

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

UNION OF CONCERNED SCIENTISTS	)	
2 Brattle Square	)	
Cambridge, MA 02138, and	)	
	)	
ENVIRONMENTAL DEFENSE FUND	)	
257 Park Ave. S.	)	
New York, NY 10010,	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	
NATIONAL SCIENCE FOUNDATION	)	
2415 Eisenhower Ave.,	)	
Alexandria, VA 22314, and	)	
	)	
OFFICE OF MANAGEMENT AND BUDGET	)	
725 17th Street NW, Suite 9272	)	
Washington, DC 20503	)	
<i>Defendants.</i>	)	

Civil Action No. 1:26-cv-3170

**COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

INTRODUCTION

1. The Union of Concerned Scientists (UCS) and Environmental Defense Fund (EDF) bring this action seeking the immediate processing and timely release of records sought from the National Science Foundation (NSF) and the Office of Management and Budget (OMB) regarding its decision to break up or restructure the National Center for Atmospheric Research (NCAR).

2. NCAR is a critical, integrated hub for atmospheric and Earth system science that cannot be replicated by any other single entity. A purpose-built and federally funded institution, NCAR’s climate and weather supercomputing facilities, observational platforms, and modeling systems are relied upon by public agencies, the private sector, and scientific researchers in the United States and internationally.

3. In December 2025, OMB Director Russell Vought announced that NSF would be “breaking up” NCAR, calling it “one of the largest sources of climate alarmism in the country” and stating that efforts to dissolve it “will begin immediately.” The next day, NSF announced that it would “restructure critical weather science infrastructure” and in January opened a Dear Colleague Letter request on the topic.

4. UCS submitted two Freedom of Information Act (FOIA) requests to NSF in February and March of 2026 and EDF submitted a FOIA request to each of NSF and OMB on March 30, 2026, seeking records relating to these actions. The requests sought agreements, communications, responses to the Dear Colleague Letter request, and other records that could illuminate how the Administration decided to dismantle or restructure NCAR’s climate research functions and facilities.

5. The agencies failed to produce any records or make determinations on UCS and EDF’s FOIA requests by the statutory deadline, and have continued to fail to fulfill these obligations in the ensuing months. Thus, UCS and EDF bring this action against NSF and OMB under FOIA, 5 U.S.C. § 552, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

7. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

8. Plaintiffs have exhausted or are deemed to have exhausted their administrative remedies for each request pursuant to 5 U.S.C. § 552(a)(6)(C)(i) because Defendants failed to comply with FOIA’s applicable time limits. Plaintiffs are now entitled to judicial relief under 5

U.S.C. § 552(a)(4)(B), 28 U.S.C. § 2201 *et seq.*, enjoining Defendants from continuing to withhold department or agency records and ordering the production of department or agency records improperly withheld.

PARTIES

9. Plaintiff Union of Concerned Scientists (UCS) is a nonprofit, membership organization with the mission of conducting scientific analysis and research in the public interest. UCS puts rigorous, independent science into action, developing solutions and advocating for a healthy, safe, and just future. UCS represents the interests of the scientific community in advancing science in public policy, and advocates for the role of science and scientists in federal policymaking and in civil society.

10. Plaintiff Environmental Defense Fund (EDF) is a nonprofit organization working to protect human health and the environment by advancing science-based solutions to climate change, reducing air pollution, and addressing other environmental harms. EDF engages in extensive, daily efforts to inform the public about matters affecting public health, environmental and energy policy, as well as about climate change science and the human health impacts of pollution. EDF has multiple channels for distributing information to the public, including through direct communication with its more than three million members and supporters, press releases, blog posts, reports and analyses, scientific studies, and engagement on social media.

11. Defendant National Science Foundation (NSF) is an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). NSF has possession, custody, and control of the requested records.

12. Defendant Office of Management and Budget (OMB) is an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). OMB has possession, custody, and control of the requested records.

