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Description of document:	Export Import Bank of the United States (Ex-Im) Memorandum of Understanding (MOU) between the Freedom of Information Act (FOIA) Unit and Division Heads on Conducting FOIA Searches, undated
Requested date:	23-September-2022
Release date:	23-September-2022
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September 30, 2022

Via Electronic Mail

Re: FOIA Request # 202200078F

This is the final response to your Freedom of Information Act (FOIA) request to the Export-Import Bank of the United States (EXIM Bank). We received your request in our FOIA Office via email on September 23, 2022, you narrowed the scope of your request to the following:

- “A copy of each MOU between the EXIM Bank FOIA Office and Division Heads (or Divisions) relating to the process for conducting search requests and to designate a POC within each unit for searches.”

We conducted a comprehensive search of the files within the Office of Ethics, FOIA Department for records that would be responsive to your request. This is the component within EXIM Bank in which responsive records could reasonably be expected to be found. The search produced the attached record. After carefully reviewing the responsive document, we have determined that it is releasable in its entirety; no deletions or exemptions have been claimed. For your convenience, we are attaching the documents to this message as a pdf file.

You may contact our FOIA Public Liaison, Ms. Lennell Jackson at (202) 565-3290 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. §552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all of our requesters and should not be taken as an indication that excluded records do, or do not, exist.

EXIM Bank's FOIA regulations at 12 C.F.R.404.9 (a) state that EXIM Bank shall charge fees to recover the full allowable direct cost it incurs in processing request, but as a courtesy, we are waiving all fees.

I trust that this information fully satisfies your request. If you need further assistance or would like to discuss any aspect of your request, please do not hesitate to contact our FOIA Analyst, Mrs. Natascha Joyner at (202) 565-3248 or by E-Mail at Natascha.Joyner@exim.gov.

Sincerely,

**LISA
TERRY** Digitally signed
by LISA TERRY
Date: 2022.09.30
11:22:32 -04'00'

Lisa V. Terry
Chief FOIA Officer

Attachment: Responsive Documents (1 PDF file)



Reducing Risk. Unleashing Opportunity.

Memorandum of Understanding between the Freedom of Information Act Unit and the Offices and Divisions of the Export-Import Bank of the United States for Cooperation on Records Search Requests

I. Purpose

The purpose of this document is to set forth the agreement between the Freedom of Information Act (FOIA) Unit of the Export-Import Bank of the United States (EXIM) and each Senior Vice President or equivalent on behalf of his or her EXIM office (collectively referred to hereafter as “the Parties”), to establish one or more Points of Contact (POC) with the FOIA Unit to be responsible for responding to requests for records within the POC’s office. This step will help to ensure efficient and timely processing of FOIA requests received by EXIM.

II. Background

EXIM is committed to transparency and responsiveness to all FOIA requests. The Freedom of Information Act (or “the Act”), section 552 of Title 5 of the United States Code, was enacted by Congress to provide the public with access to federal records in the interest of transparency and accountability. The Act requires federal agencies to produce government records in response to requests from the public within a specified time frame. The EXIM FOIA Unit, responsible for program administration, is located within the Office of Ethics, with the Chief Ethics Officer serving as the Chief FOIA Officer.

III. Responsibilities

In order to ensure the FOIA Unit’s timely and accurate receipt of responsive records, and to streamline FOIA Unit communications with EXIM offices and divisions with regards to records searches, the Parties agree as follows:

A. The FOIA Unit agrees:

- To contact EXIM divisions which may have responsive records to request estimates of search time and volume of records;
- To provide sufficient information regarding the FOIA request and search terms in



MOU between FOIA and EXIM Divisions, Cont. Pg. 2

order for the POC to provide time estimates for responding and to retrieving responsive records;

- To coordinate with POCs in determining all relevant offices and units to retrieve documents appropriate to FOIA requests;
- To request from POCs suggested search terms and/or the names of individuals to whom the request may relate;
- To review timely all responsive documents provided and to remove or redact personal, privileged or confidential information, applying the appropriate FOIA exemptions; and,
- To provide final notification to appropriate EXIM offices prior to release.

