 miles worth of conduit; procured 1,700 linear feet of plumbing pipe; and installed 500 linear feet of such pipe.

13. By August 21, we expect to install another mile of conduit; another 300 linear feet of plumbing pipe; and to have installed another 200 linear feet of such pipe.

14. As the above indicates, the Project has progressed efficiently and expeditiously, with a substantial amount of its work already completed. At our current pace, the structure should be substantially finished by November 2026, the facades by April 2027, and the commissioning of mechanical systems will commence in early 2028. Key features of the Project are finished and installed, including all below grade structures, the grand staircase structure, kitchen structure, and Colonnade movie theatre structure. Mechanical and electrical rough-in is progressing in all areas below the ballroom level, including in the kitchen, FLOTUS suite, and the below-grade mission spaces.

15. If work is ordered to stop, severe construction-related problems will follow—again, separate and apart from the national-security problems that others have detailed.

16. As for the structure and facade, if work is stopped for an extended period of time, the free-standing walls currently constructed will not be permanently tied-in to the forthcoming roof structure, leading to susceptibility to strong winds during extreme weather. There is a significant risk of water intrusion into the below-grade spaces and the adjacent White House residence. In the ordinary course, the Construction team can take measures to mitigate the effects of wind and weather during construction until the project is fully watertight; however, in the event of an extended stoppage, the Project will be susceptible to damage. The site is in an unfinished state and is also vulnerable to soil erosion and the deterioration of foundational elements. In short, the structure has made significant progress, but cannot be largely left alone at this point, and if we have to do that, it will endure tremendous setbacks that will fundamentally compromise the integrity of everything currently built there.

17. As for building systems, including the mechanical, electrical, and plumbing work, the temporary facilities in place are not equipped for long-term use, leaving the site without a stable power source, thus putting at risk, among other things, critical infrastructure and important HVAC work (which if left unaddressed, could lead to potential bacteria growth and other hazards within the structure or at/around the site).

18. In short, if work is stopped in line with the district court's injunction, it will be a disaster. Quite frankly, if the building were tragically ordered to be taken down, or even altered, by the court, there would be no way to do so. The Project is considerably on its way to being completed, with critical steps already finished. Stopping now—after so much foundational work having been finished—is beyond impractical. It will degrade and compromise what has already been done, to

the point where it is uncertain that the significant work completed to date will even be usable for whatever building is allowed to occupy the site. Pausing work now, as the district court has ordered, will jeopardize everything we have done so far; and depending on how long that freeze persists, it might force us to tear down everything we have done as a degraded mass, to allow for whatever comes next—something that would be disruptive and extremely dangerous.

19. None of this is meaningfully redressed by the district court's purported exception for national-security-related construction. The Project is an integrated whole, where each major aspect works in tandem with another. Should the structure or façade be stalled, it risks water contamination everywhere else. If we cannot pour concrete and lay steel in line with the Project's current plans, then we cannot do the electrical work necessary to install heating and air-conditioning systems that will (among much else) prevent contaminating mold, freezing lines, or degradation within the building. Without a water-tight building, we cannot install the critical infrastructure required to make below-ground facilities operational. The Project follows a single coherent design, and we have built consistent with that design for months. Its core pieces cannot be disentangled now. Work has progressed too far to go back to the drawing board.

20. I have worked closely on this project and have the highest opinion of its final appearance. This building is already being adjudged to be one of the most beautiful of its kind, anywhere in the country. To that end, the Supreme Court of the United States and, in particular, its magnificent Corinthian columns—considered the highest column order in architecture—have served as the inspiration for the monumental columns that front the military/ballroom complex. These columns are made from the highest-grade Indiana limestone, which was shipped to Italy, and are being carved by some of the greatest artists anywhere in the world. Delivery and installation will begin shortly.

