IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MACALESTER COLLEGE
1600 Grand Avenue
Saint Paul, MN 55105

Plaintiff,

v.

CHRISTOPHER WRIGHT,
in his official capacity as
Secretary of Energy
1000 Independence Ave., SW
Washington, DC 20585

UNITED STATES DEPARTMENT OF ENERGY
1000 Independence Ave., SW
Washington, DC 20585

RUSSELL VOUGHT,
in his official capacity as Director of the
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

OFFICE OF MANAGEMENT AND BUDGET
725 17th Street NW
Washington, DC 20503

Defendants.

Civil Action No. 1:26-cv-2992

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This case arises from the actions by Defendants to terminate Department of Energy ("DOE") grant awards that this Court considered – and ruled to be unlawful – in *City of Saint Paul, Minnesota v. Wright*, 816 F. Supp. 3d 65 (D.D.C. 2026).

2. Plaintiff Macalester College ("Macalester"), located in Saint Paul, Minnesota, was founded in 1874 and has offered world-class liberal arts education in the Minneapolis/St. Paul metropolitan area for over one hundred and fifty years. For over half of a century, Macalester rooted itself in a commitment to environmental studies and sustainability, and the college's 2022-2030 Strategic Plan affirms Macalester's commitment to "fostering community, global citizenship, and environmental sustainability."

3. In 2023, consistent with its mission and vision, Macalester submitted a proposal in response to the Department of Energy's "Consumer Electronics Battery Recycling, Reprocessing, and Battery Collection Funding Opportunity Announcement" ("FOA"). Macalester's Project, entitled "CollectED," responded to Topic Area 1 of the FOA, Expanding Consumer Participation in Consumer Electronics Battery Recycling Programs. CollectED sought to provide tools, resources, and practical guidance for individuals, schools, and communities to take simple, informed steps to prevent battery-related hazards, protect the environment, and recover valuable materials.[1]

4. In March 2024, DOE announced four awards in Topic Area 1, to the following entities: Plaintiff, located in Minnesota; Electronic Recyclers International, Inc. (ERI), located in California; Harris County, located in Texas; and the Idaho National Laboratory, located in Idaho. By design, all projects supported the DOE's agency priority of "Expanding Consumer Participation in Consumer Electronics Battery Recycling Programs."

5. All four grants remained in effect through October 1, 2025. However, as the Court found in *City of Saint Paul*, on that day, Defendant Vought issued a public threat to cancel "the

[1] https://collectedproject.org/about-us/.

Left's climate agenda" in "**CA**, CO, CT, DE, HI, IL, MD, MA, **MN**, NH, NJ, NM, NY, OR, VT, WA." 816 F. Supp. 3d at 68 (emphasis added).

6. In mid-October 2025, DOE sent notices of termination to Plaintiff and to ERI, each of which is located in a state identified by Defendant Vought – Minnesota and California, respectively. "Spared from termination were the recipients of similar awards located in so-called 'Red States,'" *see* 816 F. Supp. 3d at 70: Idaho National Laboratory and Harris County, Texas.

7. As in *City of Saint Paul*, Defendants terminated Plaintiff's grant because Plaintiff is located in a Blue State. There is no rational basis for this decision, and it should be enjoined.

PARTIES

8. Macalester College ("Macalester") is a liberal arts college with its principal place of business in St. Paul, Minnesota.

9. Defendant Christopher Wright is the Secretary of Energy and is sued in his official capacity.

10. Defendant Department of Energy ("DOE") is an agency of the United States government.

11. Defendant Russell Vought is the Director of the Office of Management and Budget and is sued in his official capacity.

12. Defendant Office of Management and Budget ("OMB") is a federal agency within the Executive Office of the President.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the action arises under federal law, including the U.S. Constitution.

14. Venue is proper in this Court under 28 U.S.C. § 1391(e)(1) because this action seeks relief against federal agencies and officials acting in their official capacities; at least one defendant is located in this district; and a substantial part of the events or omissions giving rise to the claims occurred in this district.

FACTUAL ALLEGATIONS

DOE Funding for Critical Minerals Projects

15. In November of 2021, Congress passed the Infrastructure Investment and Jobs Act ("IIJA"), also referred to as the Bipartisan Infrastructure Law,[2] "to ensure a supply chain for clean energy technologies, such as supply chains for critical minerals (e.g., rare earth minerals) and battery materials," including "support for programs that identify, produce, recycle, and reuse critical minerals."[3] Congress approved "$75 million total from Fiscal Year 2022 to Fiscal Year 2026 for grants to fund a new Recycling Education and Outreach Grant Program."[4] Critical minerals are vital to national economic and security interests. Both Biden and Trump Administrations have made sourcing and recovery of critical minerals DOE priorities.

