

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

THE PROTECT DEMOCRACY PROJECT, INC.

Plaintiff

vs.

DEPARTMENT OF HOMELAND SECURITY
CUSTOMS AND BORDER PROTECTION
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF PERSONNEL MANAGEMENT

Defendants.

17-cv-02118-RDM

JOINT STATUS REPORT

Pursuant to this Court's order dated January 4, 2018, Plaintiff The Protect Democracy Project, Inc., and Defendants, the Department of Homeland Security ("DHS"), Customs and Border Protection ("CBP"), Office of Management and Budget ("OMB"), and Office of Personnel Management ("OPM"), by and through their undersigned counsel, report as follows the status of this Freedom of Information Act ("FOIA") case.

Plaintiff initiated this action on October 13, 2017 in connection with FOIA requests that Plaintiff submitted to Defendants in August 2017 (the "August 2017 Requests"). Defendants filed an answer on November 13, 2017, and a status conference was held on January 4, 2018. At the status conference, the parties informed the Court of their agreement that no later than February 3, 2018: (1) Defendants would provide Plaintiff with a description of the searches conducted to identify responsive records and a production schedule; and (2) Defendants would begin making productions to Plaintiff on a rolling basis. The Court thereafter entered a minute

order requiring the parties to file a joint status report no later than March 3, 2018 and to appear before the court for the next status conference on March 13, 2018.

Appendix A summarizes the information Defendants have thus far provided on searches conducted and on proposed production schedules. It also summarizes areas where the parties agree that Defendants DHS, CBP, and OPM will provide further information with respect to: (1) the scope of the offices, databases, and custodians searched; (2) the search terms applied; and (3) for Defendants DHS and CBP, a production schedule.

Plaintiff has identified to Defendants questions regarding: (1) the scope of the searches conducted by DHS, CBP, and OPM; and (2) the pace of OMB's proposed timeline for reviewing and producing responsive records.

Plaintiff understands that Defendants are working to provide the pending information shown in Appendix A prior to the status conference scheduled on March 13, 2018. Plaintiff expects Defendants to provide complete search descriptions and proposed production schedules by the date of the status conference, such that the parties are in a position to agree on a production schedule at the status conference. If Plaintiff's expectation is not met, Plaintiff may request that the Court impose a production schedule by order.

Conclusion

As noted above, the parties are continuing to engage in discussions to resolve any outstanding issues. The parties will provide the Court with an update to Appendix A prior to the status conference scheduled in this case on March 13, 2018.

March 2, 2018

Respectfully submitted,

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Appendix A to Status Report on Case No. 17-cv-02118

I. DHS

Req. No.	Custodians/Components or Databases Searched	Search Terms	Productions and Proposed Production Schedule
1-15	Pending.	["immigration law" and ("enforce*" OR "contract*" OR "OPM" OR "Office of Personnel Management")] OR "Title 48 of the Federal Code of Regulations" OR "Title 48" OR "National Border Patrol Council" OR "National ICE Council"	Pending.

II. CBP

Req. No.	Custodians/Components or Databases Searched	Search Terms	Productions and Proposed Production Schedule
1-15	<p>CBP has searched the following offices:</p> <ul style="list-style-type: none"> • Human Resources; • Office of the Commissioner; • Office of Field Operations Mission Support; • Office of Border Patrol; and • Office of Acquisition. <p>Description of databases and custodians is pending.</p>	Pending.	Pending.

III. OMB

Req. No.	Custodians/Components or Databases Searched	Search Terms	Productions and Proposed Production Schedule
1	<p>OMB has searched 9 custodians with the following titles:</p> <ul style="list-style-type: none"> • Associate Director • Deputy Associate Director 	("ICE" OR "CBP" OR "DHS" OR agent!) AND hir!	OMB's searches have identified 12,894 documents. OMB has proposed a production schedule pursuant to which it would review and produce approximately 300 documents per month.

Req. No.	Custodians/Components or Databases Searched	Search Terms	Productions and Proposed Production Schedule
	<ul style="list-style-type: none"> • Branch Chief for Homeland Security • Budget Examiners • Director • Chief of Staff • Senior Advisor to the Director 		<p><i>Note: The parties are discussing refinements to search terms and adjustments to the proposed production schedule.</i></p>
2	<p>OMB has searched 10 custodians with the following titles:</p> <ul style="list-style-type: none"> • Associate Director • Deputy Associate Director • Branch Chief for Homeland Security • Budget Examiners • Director • Chief of Staff • Senior Advisor to the Director 	<p>“commercial activities” OR “inherently governmental activities” OR “A-76”</p>	<p>OMB’s searches have identified 1,554 documents. OMB has proposed a production schedule pursuant to which it would review and produce approximately 300 documents per month.</p> <p><i>Note: The parties are discussing refinements to search terms and adjustments to the proposed production schedule.</i></p>

IV. OPM

Req. No.	Custodians/Components or Databases Searched	Search Terms	Productions and Proposed Production Schedule
1-3	Pending.	Pending.	<p>OPM has identified 350-400 pages of potentially responsive documents, and is continuing to gather records. OPM reports that “[i]dentification of exempt portions of all records collected may require the month of March.”</p>