UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD

Mahri Stainnak, *individually and on behalf of all others similarly situated,* Appellant, v. Donald J. Trump, in his official capacity as President of the United States; Office of Personnel Management; Charles Ezell, in his official capacity as Acting Director of the Office of Personnel Management; and Office of Management and Budget; Matthew Vaeth, in his official capacity as Acting Director of the Office of Management and Budget; U.S. Department of Justice; Pamela Bondi, in her official capacity as Attorney General; et al. (Appendix A).	DOCKET NUMBER: not yet assigned DATE: March 26, 2025

APPEAL of TERMINATION
and REQUEST FOR PROCESSING AS CLASS APPEAL

Appellant Mahri Stainnak and a class of similarly-situated federal workers were targeted for adverse employment action, unlawfully punished for their perceived political affiliations, and discriminated against based on sex and/or race in violation of Title VII of the Civil Rights Act of 1964, resulting in separation from their employment with the federal government. Appellant appeals removal from their position of record and from federal service and asks for a hearing. *See* Exhibit 1, Stainnak Form 185. They do so on behalf of a class of federal workers separated from federal service due to Executive Orders 14151 ("EO 14151") *Ending Illegal Discrimination*

and Restoring Merit-based Opportunities, and 14173 ("EO 14173") *Ending Radical and Wasteful Government DEI Programs and Preferences*, and/or because the government associated them with the concepts of "diversity, equity, and inclusion" ("DEI") and/or "diversity, equity, inclusion, and accessibility" ("DEIA") between January 20, 2025, and the first day of a hearing on Appellant and putative class members' claims. *See* Exhibit 2, EO 14151; *see also* Exhibit 3, EO 14173.

Appellant requests adjudication as a class under 5 C.F.R. § 1201.27(a), as Appellant is a representative of this putative class of employees and this class appeal is the fairest and most efficient way to adjudicate the appeal. Appellant will adequately protect the interests of all parties. Deadlines for filing individual appeals for federal workers encompassed by the class defined above are tolled by filing of this putative class action. 5 C.F.R. §§ 1201.27 (a-b).

I. EXECUTIVE ORDERS 14151 AND 14173.

On January 20, 2025, President Trump issued Executive Order 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, directing federal agencies to terminate DEI-related offices, programs, and positions within sixty days. *See* Exhibit 2, EO 14151. On January 21, 2025, President Trump signed EO 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, which asserts that federal agencies' use of DEI or DEIA is "[i]llegal" and "violate[s] the text and spirit of our longstanding Federal civil-rights laws[.]". *See* Exhibit 3, EO 14173. This Executive Order requires federal agencies, including the Agencies which employ Appellant and members of the purported class, to: "terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements." Exhibit 3, EO 14173.

EOs 14151 directs the Office of Personnel Management ("OPM"), in coordination with the Office of Management and Budget and the Attorney General, to remove DEI or DEIA personnel across the federal government. Pursuant to this direction, OPM issued guidance to all federal agencies to carry out both EOs. *See* Exhibit 4, OPM Initial Guidance (Jan. 21, 2025); *see also* Exhibit 5, OPM Further Guidance (Jan. 24, 2025).

As a result of these anti-DEI EOs, Stainnak and a class of similarly-situated federal workers were targeted for adverse employment action, unlawfully punished for their perceived political affiliations, and discriminated against based on sex and/or race in violation of Title VII of the Civil Rights Act of 1964, resulting in separation from their employment with the federal government.

II. THE APPEAL OF NAMED APPELLANT MAHRI STAINNAK.

Mahri Stainnak worked for the federal government for 16 years, beginning at the Environmental Protection Agency (2008-2021), where they focused on helping keep streams and lakes safe for boaters, fishermen, and swimmers. In 2021, they moved to OPM to work specifically on policies affecting Lesbian, Gay, Bi-sexual, Trans and Queer (LGBTQ) workers throughout the federal government, ensuring safe workplaces for the benefit of the American people.

In 2022, Stainnak became Deputy Director of OPM's Office of DEIA where they and their team collected and shared promising practices across agencies, assisting with the efficiency of government and retention of government employees.

In December 2024, Stainnak accepted a new position at OPM as Director in its Talent Innovation Group, which was not located in OPM's Office of DEIA. This position focused on recruiting more people with technical skills to government (and did not focus on LGBTQ issues

and was not otherwise DEI-related); they began working in the position on January 14, 2025. *See* Exhibit 1, Attachment A (Stainnak SF-52).