STATEMENT OF FACTS

A. NCAR's Significant Role in Earth Systems Research; Actions of the Current Administration to Dismantle NCAR and Eliminate Its Climate Research Functions

13. NCAR is an integrated research center that combines scientists, computer models, observational platforms, scientific datasets, research aircraft, and high-performance computing infrastructure. Established in 1960 by NSF, NCAR has become a world-renowned institution for atmospheric and climate research and its facilities and models are used by universities, federal agencies, private-sector researchers, and nonprofit organizations across the United States.

14. In addition to its world-class facilities and models, NCAR is respected as an institution that trains scientists, engineers, mathematicians, computer programmers, and other experts; fosters community and information sharing across subjects; and facilitates improved research outcomes and understanding through its networks.

15. On December 16, 2025, OMB Director Russell Vought announced in a social media post: “The National Science Foundation will be breaking up the National Center for Atmospheric Research (NCAR) in Boulder, Colorado. This facility is one of the largest sources of climate alarmism in the country. A comprehensive review is underway & any vital activities such as weather research will be moved to another entity or location.”¹ Vought told USA Today

¹ Russ Vought @russvought, X.com (Dec. 16, 2025, 8:17PM), <https://x.com/russvought/status/2001099488774033692>.

that the Administration’s plan was to eliminate NCAR’s “green new scam research activities,” and to fully close NCAR’s Mesa Laboratory in Boulder.²

16. The next day, NSF announced that it would “restructure critical weather science infrastructure,” and stated that NCAR’s modeling and forecasting research and operations would be redefined to concentrate on “seasonal weather prediction, severe storms, and space weather.”³ Those stated priorities omitted NCAR’s climate research, Earth-system modeling, atmospheric science research, and other long-running climate-science functions.

17. On January 23, 2026, NSF opened a Dear Colleague Letter request on the topic.⁴ The Dear Colleague Letter stated that NSF was requesting input on the “scope of work currently performed by NCAR” as part of a restructuring of NCAR’s research and observational capabilities, and again omitted any intention to preserve NCAR’s climate-related functions.

18. NSF accepted public input on the Dear Colleague Letter through March 13, 2026, but has never made public the responses it received.

19. The Administration has apparently sought to take further action without informing the public. A whistleblower shared information with Congressman Neguse, who issued a letter on March 9, 2026, stating that the whistleblower reported that “one or more OMB officials allegedly proposed and/or negotiated — before the NSF DCL process had concluded — an

² Joey Garrison, *Trump Moves to Dismantle Major US Climate Research Center in Colorado*, USA Today (Dec. 16, 2025, updated Dec. 17, 2025 12pm ET), <https://www.usatoday.com/story/news/politics/2025/12/16/trump-dismantle-national-center-atmospheric-research-climate/87798771007/>.

³ NSF, *Intent to Restructure Critical Weather Science Infrastructure* (Dec. 17, 2025), <https://www.nsf.gov/news/intent-restructure-critical-weather-science-infrastructure>.

⁴ NSF, Dear Colleague Letter on NCAR (Jan 23, 2026), <https://www.nsf.gov/funding/information/dcl-nsf-intent-restructure-critical-weather-infrastructure>.

arrangement whereby components of NCAR's space weather program would be transferred to a specific private, for-profit company.”⁵

B. UCS Agreements Request (Request No. 2026-FOI-00152)

20. On February 27, 2026, UCS submitted a FOIA request to NSF requesting “[a]ll operative current contracts, cooperative agreements, memoranda, or similar records created by, transmitted to, or received by NSF relating to the National Center for Atmospheric Research (“NCAR”) operations, including but not limited to the running of its labs, computing facilities, and facilities. (Date Range for Record Search: From 01/20/2025 To 02/27/2026).” Exhibit 1.

21. On March 4, 2026, NSF responded to the request, identifying it with the tracking number 2026-FOI-00152 and seeking additional details in a clarification letter. Exhibit 2 at EX2-002-004.

