

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

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS, et al.,

Plaintiffs,

v.

DEPARTMENT OF LABOR, et al.,

Defendants.

Case No. 1:25-cv-00339-JDB

Judge John D. Bates

DECLARATION OF GAREY RICE

I, Garey Rice, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am Principal Deputy Assistant Secretary – Operations in the Office of the Assistant Secretary for Financial Resources, United States Department of Health & Human Services (“HHS”).
2. In this capacity, I am responsible for providing executive direction, assistance and support for all operations and activities of the Assistant Secretary for Financial Resources (“ASFR”). The position coordinates a variety of administration and operations projects and tasking on behalf of the ASFR. I am responsible for assuring that priority actions and those of particular interest to the ASFR are coordinated, staffed, and properly executed throughout the organization. I work closely with the ASFR managers to develop and implement strategies for increasing the efficiency and value of management systems throughout ASFR office. I provide leadership in improving ASFR business, information management, human capital, and infrastructure systems.
3. The statements contained herein are based on my personal knowledge or upon information provided to me in my official capacity.
4. On January 20, 2025, President Trump issued Executive Order 14,158, redesignating the United States Digital Service as the United States DOGE Service (“USDS”). The EO directs the USDS to modernize government technology and software to increase efficiency and productivity and to follow rigorous data protection standards and comply with all relevant laws when accessing unclassified agency records, software systems,

and IT systems. It likewise directs agencies to ensure USDS has full access to all unclassified agency records and software and IT systems.

5. I understand that at least one USDS employee and one employee from another federal agency have been detailed to HHS within the last three weeks in furtherance of the EO. In addition, I am aware that at least one HHS employee not detailed from another agency is also involved in implementing the President's EO.
6. These individuals have been provided access to HHS information technology and data systems related to HHS financial management systems in order to audit those programs for waste, fraud, and abuse.
7. Under the detail agreement that is in place between USDS and HHS, USDS detailees will:
 - Report to and be supervised by the HHS secretary or his designee while performing HHS work at HHS facilities and on HHS systems.
 - Comply with all rules, regulations, and restrictions of HHS.
 - Not knowingly take any actions that undermine HHS's responsibilities under governing statutes, regulations, or directives, including but not limited to FISMA, FITARA, the Privacy Act, the Federal Acquisition Regulation, and the Trade Secrets Act.
 - Not knowingly take any measures that create cybersecurity risks to HHS systems.
 - Not knowingly access HHS systems in a manner that fails to comply with all relevant federal, security, ethics, and confidentiality laws, regulations, and policies, including HHS records management and information security requirements.
 - Not access, or attempt to access, classified information without proper security clearance.
 - Access HHS data, information, and systems for a legitimate purpose, including but not limited to IT modernization, the facilitation of HHS operations, and the improvement of Government efficiency.
 - Comply with the requirements of the Privacy Act for information that HHS collects on individuals, including, if necessary, publishing or amending Systems of Records Notices to adequately account for the information it collects.
 - Destroy or erase copied HHS data or information when no longer needed for official purposes.
 - To the greatest extent possible, use the program agency system documentation to understand how to use the data and information which is being accessed.
8. Under the memorandum of understanding that is in place between HHS and the other federal agency, the detailee is similarly under HHS supervision and is subject to statutory and regulatory provisions that govern ethical and other standards of conduct.
9. The individuals perform all HHS work using department computers and other HHS information technology assets.

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

Executed on February 13, 2025

Garey Rice
Principal Deputy Assistant Secretary – Operations
Office of the Assistant Secretary for Financial
Resources
U.S. Dept. of Health & Human Services