A. The Agency's Removal of Appellant from Federal Service.

On January 23, 2025, Stainnak received a notice of removal from federal service due to a purported Reduction in Force ("RIF"). Exhibit 1, Attachment C (Stainnak RIF Notice). The "Specific Reduction in Force Notice" stated that the RIF was "a result of the dissolution of Office of Diversity, Equity, Inclusion & Accessibility," and was taken, "[i]n accordance with Executive Order, Ending Radical and Wasteful DEI Programs and Preferencing, signed by President Trump on January 20, 2025." *Id.* The RIF notice incorrectly identified Stainnak's position title as "Diversity Program Manager" within the Office of Diversity, Equity, Inclusion & Accessibility, a position which Stainnak did not hold. At the time of the RIF, Stainnak was the Director of the Talent Innovation Group in OPM's Workforce, Policy and Innovation Office, a position that was not included in the RIF.

Not only did the Agency ignore Stainnak's actual position title and assert they occupied a position in the Office of DEIA, but the position title provided in the RIF Notice ("Diversity Program Manager") is not a position Stainnak has *ever* held. Regardless, the Agency identified Stainnak's purported position in the "Office of Diversity, Equity, Inclusion & Accessibility, Washington, D.C.," and, in accordance with the EOs and OPM guidance directing implementation of those EOs, the Agency defined the Office of DEIA as the applicable Competitive Area for the RIF. This denied Stainnak assignment rights within the competitive area (since the office was being eliminated) and disregarding the fact that Stainnak had already been reassigned to a position outside the Competitive Area of this RIF.

B. Appellant's Removal from Federal Service is Unlawful.

The Agency's removal of Stainnak, pursuant to EOs 14151 and 14173, from their position of record and from federal service is unlawful. Stainnak's removal (1) violates RIF procedures required by 5 C.F.R. Part 351; (2) discriminates against Stainnak on the basis of sex in violation of 5 U.S.C. § 2302(b)(1)(A) and Title VII of the Civil Rights Act of 1964, as amended; (3) discriminates against Stainnak on the basis of their presumed partisan political affiliation in violation of 5 U.S.C. § 2302(b)(1)(e) and infringes upon their rights under the First Amendment to the U.S. Constitution, violating 5 U.S.C. § 2302(b)(12) and Merit System Principles as described in 5 U.S.C.§ 2301(b)(2) and (8)(a).

1. Stainnak's Removal is a Violation of RIF Procedures.

The government's use of a RIF to remove Stainnak from their position of record and from federal service violates 5 C.F.R. Part 351. First, the RIF was directed by the issuance of EOs 14151 and 14173 and not initiated by the Agency, in violation of 5 C.F.R. § 351.201(a)(1), describing agency responsibilities during a RIF. As the government-wide guidance implementing the EOs required all agencies to eliminate DEI *employees* across the federal government, the Agency made no assessment of "the categories within which positions are required, where they are to be located, and when they are to be filled, abolished, or vacated," as required by that regulation. *Id.* Instead, the Agency followed the directives of the EOs and implemented government-wide guidance to remove from federal service all federal employees associated with DEI and/or DEIA, even when those personnel did not hold DEI-related positions at the time of their removal (as Stainnak did not). *See* Exhibit 2, EO 14151 (requiring agencies to identify DEIA employees **as of November 5, 2024**) (emphasis in original).

Second, the Agency improperly limited the Competitive Area of the RIF to the Office of DEIA, denying Stainnak, whose position was classified as job series 0340 Program Management Series, within the 0300 General Administrative, Clerical, and Office Services Group, access to other positions within the Agency requiring their knowledge, skills and abilities.[1] This restriction of the Competitive Area follows government-wide guidance implementing the EOs. *See* Exhibit 5, OPM Further Guidance (Jan. 24, 2025) ("Agencies are reminded to define the competitive area solely in terms of the DEIA office where the employees worked.")