22. On March 6, 2026, UCS responded to the clarification letter providing additional information as requested by NSF. This included the specific award number for the cooperative agreement requested, a request for all versions of the document between December 1, 2025, and the date of the clarification (March 6), and suggested keywords that might produce the agreement. Exhibit 2 at EX2-005.

23. UCS received no further communication from NSF regarding this request until August 11, 2026, when NSF sent an email thanking UCS for the clarification and stating that a FOIA specialist would reach out if they had any additional questions. Exhibit 2 at EX2-006.

⁵ Congressman Joe Neguse, Press Release: Rep. Neguse Calls For Inspector General Investigation Into OMB, National Science Foundation & Allegations of Potential Sale of NCAR to For-Profit Corporation (Mar. 9, 2026), <https://neguse.house.gov/media/press-releases/rep-neguse-calls-inspector-general-investigation-omb-national-science>.

24. As of the date of this filing, UCS has received no further communication regarding this public records request.

25. NSF has not produced any records responsive to UCS's request; made a determination whether to comply; or provided a date by which it expects to complete processing.

26. NSF did not make a determination on UCS's request within twenty working days.

C. UCS Request for Dear Colleague Responses and NSF NCAR Communications (Request No. 2026-FOI-00170)

27. On March 16, 2026, UCS submitted a second FOIA request seeking all responses to the January 23, 2026, Dear Colleague Letter titled "NSF Intent to Restructure Critical Weather Infrastructure." The second request also sought all communications regarding NCAR between NSF and OMB, and between NSF and Lynker. To aid in the search for responsive records, the request provided specific keywords to search and a date range for the search. Exhibit 3.

28. NSF acknowledged the request via email on March 17, 2026, identifying it with tracking number 2026-FOI-00170, and designating the request as "Complex." Exhibit 4 at EX4-001.

29. On March 27, 2026, NSF requested the subject matter of the communications or agency record and keyword search terms. Exhibit 4 at EX4-004-007.

30. UCS responded to this request on the same day, once again providing the link to the specific Dear Colleague Letter for which it seeks responses (which had been included in the original request) as well as providing subject matter information and keywords to aid in identifying the other communications sought in the request. Exhibit 4 at EX4-003-004.

31. No further communications were received from NSF regarding this request for almost five months until August 19, 2026, when NSF requested additional information, including

more description of the subject matter and a request for sender and receiver email addresses or domain names. Exhibit 4 at EX4-003.

32. UCS responded to this request on August 25, 2026, providing the additional information requested. Exhibit 4 at EX4-002-003.

33. As of the date of this filing, UCS has received no further communication regarding this public records request.

34. NSF has not produced any records responsive to UCS's request; made a determination whether to comply; or provided a date by which it expects to complete processing.

35. NSF did not make a determination on UCS's request within twenty working days.

D. EDF's FOIA Request to NSF Seeking Records Regarding the Decision to Dismantle or Restructure NCAR (Request No. 2026-FOI-00192)

36. On March 30, 2026, EDF submitted a FOIA request to NSF seeking five categories of records concerning the announced decision and actions to dismantle or restructure NCAR. The request sought: (1) records concerning the decision and its basis, including the announced "comprehensive review"; (2) records identifying the decision and its decisionmakers; (3) all submissions sent to NSF_NCARE@nsf.gov regarding NSF-26-203, "NSF Intent to Restructure Critical Weather Infrastructure"; (4) the cooperative agreement associated with Award No. 1755088 governing the NSF-NCAR relationship, including revised or updated versions; and (5) specified NCAR-related communications involving identified NSF officials, OMB appointees, and Lynker Corp. EDF requested records created, modified, or transmitted from December 1, 2025, through the date NSF began its search. Exhibit 5.

37. Because of the fast-moving and secretive actions by Trump Administration officials to restructure or dismantle NCAR, and due to EDF's strong interest in understanding and publicly sharing records concerning these dramatic changes to a major climate science

institution, EDF sought expedited processing under 5 U.S.C. § 552(a)(6)(E) and 45 C.F.R. § 612.5(e). *Id.* at 3-5.

