

EXHIBIT 1

SUPPLEMENTAL DECLARATION OF HEATHER V. WALSH

I, Heather V. Walsh, make the following declaration based on personal knowledge and information made available to me in the course of my official duties:

1. I am the Deputy General Counsel in the Office of Management and Budget's (OMB) Office of the General Counsel (OGC). Previously, I was an Assistant General Counsel in this office, and I have worked at OMB since 2009.
2. My office handles all requests submitted to OMB under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. One of my responsibilities is to supervise the staff responsible for handling FOIA requests. Due to my official duties, I am familiar with the procedures followed by OMB OGC in responding to FOIA requests. Additionally, I regularly work with OMB staff across multiple components of the agency, and am therefore familiar with the breadth and variety of OMB's involvement in issues across the Federal Government.
3. The purpose of this supplemental declaration is to update the Court about continuing exceptional circumstances related to the Federal Government's response to the novel Coronavirus disease (COVID-19) and how that has affected the resources OMB has available to meet the agency's obligations in FOIA cases.
4. At this time, OMB's guidance of March 15, 2020, to the heads of all Federal agencies to implement maximum telework flexibilities remains in effect, continuing to direct agencies "to offer maximum telework flexibilities to all current telework eligible employees, consistent with operational needs of the departments and agencies as determined by their heads."
5. With respect to its own operations, OMB has strongly encouraged managers to allow all employees to telework unless their job necessitates their presence in the office.

**OMB Continues to Face Constraints on Resources to Address
Ongoing High-Priority Work Concerning the Pandemic**

6. OMB's OGC is responsible for handling the agency's responses to all litigation involving the agency, including FOIA lawsuits. OMB's OGC represents the agency as a defendant in 42 active FOIA lawsuits. OMB is a small agency with a disproportionately large FOIA docket and does not have a separate FOIA office. The agency's FOIA staff are part of OMB's OGC and the team lead responsible for overseeing the FOIA staff has had to prioritize pandemic-related matters.

7. Meanwhile, OMB OGC continues to be the central provider of legal advice within OMB and the Executive Office of the President (EOP) on a host of legal, policy and budgetary matters concerning the COVID-19 pandemic. When President Trump declared a National Emergency on March 13, 2020, I anticipated that there would be a surge in activity at OMB. Since that date, the Executive Branch has marshalled its vast resources and expertise to help save American lives and minimize the financial impacts on the economy caused by the pandemic. Nevertheless, the surge in activity at OMB has continued with the same intensity that existed at the beginning of the National Emergency. As a result, OMB's OGC continues to play a leading role on a vast range of aspects of the Federal Government's response to the COVID-19 pandemic.

8. For example, OMB OGC is reviewing and advising on an unprecedented volume of high-priority, high-impact Executive Branch proposals related to the Federal Government's response to the COVID-19 pandemic. These legal reviews include, but are not limited to, changes to agency regulatory actions and enforcement policies, as well as Federal management-related guidance. These reviews have been submitted to my office from the early morning hours until late at night, seven days a week without interruption since mid-March 2020.

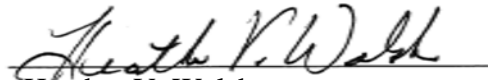
9. OMB OGC has also been responsible for providing legal and budgetary guidance to agencies regarding the supplemental appropriations bills passed to provide assistance and relief in response to the COVID-19 pandemic, including the \$2.2 trillion assistance package recently authorized by Congress in the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (March 27, 2020).

10. To meet the sustained demands for legal counsel within the agency, the EOP, and across the Federal Government, often under extremely short deadlines, OMB OGC has maintained its temporary restructuring of staff assignments to apply all available resources to the pressing needs of executing the Federal Government's response to the COVID-19 pandemic. Because OMB continues to experience these exceptional circumstances without any sign of subsidence, OMB OGC respectfully requests an additional 30-day extension of its FOIA responsibilities so that it can continue to dedicate staff resources to a variety of tasks that are vitally important to implementing the Executive Branch's response to the COVID-19 pandemic.

11. OMB is committed to ensuring that all FOIA litigants have their document requests processed and cases adjudicated as expeditiously as possible once the surge in activity associated with the COVID-19 pandemic subsides and OMB OGC staff are able to return to their normal duties. Toward that end, I am exploring ways OMB OGC can prioritize rolling productions once the surge in pandemic-related work subsides, such as by temporarily assigning additional staff to assist with document review in cases where rolling productions were paused.

In accordance with 28 U.S.C. § 1746, I declare and affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed in Washington, District of Columbia, this 20th day of April, 2020.

A handwritten signature in cursive script, reading "Heather V. Walsh", written in black ink over a horizontal line.

Heather V. Walsh
Deputy General Counsel
Office of the General Counsel
Office of Management and Budget