Third, the Agency improperly applied RIF procedures when it eliminated Stainnak from federal service by incorrectly identifying their position as one identified for elimination in the RIF. In fact, at the time of the RIF, Stainnak was working elsewhere in the Agency and held no position in the Office of DEIA. The Agency targeted Stainnak to eliminate her, not just her position, from federal service. To do so, it impermissibly abused the RIF procedures required by 5 C.F.R. Part 351, to effectuate EOs 14151 and 14173. *See Carter v. Dep't of the Army*, 62 M.S.P.R. 393, 398 (1994) (discussing that the focus of a RIF is on positions, while adverse actions are focused on personal characteristics of individuals); *see also Gabriel v. Dep't of Labor*, 108 M.S.P.R. 186, 189 (2008) ("As a matter of civil service law, a RIF taken for reasons personal to an employee is an adverse action."); *see also James v. Von Zemenszky*, 284 F.3d 1310, 1314 (Fed. Cir. 2002) ("A RIF is an administrative procedure by which agencies eliminate jobs and reassign or separate employees who occupied the abolished positions. A RIF is not an adverse action against a particular employee, but is directed solely at a position within an agency.") (internal citations omitted); *see also Tippins v. United States*, 93 F.4th 1370, 1375 (Fed. Cir. 2024) ("We have consistently defined a 'reduction in force' as an 'administrative

[1] *See* Handbook of Occupational Groups and Families, https://www.opm.gov/policy-data-oversight/classification-qualifications/classifying-general-schedule-positions/occupationalhandbook.pdf.

procedure by which agencies eliminate jobs and reassign or separate employees who occupied the abolished positions.').

2. Stainnak's Removal is Unlawful Discrimination on the Basis of Sex, a Prohibited Personnel Practice.

The government-wide RIFs required by EOs 14151 and 14173 disproportionately singled out federal workers who were not male or white in violation of 5 U.S.C § 2302(b)(1)(A) and Title VII of the Civil Rights Act of 1964 as amended. Further, the Agency's placement of Appellant on administrative leave (*see* Exhibit 1, Attachment B (Stainnak Notice of Administrative Leave)), due to "wasteful and radical DEI," was a significant change in duties, responsibilities and working conditions under § 2302(a)(2)(A)(xii) and one that was taken at least in part because of sex, in violation of § 2302(b)(1)(A).

3. Stainnak's Removal is Unlawful and Unconstitutional Partisan Political Discrimination.

The EOs, as implemented by government-wide guidance, and resulting in the challenged RIF, violate 5 U.S.C. § 2302(b)(1)(e) and § 2302(b)(3) by penalizing the presumed political affiliation of anyone who has *ever* worked in DEI-related programs and/or has been identified as *ever* participating in DEI-related activities, including Employee Resource Groups or DEI trainings. This partisan political discrimination similarly violates the First Amendment to the U.S. Constitution and 5 U.S.C. § 2302(b)(12), by targeting for elimination from federal service Stainnak and other members of the purported class due to their presumed partisan political affiliations. The infringement of their rights violates Merit System Principles 2 ("All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their

privacy and constitutional rights"), and 8(A) ("Employees should be—protected against arbitrary action, personal favoritism, or coercion for partisan political purposes").

Across agencies, federal workers have been told that they are being identified for removal from the federal service pursuant to RIFs due to the execution of the Executive Orders of President Trump. President Trump has explicitly associated DEIA programs with his Democratic predecessor, Joseph R. Biden, without regard to the worker's skills or current job assignment at the time of the RIF (*i.e.*, January 20, 2025, or later). Most notably, President Trump repeatedly has called DEI work the function of a "leftist ideology" and a "woke" political agenda, and explicitly tied diversity, equity, and inclusion programs to the Democratic party: "The Biden Administration forced illegal and immoral discrimination programs, going by the name 'diversity, equity, and inclusion' (DEI) into virtually all aspects of the Federal Government." Exhibit 2, EO 14151, at sec. 1; *see, e.g.*, The Washington Post, *Trump: 'Our country will be woke no longer'*, (Mar. 4, 2025), https://www.washingtonpost.com/video/politics/trump-our-country-will-be-woke-no-longer/2025/03/04/b1daf287-4e6e-4edc-929a-5bf330ee8b16_video.html. President Trump also characterized DEI programs as "dangerous, demeaning, and immoral" and, above all, "illegal." Exhibit 3, EO 14173, at sec. 1.

The government-wide guidance to all federal agencies instructs the agencies to implement EO 14151. As OPM's Initial Guidance to all federal agencies regarding EOs 14151 and 14173, Exhibit 4, OPM Initial Guidance (Jan. 21, 2025), makes clear, this administration was not attempting to reset priorities but to punish those it perceived supported its political opponents. Rather than review current programs for surplus positions, it required agencies to provide, *inter alia,* "a complete list of DEIA offices and any employees who in those offices [sic] **as of November 5, 2024**." (emphasis in original). The guidance implementing the EOs further