21. I declare that the foregoing is true and correct to the best of my knowledge.

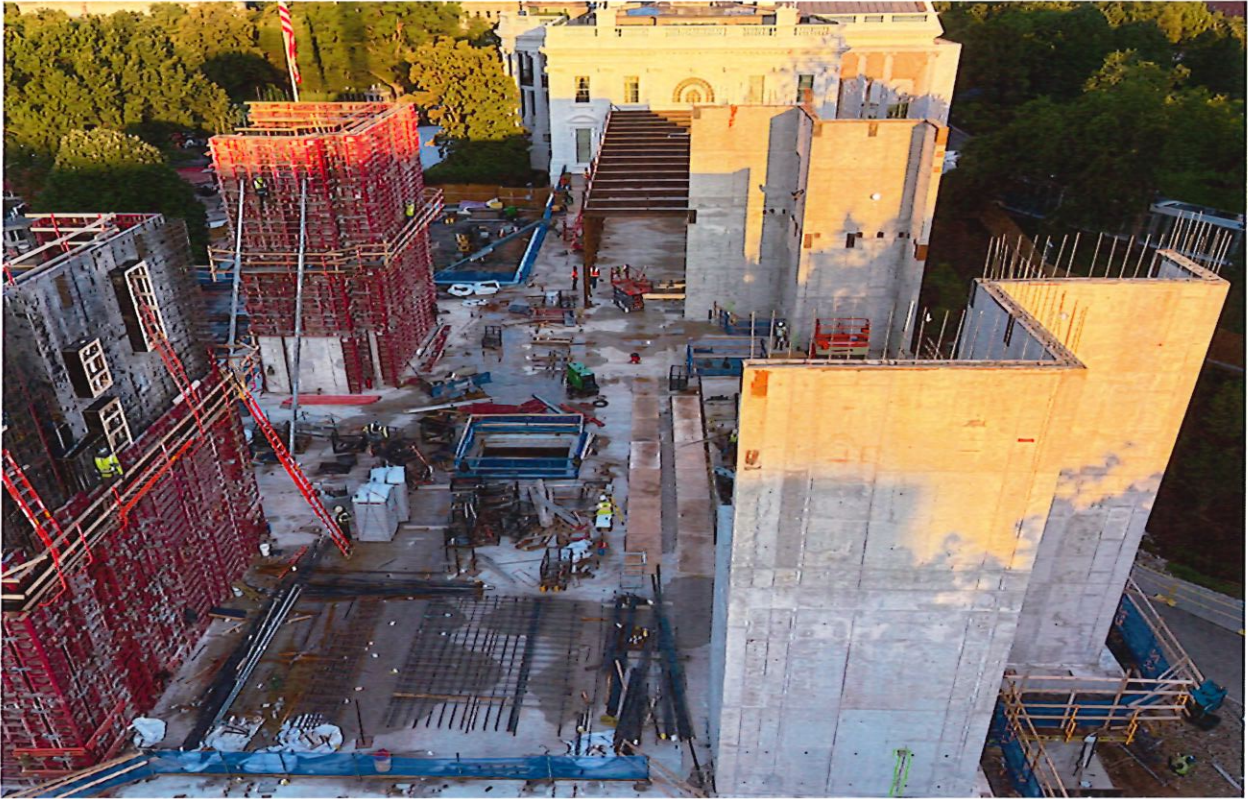
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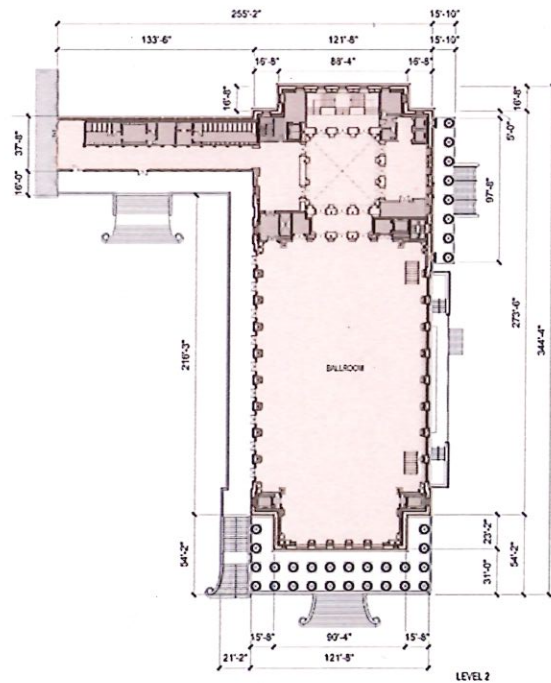
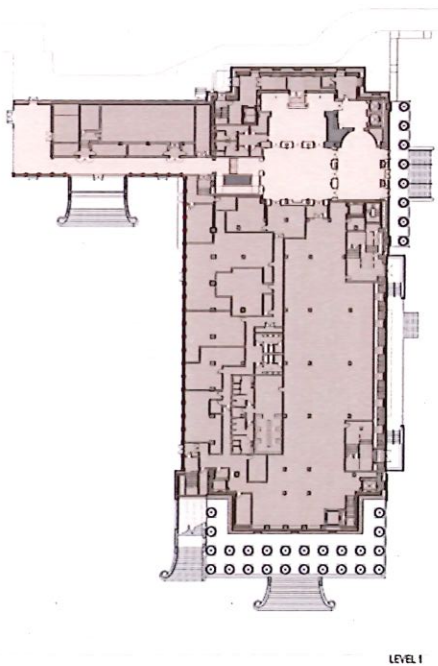