B. EXIM Senior Vice Presidents (SVPs) and/or designees agree:

- To assign one or more staff member(s) within his or her office or division to serve as a Point of Contact (POC) for EXIM's FOIA Unit;
- To provide the name and contact information for the designated POC(s) to EXIM's FOIA Liaison in writing by **June 8**. The designated POC will assume responsibility for the following:
 - Responding to FOIA Unit staff within 1-3 business days (1 day for simple requests, up to 3 days for more complex requests) to acknowledge receipt of requests and provide estimates for search time and volume of records, as necessary;
 - Providing search terms for email searches;
 - Advising the FOIA Unit as to the names of any individuals or offices to which the request may also relate;
 - Coordinating retrieval of letters, files, and other non-email related documents within his or her office or division;
 - Providing responsive documents to the FOIA staff by the date provided by the FOIA office;
 - Requesting additional time, if needed, for the retrieval of responsive documents from the FOIA Unit staff in writing, stating how much time will be needed; and,

- Certifying, in writing, as to the completeness of the search and document retrieval provided to the FOIA Unit.

IV. Modifications

A. Amendments to MOU

Any amendment or modification of the terms of this MOU is effective upon mutual written consent of the Parties, unless otherwise indicated herein.

B. Changes in POC Designation

In the event a designated FOIA POC leaves his/her position, a new POC must be promptly designated in writing and provided to the FOIA Team. If a new POC is not appointed, the SVP of the office or division will be deemed the interim POC by default until one is designated.

IV. Term of Agreement

This MOU shall become effective upon signature by the Parties and is intended to be in effect until terminated by mutual consent by the Parties.

V. Points of Contact

A. For any questions or concerns about the FOIA process, specific FOIA requests, or POC designations:

Lennell Jackson, FOIA Liaison, at Lennell.Jackson@exim.gov or x3290.

B. For any questions related to the terms and provisions of this MOU:

Lisa V. Terry, Chief FOIA Officer, at Lisa.Terry@exim.gov or x3195.

VI. Signatures

The undersigned approve the terms and conditions of this MOU as of the date of signature:



FOR THE FOIA UNIT:

Lisa V. Terry, Senior Vice President,
Chief Ethics Officer, and Chief FOIA Officer

Date

FOR EXIM OFFICES AND DIVISIONS:

On behalf of the Office of the Chief Operating Officer:

Jeffrey Goettman, Executive Vice President and
Chief Operating Officer

Date

On behalf of the Office of the Chief of Staff:

Margaux Matter, Senior Vice President and Chief of Staff

Date

On behalf of the Office of the General Counsel:

Kevin Turner, Senior Vice President and General Counsel

Date

**On behalf of the Office of the Communications and
Office of Congressional and Intergovernmental Affairs:**

Jennifer Hazelton, Senior Vice President

Date

On behalf of the Office of Policy Analysis & International Relations:



James Cruse, Senior Vice President

Date

On behalf of the Office of the Chief Risk Officer:

Kenneth Tinsley, Senior Vice President and
Chief Risk Officer

Date

On behalf of the Office of Board Authorized Finance:

David Sena, Senior Vice President

Date

On behalf of the Office of Information Management & Technology:

Howard Spira, Senior Vice President and
Chief Information Officer

Date

On behalf of the Office of Ethics:

Felice Smith (for Lisa V. Terry, Senior Vice President
and Chief Ethics Officer)

Date

On behalf of the Office of Small Business:

James Burrows, Senior Vice President

Date

On behalf of the Office of the Chief Financial Officer:



MOU between FOIA and EXIM Divisions, Cont. Pg. 6

Inci Tonguch-Murray, Chief Financial Officer (Acting)

Date

On behalf of the Office of Strategy & Performance:

Michele Kuester, Senior Vice President

Date

On behalf of the Office of Human Capital:

**Nicole Valtos, Vice President and Deputy Chief
Operating Officer**

Date