

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

_____)	
NATIONAL TREASURY EMPLOYEES)	
UNION, et al.,)	
)	
Plaintiffs,)	
v.)	Civil Action No. 05-201 (RMC)
)	
MICHAEL CHERTOFF, SECRETARY,)	
UNITED STATES DEPARTMENT OF)	
HOMELAND SECURITY, et al.,)	
)	
Defendants.)	
_____)	

DEFENDANTS' STATUS REPORT

Pursuant to the Court's Order dated July 17, 2007, the Department of Homeland Security ("DHS") and the Office of Personnel Management (collectively, the "Agencies") hereby submit a status report "addressing the agencies' plans to revise or abandon the regulations enjoined as part of Subpart E" of 5 C.F.R. part 9701. Minute Entry Order (July 17, 2001).

As of this time, the Agencies have made no decision as to whether to revise or abandon these regulations. Additionally, Congress recently passed the Consolidated Appropriations Act of 2008 which states that: "None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any system related to the MAX-HR project, or any subsequent but related human resources management project, until any pending litigation concerning such activities is resolved, and any legal claim or appeal by either party has been fully resolved." Pub. L. No. 110-161, Div. E, § 533, 112 Stat. 1844, 2074-75 (2007). Therefore, the Agencies are currently barred from using appropriated funds to revise Subpart E.

January 16, 2008

Respectfully submitted,

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