16. On June 12, 2023, DOE issued Consumer Electronics Battery Recycling, Reprocessing, and Battery Collection Funding Opportunity Announcement ("FOA") Number: DE-FOA-0002897. The FOA, from DOE's Office of Energy Efficiency and Renewable Energy ("EERE") and Office of Manufacturing and Energy Supply Chains ("MESC"), was issued to "support the recycling of consumer electronics batteries and battery-containing devices to help build a robust domestic critical material supply chain for EV batteries in the United States."[5] In

[2] Public Law 117-58.
[3] https://www.congress.gov/bill/117th-congress/house-bill/3684/all-info.
[4] NOFO 2023, at 7; See IIJA §40 § 40207(f)(2)
[5] https://eere-exchange.energy.gov/Default.aspx?foaId=a8ec241a-751b-4856-a61f-461ac1238958.

the Government's own words, critical minerals "are essential to the economic or national security of the United States . . . the absence of which would have significant consequences for the economic or national security of the U.S."[6]

17. The Notice of Funding Opportunity ("NOFO") stated: "With the demand for EVs and stationary storage alone projected to increase the size of the lithium battery market five- to ten-fold by the end of the decade, it is essential that the United States invests in projects that encourage consumers to recycle batteries and battery-containing devices, develop methods to reduce the cost of recycling batteries, and accelerate the establishment of new collection, reprocessing, and recycling programs in states, localities, and at retailers. The recycling of batteries and battery-containing devices is paramount for the establishment of a robust domestic critical material supply chain for EV batteries."[7]

18. Within days of the announcement, Macalester began work on a proposal for the 2023 NOFO. Led by Dr. Roopali Phadke, Macalester submitted an initial concept paper for the award. The concept paper outlined a project entitled "CollectED," a Macalester-supported initiative to bring together nonprofit, private sector and government partners to safely collect and recycle batteries. CollectED sought to provide tools, resources, and practical guidance for individuals, schools, and communities to take simple, informed steps to prevent battery-related hazards, protect the environment, and recover valuable materials.[8]

19. Macalester began building a team of implementation partners to support CollectED, which included local government, nonprofits and educational institutions. By September 18, 2023, DOE "[e]ncouraged [Macalester] to Submit a Full Application," which was

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[6] https://www.usgs.gov/faqs/what-a-critical-mineral.
[7] DE-FOA-0002897, 4, Citing, Executive Order 14008.
[8] https://collectedproject.org/about-us/

submitted on or about November 29, 2023, in Topic Area 1: Expanding Consumer Participation in Consumer Electronics Battery Recycling Programs.

DOE Selects Macalester and Three Other Projects for Expanding Consumer Participation in Consumer Electronics Battery Recycling Programs

20. On March 28, 2024, DOE announced the selection of four projects in Topic Area 1 of the NOFO, with awards totaling $14,412,221. DOE stated that the "[s]elected projects will develop and implement an education and/or behavior change campaign to increase participation by consumers in existing battery recycling programs."[9]

PROJECT TITLE	PROJECT LEAD	PROJECT PARTNERS	LOCATION	FEDERAL FUNDING AMOUNT
The CollectED Project	Macalester College	REcharge Labs, Field Guide, Upstream Exhibits, STEM Educational Insights, Repowered	St. Paul, MN	$1,770,043
Comparing strategies to collect battery-containing devices in states with and without electronics recycling laws	Idaho National Laboratory	N/A	Idaho Falls, ID	$2,982,829
Expanding Consumer Participation in Consumer Electronics	Electronic Recyclers International, Inc. (ERI)	Electric Power Research Institute (EPRI), National Renewable Energy Laboratory (NREL)	Fresno, CA	$4,799,017

[9] https://www.energy.gov/cmei/vehicles/funding-selections-infrastructure-investment-and-jobs-act-battery-recycling.