required agencies to supply, "a written plan for executing a reduction-in-force action regarding the *employees* who work in a DEIA office." *Id.* (emphasis added). The implementation of the EOs betrays their partisan political goals by targeting employees, not positions, for RIFs, and by insisting on the elimination of those employees whom the government perceived to have worked in DEIA on the date of the presidential election, November 5, 2024. Removing from federal service through a RIF those employees who were believed to be serving in DEIA positions or otherwise perceived to be affiliated with DEIA activities violates the First Amendment rights of those employees (a violation of 5 U.S.C. § 2302(b)(12)), violates Merit Systems Principles in 5 U.S.C. § 2302(b)(1)(e) and § 2302(b)(3), and abuses the laws and regulations governing RIFs to punish perceived political opponents and to coerce conformity with their own political positions. By removing Stainnak for working in such alleged position previously – but no longer – the government has shown that its reliance on "new priority" reasons is pretextual and undeserving of any credence.

III. REQUEST FOR PROCESSING AS A CLASS APPEAL.

Appellant brings this action also on behalf of the class of federal workers placed on administrative leave and separated from federal service due to EOs 14151 and 14173 and/or because the government associated them with the concepts of "diversity, equity, and inclusion" and/or "diversity, equity, inclusion, and accessibility" between January 20, 2025 and the first day of a hearing on Appellant and putative class members' claims.

Regulations governing the Merit Systems Protection Board provide for class adjudication of appeals. 5 C.F.R. § 1201.27. A single Appellant may file an appeal as representative of a class of employees. 5 C.F.R. § 1201.27(a). A procedure for certifying a class is not detailed in Board regulations, which state only that, "[t]he judge will consider the appellant's request and any

opposition to that request, and will issue an order within 30 days after the appeal is filed stating whether the appeal is to be heard as a class appeal." 5 C.F.R. § 1201.27(b). The Administrative Judge, "will hear the case as a class appeal if he or she finds that a class appeal is the fairest and most efficient way to adjudicate the appeal and that the representative of the parties will adequately protect the interests of all parties." 5 C.F.R. § 1201.27(a). The judge will decide whether it is appropriate to treat an appeal as a class action, "guided but not controlled by the applicable provisions of the Fed. R. Civ. P." 5 C.F.R. § 1201.27(c).

Federal Rule of Civil Procedure 23(a) lays out four prerequisites to class certification, of which the fourth only is specifically mentioned in Board regulations (5 C.F.R. § 1201.27(a)): "the representative parties will fairly and adequately protect the interests of the class." The remaining three prerequisites named in Fed. R. Civ. P. 23(a) are: numerosity of the class; common questions of law or fact; typicality of the claims or defenses. *Id.* The proposed class meets all prerequisites to class certification under Federal Rule of Civil Procedure 23(a).

The Appellant will adequately represent the class. Appellant Stainnak has affirmatively agreed to act on behalf of the class as a whole in making decisions about case strategy or possible settlement. Stainnak will be joined as class representative on April 11, 2025, by Paige Brown from the Department of Labor, who was placed on administrative leave on January 22, 2025, and received a "DEIA Reduction in Force Notice" on February 10, 2025, effective April 11, 2025. In an email discussion, agency officials acknowledged that Dr. Brown no longer occupied a position within the competitive area of the RIF, but justified her elimination in the RIF nevertheless, based on the instructions promulgated by OPM pursuant to the anti-DEI EOs. Exhibit 6, Paige Brown Documents, pp. 19-22. On April 14, 2025, these appellants and class representatives will be joined by C. Scott, also from the Department of Labor, who, like Stainnak

and Brown, was placed on administrative leave pursuant to the anti-DEI EOs and, subsequently received a notice, effective in Scott's case on April 14, 2025, that she would be removed in a RIF from a position to which she was no longer assigned. *See* Exhibit 7, C. Scott Documents, pp. 2-5 (RIF notice); p. 1 (SF-50). Joining them also will be Ronicsa Chambers, from the Federal Aviation Administration, who like Stainnak, Brown, and Scott, was placed on administrative leave pursuant to the anti-DEI EOs and, subsequently received a notice, effective April 28, 2025, that she would be removed as part of a RIF from a position to which she was no longer assigned. *See* Exhibit 8, Ronicsa Chambers Documents, pp. 1-2 (administrative leave notice); p. 3-6 (RIF notice). These class representatives, each removed (or soon to be removed) from federal service when a position they no longer occupied was eliminated in a procedurally flawed RIF undertaken because of the anti-DEI EOs, will fairly and adequately represent the class, have no interests in conflict with the class, and have retained appropriate counsel who have the knowledge, skills, and abilities to represent the class.

