



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

February 19, 2026

**BY ECF**

Hon. Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Center for Constitutional Rights v. U.S. Department of State, et al.*,  
No. 25 Civ. 6879 (KPF)

Dear Judge Failla:

This Office represents defendants United States Department of State (“DOS”) and United States Agency for International Development (“USAID” and together with DOS, the “Agencies”) in connection with the above-referenced matter brought by the Center for Constitutional Rights (“CCR”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552 *et seq.* I write respectfully on behalf of all parties to provide a status update, per the parties’ prior proposal and the Court’s order dated January 6, 2026. *See* ECF Nos. 20-21.

**The Relevant FOIA Request**

CCR’s FOIA request to USAID and DOS, at issue in this litigation, states as follows:

CCR requests any and all RECORDS, COMMUNICATIONS and/or DATA COMPILATIONS that were prepared, received, transmitted, collected and/or maintained by the DOS or USAID, regardless of the identity of the correspondence party/ies, created from October 1, 2024 to the date on which DOS and/or USAID undertake their searches responsive to this FOIA request, relating or referring to the following:

1. All records related to the \$30 million awarded to GHF that was announced on June 26, 2025, including but not limited to:
  - a. pre-award vetting of key individuals or organizations associated with GHF,
  - b. discussions, decision-making, or other communications related to the award, including but not limited to:
    - i. the proposed and final “statement of work” and/or “scope of work,”
    - ii. the contract and/or grant or cooperative agreement, and

- iii. consideration of reporting of Palestinian deaths and injuries and serious concerns expressed by the United Nations and humanitarian organizations;
  - c. discussions, decision-making, or other communications related to the apparent decision to waive notification requirements for the \$30 million award;
  - d. records related to the payment of the award and all DOS requirements for disbursements and payees of the award, and
  - e. review of compliance, including but not limited to compliance with USAID Mission Order 21;
2. All records related to funding, payments, grants or support to GHF by the United States through DOS and/or USAID other than the \$30 million announced June 26, 2025 (per Item #1), whether directly or indirectly, including a reported \$7 million undated payment, including:
  - a. all records related to pre-award vetting of key individuals or organizations associated with GHF,
  - b. discussions, decision-making, reactions to, payment of, requirements for disbursements and payees, and
  - c. ongoing review of compliance, including but not limited to compliance with USAID Mission Order 21;
3. All records including policy advisories, white papers, orders, or similar records related to the establishment, mission of, vision for, funding sources, and/or leadership of the Gaza Humanitarian Foundation aka GHF, including but not limited to records and communications with persons from or associated with the Boston Consulting Group aka BCG, Orbis, McNally Capital, Tony Blair Institute for Global Change, Safe Reach Solutions aka SRS, UG Solutions, and the Tachlith Institute;
4. All records related to the statements, media responses and/or press briefings related to Gaza Humanitarian Foundation aka GHF, Safe Reach Solutions aka SRS, and/or UG Solutions since January 21, 2025;
5. All records related to any connection, link, interrelationship, and/or association between Gaza Humanitarian Foundation aka GHF and President Trump's proposals, policies or plans for Gaza, which include references to "Gaza Riviera," "Riviera of the Middle East," "Great Trust," and "Gaza Reconstitution, Economic Acceleration and Transformation";
6. All records related to reports, investigations, tracking, queries, and/or follow-up on deaths and injuries to Palestinians while seeking aid at a GHF distribution hubs;
7. All records related to the establishment, mission of, vision for, funding sources, approvals for the export and use of arms by, and/or leadership of U.S. contractors Safe Reach Solutions aka SRS and UG Solutions, including but not limited to policy advisories,

white papers, orders, or similar records as well as communications with persons from or associated with the Boston Consulting Group aka BCG, Orbis, McNally Capital, Tony Blair Institute for Global Change, GHF, and the Tachlith Institute;