PROJECT TITLE	PROJECT LEAD	PROJECT PARTNERS	LOCATION	FEDERAL FUNDING AMOUNT
ZEEBRA: Zoos Educating on Electronics and Battery Recycling Awareness		Houston Zoo, CORE Design Studio, University of Houston, Elevate Communications	Houston, TX	$4,860,332

21. Macalester's principal project objective under the Agreement was to develop a platform that has three prongs: (1) a permanent and traveling Public Exhibit, (2) a REcharge Academy educator training institute, (3) and a digital StoryMap that includes resources and maps [battery] collection sites.

22. Between May and August of 2024, Macalester completed all pre-award compliance requirements and began pre-award research activities using Macalester internal funds.

23. Budget Year 1 for the award began in August 2024. During the first year of the award, Macalester met all quarterly and annual milestones and received positive feedback from its DOE project partners.

24. In June 2025, Dr. Phadke was invited to a merit award meeting convened by DOE in Washington, D.C. At that meeting, Dr. Phadke met with the leaders of the other three Topic 1 projects and the group of four Topic 1 awardees began to collaborate through quarterly conference calls and shared online resources. Staff of EPA and DOE joined the quarterly calls. The last meeting prior to the October 2025 government shutdown occurred in August 2025.

DOE Terminates Funding to Recipients Exclusively in "Blue" States

25. On May 15, 2025, Defendant Wright announced that DOE had been conducting a "review" of financial assistance awards issued under the prior administration. A press release

stated that Wright had "concern[s]" about certain awards issued by the prior administration but did not specify the awards that were implicated as part of this concern or further explain his concerns. Wright stated that DOE would conduct a "focused review[]" for certain awards "on a case-by-case basis."[10]

26. During the leadup to a possible lapse in appropriations at the end of September 2025, President Trump threatened cuts against programs favored by Congressional Democrats and their voters. For example, on September 30, referring to the Congressional Democrats, President Trump told reporters: "We can do things during the shutdown that are irreversible, that are bad for them and irreversible by them, like cutting vast numbers of people out, cutting things that they like, cutting programs that they like."[11]

27. On October 1, 2025, Defendant Vought posted on X: "Nearly $8 billion in Green New Scam funding to fuel the Left's climate agenda is being cancelled. More info to come from @ENERGY." Vought stated that the "[t]he projects are in the following states: CA, CO, CT, DE, HI, IL, MD, MA, MN, NH, NJ, NM, NY, OR, VT, WA."[12]

28. After the shutdown had begun, President Trump stated that the administration was "only cutting Democrat programs."[13]

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[10] DOE, Secretary Wright Announces New Policy for Increasing Accountability, Identifying Wasteful Spending of Taxpayer Dollars, May 15, 2025. *See* https://www.energy.gov/articles/secretary-wright-announces-new-policy-increasing-accountability-identifying-wasteful.

[11] Ricard Cowan, et al., Trump Warns Democrats of "Irreversible" Actions in Government Shutdown, Yahoo News (Sept. 30, 2025), https://perma.cc/UVV3-MXKS.

[12] @RussVought, https://x.com/russvought/status/1973450301236715838.

[13] Kevin Breuninger, Trump Threatens to Use Government Shutdown to Cut "Popular Democrat Programs," CNBC (Oct. 9, 2025), https://perma.cc/KZ69-5DGG.

29. On October 2, Defendant Wright announced that DOE was terminating 321 awards, spanning 223 projects, for which the agency had previously awarded $7.5 billion.[14]

30. DOE's press release asserted that these projects "did not adequately advance the nation's energy needs, were not economically viable, and would not provide a positive return on investment of taxpayer dollars."[15] However, the release contained no specifics to support those assertions or identification of the awards that were terminated.

31. By letter dated October 14, 2025, DOE sent a notice terminating Macalester's award. The termination letter stated the "project no longer effectuates program goals regarding feasibility due to a shift in the Department of Energy's priorities."

32. Dr. Phadke had been in regular communication with the leaders of the other Topic 1 projects, and she contacted them shortly after receiving the termination letter from DOE. Dr. Phadke was informed that the project located in California had received a notice of termination and the projects located in Texas and Idaho had not.

33. On November 10, 2025, the City of Saint Paul and five other DOE awardees filed a complaint asserting that DOE terminated awards because they were located in Blue states. *See City of Saint Paul v. Wright*, No. 25-cv-3899, 2026 WL 88193 (D.D.C. Jan. 12, 2026).