Joshua Fisher
Director for White House Management and Administration
Director of the Office of Administration
Executive Office of the President

ATTACHMENT A

The structure is five stories deep into the ground, with all hardened steel, concrete, and rebar. This highly integrated project includes Bomb Shelters, a State of the Art Hospital and Medical Facilities, powerfully Protective Partitioning between all areas of the Building, Top Secret Military Facilities, Structures, and Equipment, Protective Missile, Drone, and Bullet Resistant Steel, Columns, Roofs, and Beams, Drone Proof Ceilings, Side Walls, Windows, and Roofs, Military Grade Venting, Bullet, Ballistic, and Blast Proof Glass, and a maximally structuralized DronePort atop, all of which are purchased, constructed, and/or ready to be erected. It is completely tied together as one big, very costly, and complex hardened unit, which is vital for National Security and Military Operations for Washington, D.C., and indeed, the United States of America! The Ballroom will be funded with approximately \$400 million in private donations, with no taxpayer money required for the ballroom itself. The ballroom is funded by contributions from President Trump and some of the most prominent and successful corporations and people in America.





East Wing Modernization
WASHINGTON D.C. | AUGUST 12, 2024

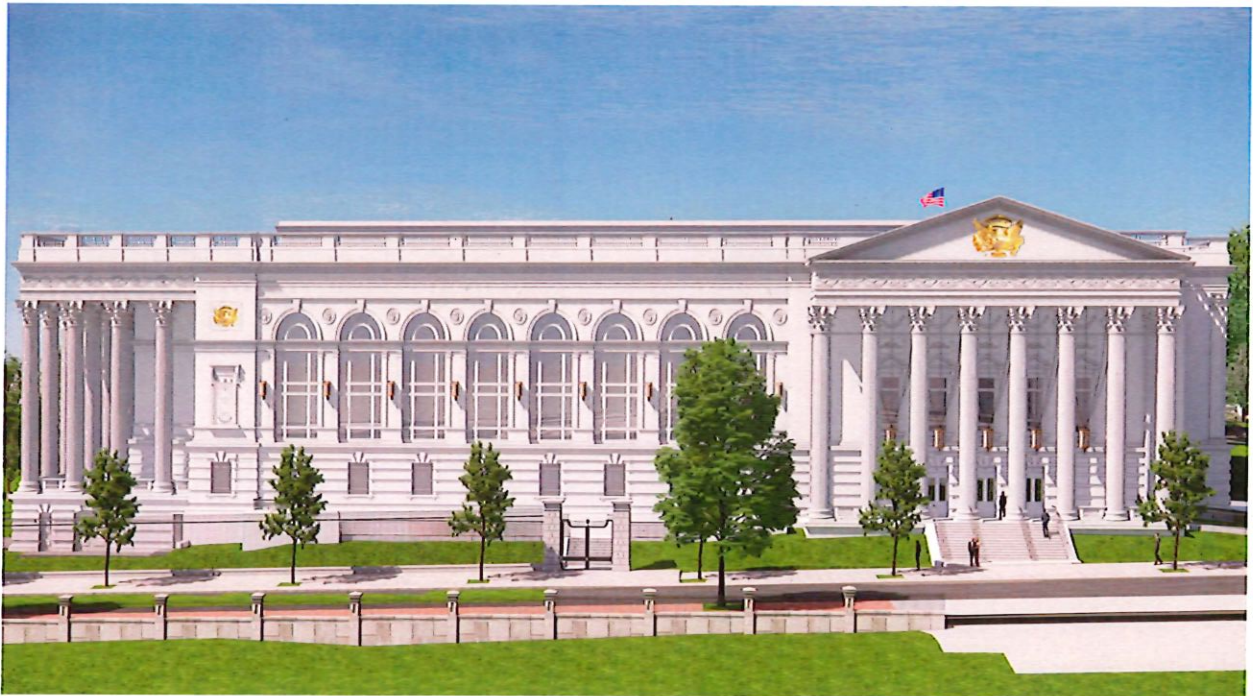
FLOOR PLANS: LEVELS 1 & 2 A13
Shelton Barnes Associates