8. All records of communications with the Israeli Government related to GHF operations and the presence of U.S. contractors in Gaza including through Safe Reach Solutions aka SRS and UG Solutions, including but not limited to:
  - a. the planning and operation of GHF and US contractor distribution hubs, and
  - b. reports and investigations of deaths and injuries arising out of, related to, at or near GHF operations; and
9. All records of communications between the DOS and/or USAID on the one hand, and members of Congress on the other, regarding operations, financing and approvals of U.S. support to GHF, Safe Reach Solutions aka SRS and UG Solutions, including but not limited to:
  - a. any communications related to Senator Elizabeth Warren's June 19, 2025 letter to Secretary of State Rubio and Acting Deputy Administrator Jackson of USAID seeking additional information about a possible \$500 million from State to GHF and answers to ten specific questions, and
  - b. any communications related to the June 30, 2025 letter to Secretary Rubio from 19 members of Congress opposing the Israeli government's weaponization of aid through GHF's operations and use of starvation as a weapon.

ECF No. 1, Complaint at Ex. A, p.7-9.

CCR's request indicates that the relevant time period is October 1, 2024 through the time period. Further, to facilitate searches, CCR proposed search terms for the agencies to use, individually and in combination, as follows:

- "Gaza" OR "gaza";
- "Gaza humanitarian" AND ("foundation" OR "fund");
- "GHF";
- "Global Humanitarian Fund";
- "Boston Consulting Group";
- "BCG";
- "Safe Reach Solutions";
- "SRS";
- "UG Solutions";
- "Orbis";
- "McNally Capital";
- "Israel Defense Forces"
- "IDF";
- "Gaza Riviera";

- “Riviera of the Middle East”;
- “Great Trust”;
- “Gaza Reconstitution, Economic Acceleration and Transformation”;
- “Aurora”;
- “famine”;
- “starvation”;
- “transfer”;
- “voluntary relocation”;
- “United Nations”;
- “UNRWA”;
- “Phil Reilly” AND “Philip Reilly”;
- “Johnnie Moore”;
- “John Acree”;
- “Jake Wood”
- “Rich Hutchinson”;
- “Adam Farber”;
- “Matt Schleuter”;
- “Ryan Ordway”;
- “distribution hub”; and
- “industrial zone”

*Id.* at 9-10.

### **The Status of DOS’ and USAID’s Searches and Processing**

CCR sent its FOIA request to the Agencies on July 7, 2025, and filed its Complaint on August 20, 2025.

As noted in the parties prior status report, USAID initially located over 17 million potentially responsive records, and DOS initially located over 8,900 potentially responsive records comprising over 900,000 pages. *See* ECF No. 20.

Within two weeks of the Agencies filing their Answer to the Complaint (Dkt. 16), in an effort to “find the most efficient and productive path forward,” on October 6, 2025, CCR identified for USAID and DOS its initial priorities as Request 1 and Request 4. Over the course of subsequent teleconferences and email exchanges, CCR further identified four key documents related to Request #1 (a, b, c, e) and two priority custodians, which could potentially lead to a narrowing of CCR’s request.

On December 12, 2025, the Agencies shared their search parameters with CCR and have asked for guidance or a counterproposal to narrow the search results. CCR requested additional information regarding the Agencies’ search capabilities, which the Agencies shared with CCR in early January 2026.

On February 19, 2026, USAID produced what it has identified as two of the priority documents, is reviewing a third, and is still searching for the fourth. Further on February 19,

USAID informed CCR that searches of the two priority custodians' emails between October 1, 2024-June 30, 2025, returned over 10,000 emails.

In light of the initial February 19, 2026 production and information shared regarding USAID searches, the parties will meet and confer on narrowing or focusing searches within those results, and shall confer on next steps regarding DOS, in light of CCR's priority requests and the information DOS shared on the search parameters.

The parties respectfully propose to provide the Court with a further status update regarding their progress in 45 days, by April 6, 2026. In the interim, the parties will continue their discussions of Plaintiff's FOIA request and the Agencies' search for and review of responsive records.

The parties thank the Court for its consideration of this matter.

Respectfully submitted,

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cc: Counsel of Record (by ECF)