38. EDF requested a waiver of fees given its role as a non-profit organization that disseminates information that is broadly in the public interest, and because the requested records would contribute to a greater public understanding of government activities. *Id.* at 5-7.

39. On April 3, 2026, NSF acknowledged receipt, assigned tracking number 2026-FOI-00192, and placed the request on its Complex processing track. NSF's acknowledgment did not determine whether NSF would comply with the request, address EDF's request for expedited processing or fee waiver, or provide an estimated completion date. Exhibit 6 at EX6-001.

40. EDF followed up with NSF regarding the pending FOIA request on April 3, April 16, May 18, and August 20, 2026. EDF repeatedly offered to clarify the request and asked for a processing timeline. On August 20, EDF specifically asked whether NSF had made a determination or initiated a records search. Exhibit 6 at EX6-002-010.

41. Later on August 20—nearly five months after receiving the request—NSF sent a clarification letter asking EDF to identify the subject matter or specific records, uncommon search terms, and a more limited date range. NSF stated that it would take no further action until EDF responded. Exhibit 6 at EX6-011.

42. On August 26, 2026, EDF responded. EDF explained how each of the five categories identified the subject matter or specific records sought, reiterated the uncommon search terms listed in its original request, and confirmed the requested date range. EDF again offered to discuss any remaining questions by telephone. Exhibit 6 at EX6-012-014.

43. NSF has not produced any records responsive to EDF's request; made a determination whether to comply; ruled on EDF's requests for expedited processing or a fee waiver; or provided a date by which it expects to complete processing.

44. NSF did not make a determination on EDF's request within twenty working days and did not rule on EDF's request for expedited processing within ten calendar days.

E. EDF's FOIA Request to OMB Seeking Records Regarding the Decision to Dismantle or Restructure NCAR (Request No. 2026-493)

45. On March 30, 2026, EDF submitted a FOIA request to OMB seeking records concerning the announced decision and actions to dismantle or restructure NCAR. The request sought: (1) records concerning the decision and its basis, including the announced "comprehensive review"; (2) records identifying the decision and its decisionmakers; and (3) specified NCAR-related communications involving identified OMB political appointees. EDF requested records created, modified, or transmitted from December 1, 2025, through the date OMB began its search. Exhibit 7.

46. Because of the fast-moving and secretive actions by Trump Administration officials to restructure or dismantle NCAR, and due to EDF's strong interest in understanding and publicly sharing records concerning these dramatic changes to a major climate science institution, EDF sought expedited processing under 5 U.S.C. § 552(a)(6)(E) and 5 C.F.R. § 1303.40(e). *Id.* at 3-5.

47. EDF requested a waiver of fees given its role as a non-profit organization that disseminates information that is broadly in the public interest, and because the requested records would contribute to a greater public understanding of government activities. *Id.* at 5-7.

48. On March 31, 2026, OMB acknowledged receipt, assigned tracking number 2026-493, and stated that the request was being processed. OMB's acknowledgment did not determine

whether OMB would comply with the request, address EDF's request for expedited processing or fee waiver, or provide an estimated completion date. Exhibit 8 at EX8-001-009.

49. EDF sought status updates on April 16, May 18, and August 26, 2026, each time asking OMB to describe its progress and provide an estimated production timeline and offering to clarify the request. Exhibit 8 at EX8-010-027.

50. On August 27, 2026, OMB stated that the request remained pending on its Complex processing track and estimated that processing "may take at least a year." OMB invited EDF to discuss narrowing or modifying the request but did not make a determination whether to comply or address EDF's request for expedited processing. Exhibit 8 at EX8-028-029.

51. OMB has not produced any records responsive to EDF's request; made a determination whether to comply; or ruled on EDF's requests for expedited processing or a fee waiver.

52. OMB did not make a determination on EDF's request within twenty working days and did not rule on EDF's request for expedited processing within ten calendar days.