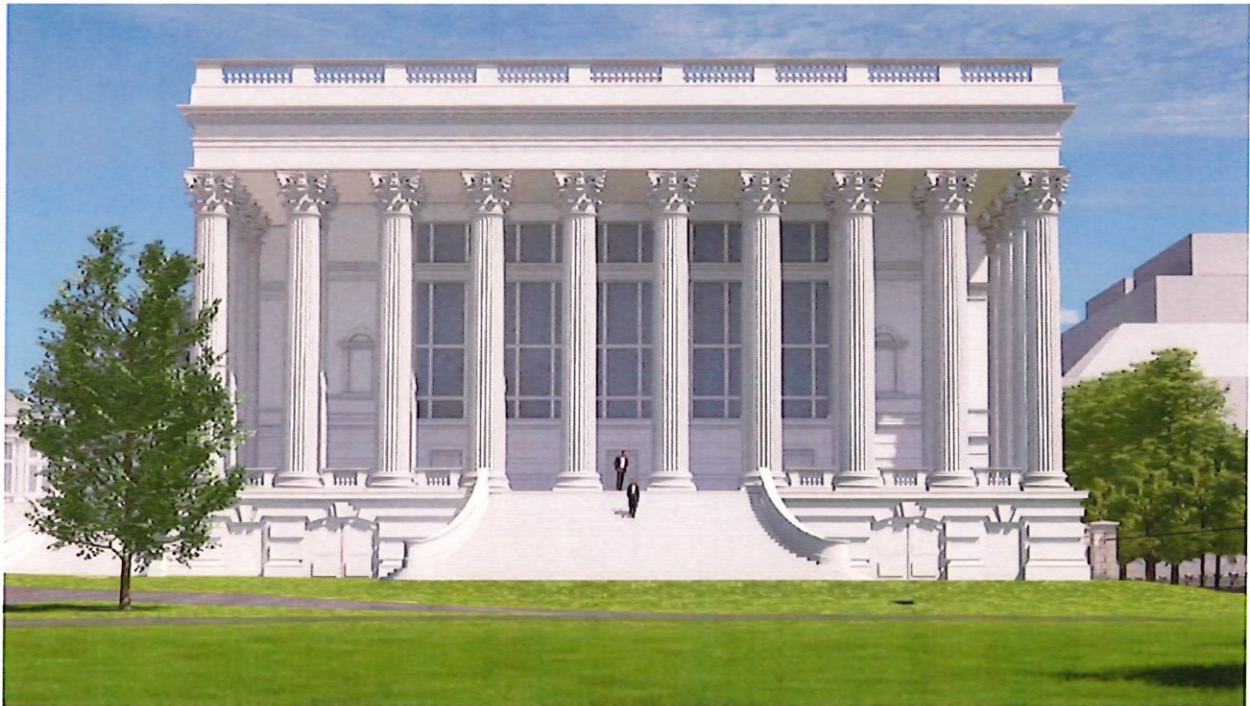


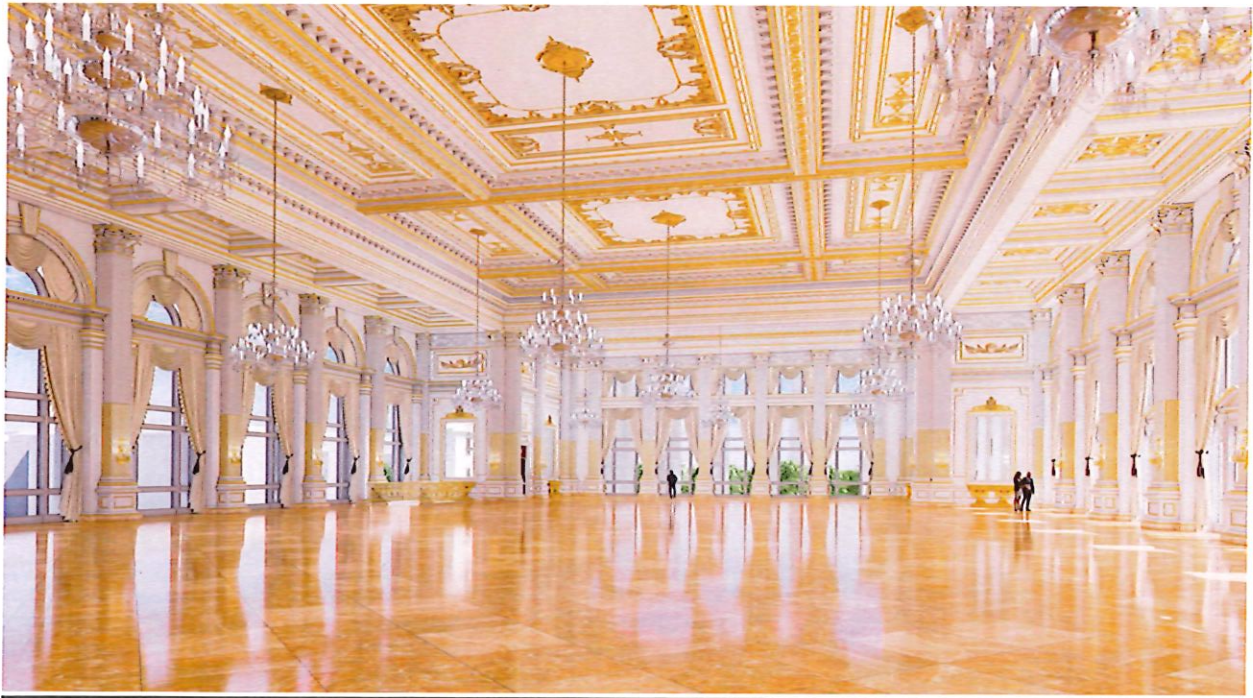