The precise size of the class is not known but is ascertainable and reasonably judged to be large and well beyond that for which joinder would be practicable. On January 21, 2025, OPM promulgated a guidance on the implementation of the anti-DEI EOs in which it ordered Agencies to identify employees working in DEI. *See* Exhibit 4, OPM Initial Guidance (Jan. 21, 2025). In a second guidance on January 24, 2025, OPM ordered agencies to begin issuing RIF notices to employees of DEIA offices so identified. *See* Exhibit 5, OPM Further Guidance (Jan. 24, 2025). Thus, Appellant asserts that the class comprises, at least, those federal workers identified in response to EOs 14151 and 14173 and OPM's January 21, 2025 and January 24, 2025 implementing guidance.

Questions of law pertaining to this Class adjudication include (1) whether the anti-DEI EOs unlawfully punished or removed employees because of their perceived political affiliation in violation of the First Amendment to the U.S. Constitution, and of 5 U.S.C. §§ 2302(b)(12) and 2301(b)(2) and (8)(a); (2) whether the EOs intentionally discriminated against or adversely impacted federal workers who were not white or male in violation of Title VII of the Civil Rights Act of 1964 and 5 U.S.C. § 2302(b)(1)(A); and (3) whether the anti-DEI EOs and OPM's January 21 and January 24, 2025 implementing guidance violate RIF procedures required by 5 C.F.R. Part 351. The proposed class meets all of the prerequisites of Fed R. Civ. P. 23(a) and of Board rule 5 C.F.R. § 1201.27(a).

Board regulations, finally, require that the administrative judge find "that a class appeal is the fairest and most efficient way to adjudicate the appeal." 5 C.F.R. § 1201.27(a). These standards resemble the predominance and superiority elements for a Fed. R. Civ. P. 23(b)(3) monetary relief class, described thus:

> Questions of law or fact common to class members predominate over any question affecting only individual members, and that a class action is superior to other available methods for *fairly and efficiently adjudicating the controversy*.

Fed. R. Civ. P. 23(b)(3) (emphasis added). This also may include the related Rule 23(b)(2) standard for injunctive relief classes:

> The party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.

Fed. R. Civ. P. 23(b)(2). Alternatively, the Judge may find this class action may be "maintained with respect to particular issues." Fed. R. Civ. P. 23(c)(4).

Predominance: Because every class member's claims arise from the same anti-DEI EOs and the OPM guidance implementing them, the questions of fact and law that unite the class

predominate over any questions affecting only individual members. In addition, common evidence, including common policies and communications will be central to the class claims. There are no unique issues that outweigh the common questions here.

Efficiency and Superiority: Adjudication as a class is also manifestly more efficient than the alternative. 5 C.F.R. § 1201.27(a). In the absence of a class, many affected employees otherwise may lack the resources to pursue individual litigation and protect their rights, and those that do come forward will clog the tribunals with duplicative claims. Proceeding as a class will ensure the fair and efficient adjudication of the appeals of federal employees similarly harmed by the anti-DEI EOs and the government-wide implementation of those EOs. 5 C.F.R. § 1201.27(a); Fed. R. Civ. P. 23(b)(3).

Injunctive Relief Classes: It is also clear that the government has acted on grounds generally applicable to the class in issuing the anti-DEI EOs and carrying out a witch-hunt to eradicate workers tagged as DEI. Injunctive relief against these unlawful EOs will benefit the class as a whole.

The standards for class certification have been met.

IV. REQUEST FOR CLASS DISCOVERY AND BRIEFING SCHEDULE.

Wherefore Appellant Stainnak appeals their removal from federal service, requesting a hearing, and asks that this appeal be processed as a class appeal on behalf of the class of federal workers separated from federal service due to EOs 14151 and 14173 and/or because the government associated them with the concepts of "diversity, equity, and inclusion" and/or "diversity, equity, inclusion, and accessibility" between January 20, 2025 and the first day of a hearing on Appellant and putative class members' claims.

Appellants ask that the Administrative Judge set a briefing schedule on the issue of whether a class should be certified under 5 C.F.R. 1201.27. Prior to briefing this issue, however, Appellants ask that a period of thirty days be allowed for purposes of discovery into matters affecting class certification.

Discovery into the membership in the Class is needed. The identities of Class members may be determined through government employment records and/or OPM's agency-wide compliance report. *See* Exhibit 4, OPM Initial Guidance (Jan. 21, 2025).