CLAIMS FOR RELIEF

COUNT I

Violation of the Freedom of Information Act, 5 U.S.C. § 552 National Science Foundation

53. UCS and EDF repeat all allegations contained in the foregoing paragraphs and incorporate them as though fully set forth herein.

54. UCS and EDF properly requested records within the possession, custody, and control of NSF.

55. NSF is an agency subject to FOIA, and must therefore make reasonable efforts to search for requested records.

56. Under FOIA, NSF was required to respond to Plaintiffs' FOIA requests (Request Nos. 2026-FOI-00152, 2026-FOI-00170, and 2026-FOI-00192) and to notify Plaintiffs of its determination within 20 working days of receiving the request. 5 U.S.C. § 552(a)(6)(A).

57. Under FOIA, NSF was also required to timely produce all non-exempt records responsive to the FOIA requests. 5 U.S.C. § 552(a)(3).

58. NSF violated FOIA by failing to act on, and grant, EDF's request for a fee waiver.

59. By failing to respond to UCS and EDF's requests within the statutorily mandated timeframe and to produce responsive records, NSF has violated FOIA, including but not limited to its duties to conduct a reasonable search for responsive records, to take reasonable steps to release all reasonably segregable non-exempt information, and to not withhold responsive records. 5 U.S.C. § 552 *et seq.*

60. UCS and EDF are harmed by NSF's violation of FOIA and will continue to be harmed until NSF is compelled to comply with its obligations under FOIA. Plaintiffs are therefore entitled to injunctive and declaratory relief requiring NSF to promptly make reasonable efforts to search for records responsive to the FOIA requests.

COUNT II

Violation of the Freedom of Information Act, 5 U.S.C. § 552 Office of Management and Budget

61. Plaintiffs repeat all allegations contained in the foregoing paragraphs and incorporate them as though fully set forth herein.

62. EDF properly requested records within the possession, custody, and control of OMB.

63. OMB is an agency subject to FOIA, and must therefore make reasonable efforts to search for requested records.

64. Under FOIA, OMB was required to respond to EDF's FOIA request and to notify EDF of its determination within 20 working days of receiving the request. 5 U.S.C. § 552(a)(6)(A).

65. Under FOIA, OMB was also required to timely produce all non-exempt records responsive to the FOIA request. 5 U.S.C. § 552(a)(3).

66. OMB violated FOIA by failing to act on, and grant, EDF's request for a fee waiver.

67. By failing to respond to EDF's request within the statutorily mandated timeframe and to produce responsive records, OMB has violated FOIA, including but not limited to its duties to conduct a reasonable search for responsive records, to take reasonable steps to release all reasonably segregable non-exempt information, and to not withhold responsive records. 5 U.S.C. § 552 *et seq.* EDF is harmed by OMB's violation of FOIA and will continue to be harmed until OMB is compelled to comply with its obligations under FOIA.

68. EDF is therefore entitled to injunctive and declaratory relief requiring OMB to promptly make reasonable efforts to search for records responsive to the FOIA request.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- (1) Declare unlawful Defendants' failure to provide Plaintiffs with a statutorily-required determination on the FOIA Requests within FOIA's deadlines;
- (2) Declare unlawful Defendants' failure to make the requested records promptly available to Plaintiffs;
- (3) Declare that Plaintiffs are entitled to the immediate processing and disclosure of the requested records, at no charge to Plaintiffs, and in unredacted form unless an exemption is applicable and properly asserted;
- (4) Order Defendants to conduct a search or searches reasonably calculated to uncover all records responsive to Plaintiffs' FOIA requests;
- (5) Enjoin Defendants from continuing to withhold any and all non-exempt records responsive to Plaintiffs' FOIA requests;
- (6) Order Defendants to provide a *Vaughn* index of any responsive records or portions of records withheld under the claim of a FOIA exemption; and
- (7) Grant Plaintiffs such other relief as the Court deems just and proper.

DATED: September 10, 2026

Respectfully submitted,

/s/ Hana V. Vizcarra

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**Practicing pursuant to D.C. Ct. App. Rule 49(c)(3)*

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