34. Plaintiffs in the *City of St. Paul v. Wright* alleged the following, which, on information and belief, Defendants have not denied:

a. On or around October 1, 2025, Defendants transmitted to members of Congress a list of the 321 awards slated for termination that Secretary Wright was referencing. That list was made public in various news reports, and Defendants did not deny its

[14] DOE, Energy Department Announces Termination of 223 Projects, Saving Over $7.5 Billion (Oct. 2, 2025), https://perma.cc/WV7Q-QWA5.
[15] *Id.*

authenticity in the *City of Saint Paul* case. See, e.g., Maeve Allsup, Scoop: These Are the 321 Awards DOE Is Canceling, Latitude Media (Oct. 2, 2025), https://perma.cc/B9F7-483X.

b. The website www.usaspending.gov contains authoritative information on every grant awarded by DOE and other agencies, including the address on file of each awardee and the primary place of performance of each award.

c. The list of 321 awards contained six awards that had been previously terminated earlier in 2025, leaving 315 awards newly terminated in October 2025. Of those, one award was to an entity located in Canada. For each and every one of the 314 awards to U.S.-based grantees, the grantee had an address on file in a state that voted for Vice President Harris and currently has two Democratic-caucusing Senators.

d. In addition, the primary place of performance for 308 of the 315 awards (i.e., 98%) was a state that voted for Vice President Harris and has two Democratic-caucusing Senators.

e. According to public reporting, DOE had originally sent a broader list of more than 600 awards to OMB for potential termination. Brian Dabbs, et al., DOE Floats New Cuts to Hundreds of Clean Energy Grants, E&E News (Oct. 7, 2025), https://perma.cc/5B76-VGQP. The broader list included awards to grantees based in states throughout the country, including Arizona, Indiana, Florida, Ohio, Louisiana, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wisconsin—all of which voted for President Trump in the 2024

election. Defendants did not terminate any awards to grantees located in those states in October 2025.[16]

35. On December 19, 2025, Defendants in the *City of Saint Paul v. Wright* filed the following stipulation:

> Solely for the purposes of the present litigation and for no other purpose, with respect to the seven financial awards at issue in this litigation, Defendants stipulate not to contest the following factual assertions:
>
> 1. The seven terminated awards, all of which have prime awardees in States that tend to elect and/or have recently elected Democratic candidates in state and national elections (so-called "Blue States"), are comparable to certain other U.S. Department of Energy ("DOE") awards that (a) are to prime awardees not in Blue States, and (b) did not receive letters terminating their awards in October 2025.
> 2. A primary reason for the selection of which DOE grant termination decisions were included in the October 2025 notice tranche was whether the grantee was located in a "Blue State."

City of Saint Paul v. Wright, No. 25-CV-03899-APM, Dkt. No. 22-1, (D.D.C. Dec. 19, 2025) (footnotes omitted).

36. On March 30, 2026, a group of additional DOE awardees filed a complaint asserting that DOE terminated awards because they were located in Blue states. *See . Am. Inst. of Chem. Eng'rs v. Wright*, No. 26-cv-01063-APM (D.D.C. Mar. 30, 2026) ("*AICE v. Wright*" or "*AICE*").

37. On June 10, 2026, the parties in *AICE v. Wright* filed a "[PROPOSED] STIPULATED JUDGMENT" that referred to the plaintiffs in that case and the *City of Saint Paul* case and stated the following:

> 5. . . .[S]olely for the purposes of the present litigation and for no other purpose, with respect to the eleven financial awards at issue in this litigation, Defendants stipulate not to contest the following factual assertions:

[16] List of Awards, https://perma.cc/GA87-D96M.

> a. The eleven terminated awards, all of which have prime awardees in States that tend to elect and/or have recently elected Democratic candidates in state and national elections (so-called "Blue States"), are comparable to certain other U.S. Department of Energy ("DOE") awards that (a) are to prime awardees not in Blue States, and (b) did not receive letters terminating their awards in October 2025. See Stipulation ¶ 1, Saint Paul, No. 25-cv-3899 (D.D.C. Dec. 23, 2025), Dkt. 27.
>
> b. A primary reason for the selection of which DOE grant termination decisions were included in the October 2025 notice tranche was whether the grantee was located in a "Blue State." See Stipulation ¶ 2, Saint Paul, No. 25-cv-3899 (D.D.C. Dec. 23, 2025), Dkt. 27.
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> 6. Solely for purposes of this case, Defendants also agree to maintain the representation made by the government in Saint Paul that "it would be legally sufficient for equal protection purposes to find that a primary reason for the termination decisions at issue is because of location in blue states." *City of Saint Paul v. Wright*, 2026 WL 88193, at *5 (D.D.C. Jan. 12, 2026) (alterations and quotations omitted).

