

**PROVIDED TO PLAINTIFF AS PART OF SETTLEMENT DISCUSSIONS PURSUANT  
TO FED. RULE OF EVIDENCE 408**

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

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	)	
JUDICIAL WATCH, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:17-cv-00157-ABJ
	)	
DEPARTMENT OF STATE,	)	
	)	
Defendant.	)	

**DECLARATION OF ERIC F. STEIN**

Pursuant to 28 U.S.C. § 1746, I, Eric F. Stein, declare and state as follows:

1. I am the Director of the Office of Information Programs and Services (“IPS”) of the United States Department of State (“State” or “the Department”) and have served in this capacity since January 22, 2017. From March 21, 2016, to October 15, 2016, I served as the Acting Co-Director of IPS, and from October 16, 2016, to January 21, 2017, I served as the Acting Director of IPS. I am the State official immediately responsible for responding to requests for records under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552, the Privacy Act of 1974, 5 U.S.C. § 552a, and other applicable records access provisions. Prior to serving in this capacity, from April 2013, I worked directly for State’s Deputy Assistant Secretary (“DAS”) for Global Information Services (“GIS”) and served as a senior advisor and deputy to the DAS on all issues related to GIS’ offices and programs, which includes IPS. As the IPS Director, I have original classification authority and am authorized to classify and declassify national security information. I make the following statements based upon my personal knowledge, which in turn is based upon information furnished to me in the course of

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my official duties. I am familiar with the efforts of Department personnel to process the subject request, and I am in charge of coordinating the agency's search and recovery efforts with respect to that request.

2. The core responsibilities of IPS include: (1) responding to records access requests made by the public (including under the FOIA, the Privacy Act, and the mandatory declassification review requirements of the Executive Order governing classified national security information), by members of Congress, by other government agencies, and those made pursuant to judicial process such as subpoenas, court orders, and discovery requests; (2) records management; (3) privacy protection; (4) national security classification management and declassification review; (5) corporate records archives management; (6) research; (7) operation and management of the Department's library; and (8) technology applications that support these activities.

3. This declaration explains the Department's search for records responsive to Plaintiff's FOIA request.

**I. ADMINISTRATIVE PROCESSING OF PLAINTIFF'S REQUEST**

4. By letter dated February 5, 2016 (Exhibit 1), Judicial Watch, Inc. ("Plaintiff") submitted a FOIA request seeking:

Any and all records reflecting the number of Refugee Travel Loans furnished by the State Department's Bureau for Population, Refugees, and Migration (PRM) to the International Organization for Migration (IOM) per year; the number of travel loans that are defaulted upon per year; and the amount of money written off per defaulted loan.

The time frame for the request was identified as "2010 to the present."

5. By letter dated March 17, 2016 (Exhibit 2), the Department acknowledged receipt of Plaintiff's request and assigned it Case Control Number F-2016-01161.

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6. After a careful review of Plaintiff's request, the Department determined that it would not possess any responsive records because the Department does not furnish refugee settlement loans. It does, however, provide U.S. Government funds to the International Organization for Migration ("IOM") for the purpose of domestic refugee resettlement. Accordingly, the Department was prepared to issue a final determination that no records existed that were responsive to Plaintiff's request. Before doing so, however, the Department, through counsel, explained its position and offered to clarify or rephrase the request so that a search could be conducted. In proposing to clarify or rephrase the request, the Department did not conduct an initial search to determine whether the reformulated request would be likely to locate responsive records. As a result of those discussions, the parties agreed to reformulate the request as follows:

Any and all records reflecting the number of Refugee Travel Loans furnished using USG funds per year; the number of such travel loans that are defaulted upon per year; and the amount of money written off per defaulted loan.

7. By letter dated May 24, 2017 (Exhibit 3), the IPS informed Plaintiff that the Department had completed the search of the records of the Bureau of Population, Refugees, and Migration and located no responsive records.

**II. THE SEARCH PROCESS**

8. When the Department receives a FOIA request, IPS evaluates the request to determine which offices, overseas posts, or other records systems within the Department may reasonably be expected to contain the records requested. This determination is based on the description of the records requested and requires a familiarity with the holdings of the Department's records systems, applicable records disposition schedules, and the substantive and functional mandates of numerous Department offices and Foreign Service posts and missions.

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Factors such as the nature, scope, and complexity of the request itself and whether the requester has identified places where he or she believes records are likely to be located are also relevant.

9. Upon evaluation of Plaintiff's request, IPS determined that the only Department component reasonably likely to maintain responsive records was the Bureau of Population, Refugees and Migration ("PRM"), as it was not only cited specifically in the original request, but it is also the only component directly involved with refugee travel loans and IOM—also cited in the initial request. A description of PRM and its record systems, and how they were searched, is provided below.

10. When conducting a search in response to a FOIA request, IPS relies on the knowledge and expertise of the employees of each bureau/office/post to determine the files and locations reasonably likely to house responsive records and the best means of locating such records, as those employees are in the best position to know how their files are organized. Additionally, for any searches of electronic records, those employees are also in the best position to determine which search terms would yield potentially responsive records in a given system.

11. IPS concluded that no other offices or records systems were reasonably likely to maintain documents responsive to Plaintiffs' request, and that PRM searched all files likely to contain relevant documents.

**The Bureau of Population, Refugees, and Migration**

12. The Bureau of Population, Refugees, and Migration provides aid and sustainable solutions for refugees, victims of conflict, and stateless people around the world, through repatriation, local integration, and resettlement in the United States. PRM also promotes the United States population and migration policies. The Director of the Office of the Comptroller determined that the only PRM component reasonably likely to maintain responsive records was

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the Office of the Comptroller (“PRM/C”). PRM/C is responsible for the overall financial management worldwide of the Bureau’s program appropriations for migration, refugee assistance, protection and admissions activities, including contributions and other funding arrangements with United Nations and other international organizations, and in the preparation and execution of grants and cooperative agreements with U.S. and foreign nongovernmental organizations (“NGOs”) and on behalf of other Federal agencies. PRM/C also manages and coordinates with IOM on the refugee transportation loan program.

13. The PRM/C Office Director, who was knowledgeable of both the FOIA request and PRM’s records systems, conducted a search of PRM/C’s electronic shared drive (a collection of folders stored on a local network) using search terms “loan,” “default,” “Promissory,” or “IOM travel loan.” This search was not limited by date. The Office Director also conducted a search of his email records, dating back to January 1, 2010, the date range specified in Plaintiff’s FOIA request, using the search terms “Graham, Brian” or “grah.” This search was structured to retrieve any communications to or from Brian Graham, who is PRM’s sole contact in IOM for the refugee travel loan program and would be the only person with whom responsive communications were likely to have taken place.

14. The Department’s search did not retrieve any records reflecting the number of refugee travel loans furnished per year using U.S. Government funds, the number of such travel loans defaulted on annually, nor the amount of money written off per defaulted loan.<sup>1</sup>

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<sup>1</sup> The Department’s searches did retrieve some records reflecting IOM’s general reporting on refugee travel loans, but none of this reporting contained the specific information sought in Plaintiff’s request.

**III. CONCLUSION**

15. In summary, the Department conducted a thorough search of all Department locations reasonably likely to contain documents responsive to Plaintiff's modified request. No responsive records were found as result of these searches.

DRAFT