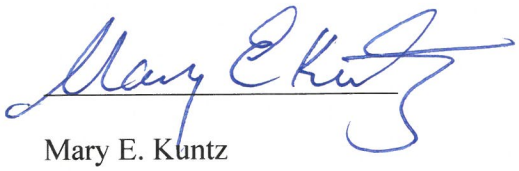
Additionally, Appellant's requests for information relevant to the class certification will include:

1. Lists of employees subject to DEI-related leaves, containing name, title at time of separation, GS-level, and agency.
2. Lists of employees subject to DEI-related RIFs, containing name, title at time of separation, GS-level, and agency.
3. The race and gender of persons listed in 1 and 2.
4. Communications and guidance from OPM to agencies relating to the identification of positions to be targeted for RIFs pursuant to EOs 14151 and 14173.
5. Agency communications relating to the identification of positions to be targeted for RIFs pursuant to EOs 14151 and 14173.
6. Retention registers for all RIFs.
7. Race and sex demographics overall or by agency (*e.g.*, overall workforce percentages of men vs. women, and Caucasian/Black/Hispanic-Latino/AAPI/Native-Indigenous).
8. Contact information for notice purposes of those in 1 and 2.

Appellant proposes 30 days for discovery on class issues; Appellant's briefing in support of class certification due 15 days later; opposition due 15 days after; reply brief due 10 days later.

Dated: March 26, 2025

Respectfully submitted,



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APPENDIX A

Appellant Mahri Stainnak appeals on behalf of a class of similarly situated federal workers separated from federal service due to Executive Orders 14151 and 14173 and their government-wide implementation, because of which, class members were unlawfully targeted for removal from federal service, punished for their perceived political affiliations, and discriminated against based on sex and/or race in violation of Title VII of the Civil Rights Act of 1964, and makes these claims against the following additional Defendant federal agencies:

Department of Agriculture, Brooke Rollins, in her official capacity as Secretary of Agriculture;

Central Intelligence Agency, John L. Ratcliffe, in his official capacity as Director of Central Intelligence Agency;

Centers for Disease Control and Prevention, Susan Monarez, in her official capacity as Acting Director of Centers for Disease Control and Prevention;

Citizenship and Immigration Services, Kika Scott, in her official capacity as Senior Official Performing the Duties of the USCIS Director;

Department of Commerce, Howard Lutnick, in his official capacity as Secretary of Commerce;

Department of Defense, Pete Hegseth, in his official capacity as Secretary of Defense;

Department of Education, Linda McMahon, in her official capacity as Secretary of Education;

Department of Energy, Chris Wright, in his official capacity as Secretary of Energy;

Environmental Protection Agency, Lee Zeldin, in his official capacity as Administrator;

Federal Aviation Administration, Chris Rocheleau, in his official capacity as Acting Administrator;

Federal Bureau of Investigation, Kash Patel, in his official capacity as Director of Federal Bureau of Investigation;

Federal Reserve Bond, Jerome H. Powell, in his official capacity as Chairman;

Federal Trade Commission, Andrew N. Ferguson, in his official capacity as Chairman;

Food and Drug Administration, Sara Brenner, in her official capacity as Acting Director of Food and Drug Administration;

Department of Health and Human Services, Robert F. Kennedy, Jr., in his official capacity as Secretary of Health and Human Services;

Department of Homeland Security, Kristi Noem, in her official capacity as Secretary of Homeland Security;

Department of Housing and Urban Development, Scott Turner, in his official capacity as Secretary of Housing and Urban Development;

Department of Interior, Doug Burgum, in his official capacity as Secretary of the Interior;

Department of Justice, Pam Bondi, in her official capacity as Attorney General;

Department of Labor, Lori Chavez-DeRemer, in her official capacity as Secretary of Labor;

National Aeronautics and Space Administration, Janet Petro, in her official capacity as Acting Administrator;

National Institutes of Health, Matthew Memoli, in his official capacity as Acting Director of National Institutes of Health;

Department of National Intelligence, Tulsi Gabbard, in her official capacity as Director of National Intelligence;

Department Of State, Marco Rubio, in his official capacity as Secretary of State, and as Acting Administrator of United States Agency for International Development;

Department of Transportation, Sean Duffy, in his official capacity as Secretary of Transportation;

Treasury Department, Scott Bessent, in his official capacity as Secretary of Treasury;

Department of Veterans Affairs, Douglas A. Collins, in his official capacity as Secretary of Veterans Affairs;

Veterans Benefits Administration, Michael Frueh, in his official capacity Acting Under Secretary of Veterans Affairs for Benefits.