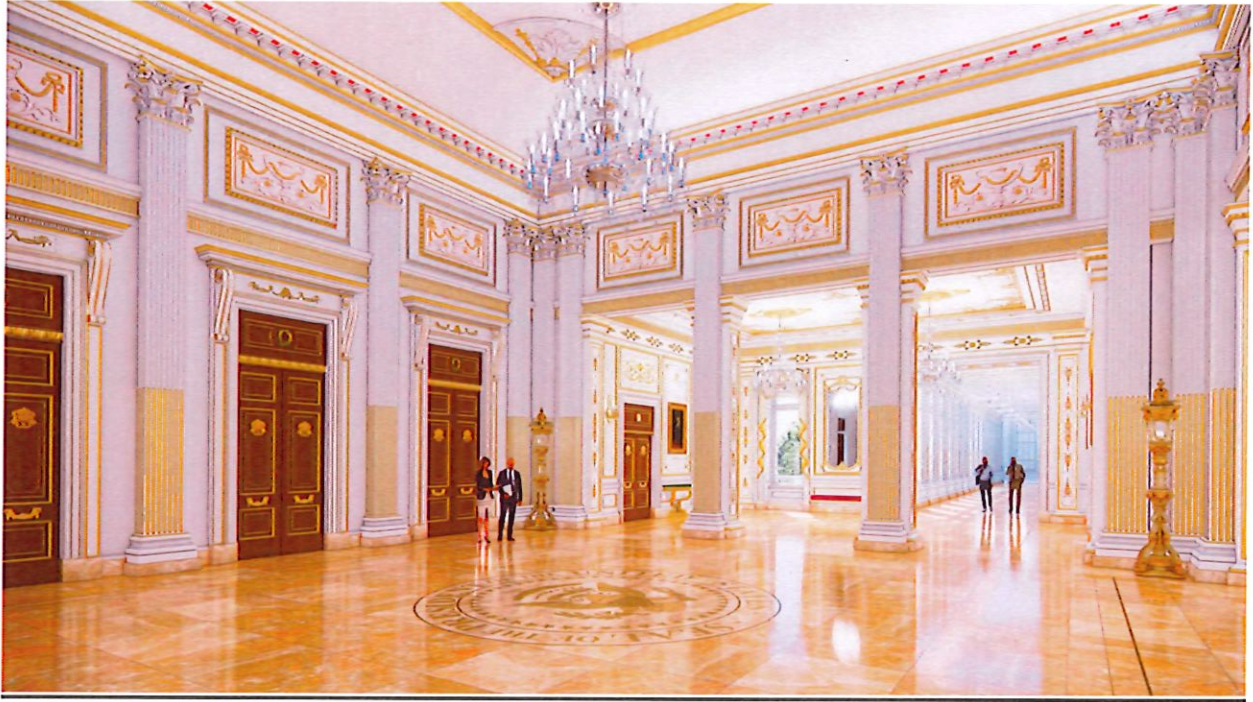
ATTACHMENT B