Am. Inst. of Chem. Eng'rs v. Wright, Dkt. No. 13 (D.D.C. Jun. 10, 2026).

38. Plaintiff is a prime awardee located in Saint Paul, Minnesota, a state whose voters tend to elect and/or have recently elected Democratic candidates in state and national elections. Minnesota was specifically mentioned by Defendant Vought on October 1, 2025, *see supra* ¶ 27.

39. Electronic Recyclers Inc. ("ERI"), one of the other four Topic 1 awardees, is located in California, a state whose voters tend to elect and/or have recently elected Democratic candidates in state and national elections. California was specifically mentioned by Defendant Vought on October 1, 2025, *see supra* ¶ 34. Upon information and belief, and based upon publicly available documentation, ERI's award was terminated on or about October 15, 2025, in the exact same manner as Plaintiff's award.

40. The Idaho National Laboratory and Harris County, the other Topic 1 awardees, are located in Idaho and Texas, respectively, both states which tend to elect and/or have recently elected Republican candidates in state and national elections.

41. The awards to Idaho National Laboratory and Harris County were not terminated and both have continued to perform under their awards. Harris County's award was re-confirmed on April 13, 2026. Idaho National Laboratory presented on its work at the DOE June 2026 annual merit review meeting in Washington, D.C.

42. All four awards were designed to and in fact did fulfill the same stated DOE goal of developing and implementing an education and/or behavior change campaign to increase participation by consumers in existing battery recycling programs.

43. Plaintiff's award is comparable to the two Topic 1 awards to awardees not in Blue States which did not receive letters of termination. The ERI award, which was to an entity in a Blue State (California) and was terminated, is also comparable to the two Topic 1 awards to awardees not in Blue States which did not receive letters of termination.

44. Upon information and belief, and based upon the public record and the record in the *City of Saint Paul* and *AICE* cases, the primary reason for DOE's termination of Plaintiff's award was that Plaintiff is located in a Blue State.

FIRST CLAIM FOR RELIEF

Violation of the Fifth Amendment's Equal Protection Guarantee

45. Plaintiff re-alleges and incorporate by reference all prior and subsequent paragraphs.

46. The Due Process Clause of the Fifth Amendment prohibits the federal government from denying equal protection of the laws. *See Bolling v. Sharpe*, 347 U.S. 497, 499-500 (1954). In identifying DOE grants to terminate in October 2025, Defendants intentionally treated Plaintiff differently from similarly situated entities based on the political

views of, and votes cast by, the citizens of the state where the prime grantee was located, and the state where the relevant award would be primarily performed.

47. Defendants' reasons for treating Plaintiff differently from similarly situated entities are arbitrary and irrational.

48. Defendants' differential treatment of Plaintiff is motivated by animus against the political views of and votes cast by the citizens of the states associated with the awards, based on the location of the prime grantee or where the award would be performed.

49. Defendants lack any legitimate government interest in terminating Plaintiff's award. Even if Defendants could identify a hypothetical legitimate government interest, the targeting of Plaintiff's award for termination—but not similarly situated grants to recipients in non-Blue States—is not rationally related to any such legitimate state interest.

50. As a direct and proximate result of Defendants' differential treatment, Plaintiff has suffered concrete economic and non-economic harm, including loss of funding, loss of funding opportunities, loss of access to federally funded programs and resources, loss of investments, costs of mitigation, diversion of resources, reputational harm, and chilled association.

51. Through the actions above, Defendants have violated the Due Process Clause of the Fifth Amendment.

REQUEST FOR RELIEF

NOW, THEREFORE, Plaintiff requests judgment in its favor against Defendants as follows:

1. Declare that the Termination of Plaintiff's Award was unlawful, in violation of the Fifth Amendment's Due Process Clause;

2. Enjoin the Termination;

3. Enjoin Defendants to restore the award to Plaintiff;

4. Award Plaintiff reasonable costs and attorneys' fees; and

5. Award such other relief as this Court may deem just and proper.

Dated: August 26, 2026

Respectfully Submitted,

/s/ Gary DiBianco
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**Pro hac vice forthcoming*