Ballroom, on left, mimics exactly the facade of the White House!









DronePort



DronePort



ATTACHMENT C

High resolution images of the photos included in the declaration.



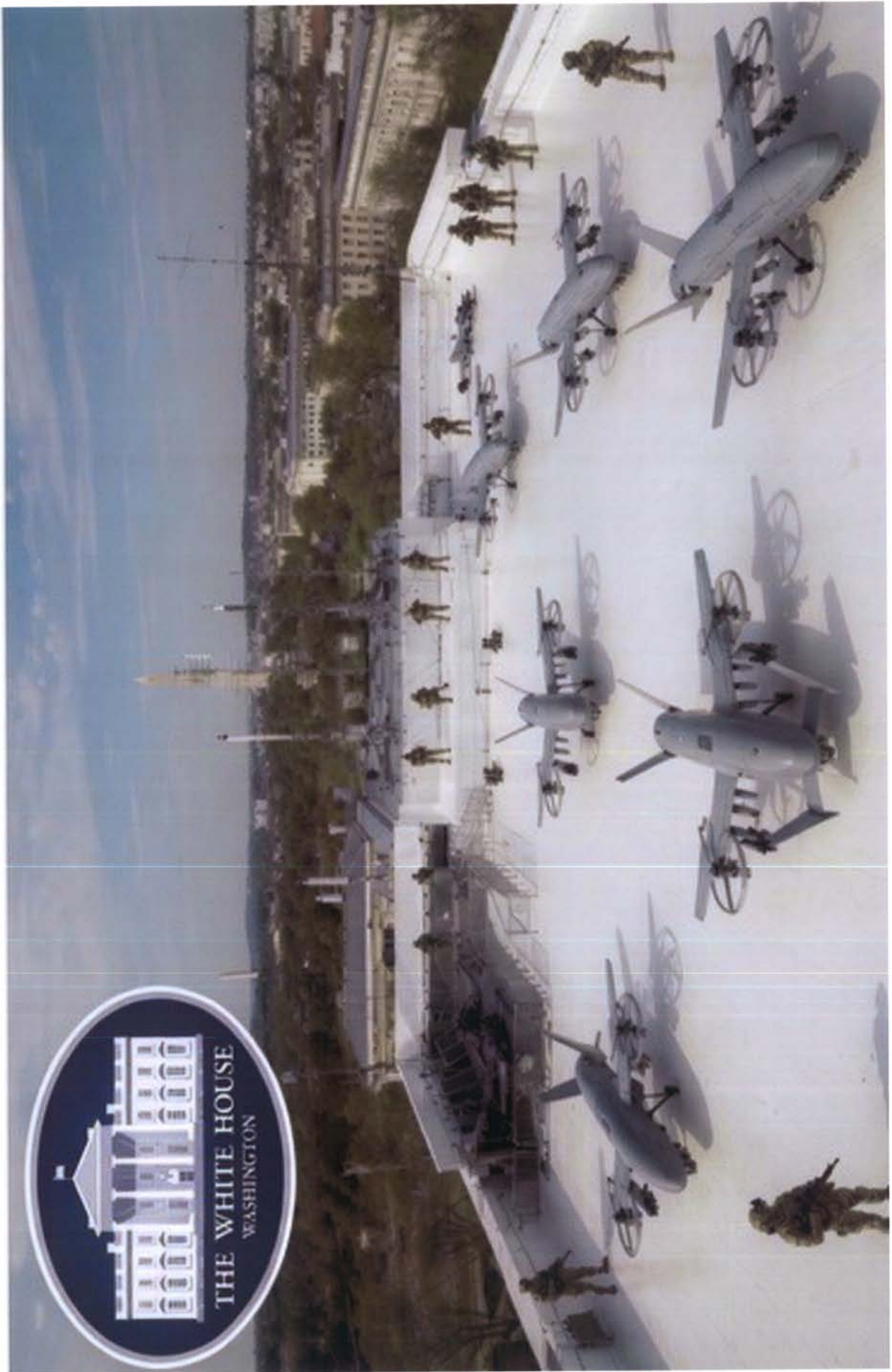




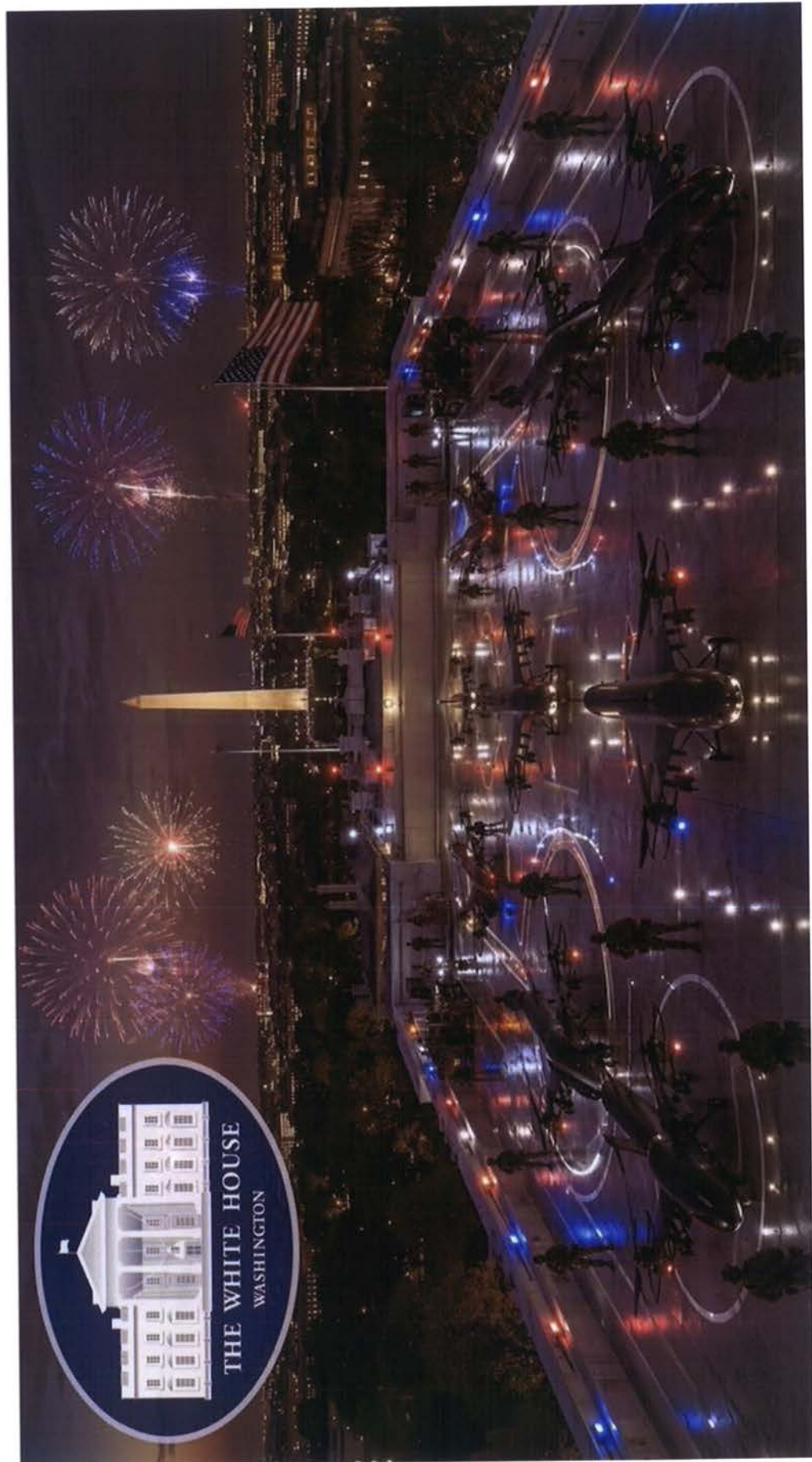




DronePort



DronePort



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