



1300 Pennsylvania Avenue, NW  
Washington, DC 20229

**U.S. Customs and  
Border Protection**

March 17, 2023

Sent via email: csamtmann@irli.org

Mr. C. Craig Samtmann  
25 Massachusetts Avenue, NW Suite 335  
Washington, D.C. 20001

Re: FOIA Request Number CBP-2020-072408

Dear Mr. Samtmann:

This is a final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received August 20, 2020, in which you requested information regarding CBP's failed review of the Southern Border Wall Acquisition Capabilities by the U.S. Department of Homeland Security, Office of Inspector General, Report Number OIG-20-52 dated July 16, 2020.

A search of CBP databases produced two-hundred twenty-five (225) pages responsive to your request. CBP has determined that the responsive records are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(4), (b)(6), (b)(7)(C), and (b)(7)(E). CBP has considered the foreseeable harm standard when reviewing the records set and as applied the FOIA exemptions as required by the statute and the Attorney General's guidance.<sup>1</sup> A description of the exemptions applied can be found at: [https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/definitions-exemptions-foia\\_0.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/definitions-exemptions-foia_0.pdf).

Pursuant to DHS Instruction 262-11-004, FOIA Officers at DHS have been instructed to withhold personally identifiable information (PII) and sensitive personally identifiable information (SPII) of DHS personnel unless a determination is made that the disclosure does not raise security or privacy concerns, or if those concerns are outweighed by any public interest in that information. The policy is available online at: <https://www.dhs.gov/publication/foia-compliance-instruction-262-11-004-dhs-employee-personal-identifiable-information>. Under this policy, the names of senior leaders, spokespersons, and political appointees are generally releasable. With respect to this FOIA request, DHS may have applied FOIA Exemption 6 to protect PII of DHS employees, including names and contact information. To the extent that has DHS withheld employee PII within these records, it has been determined that the employee(s) has/have substantial and legitimate privacy interests and that these interests are not outweighed by any public interest in the operations of the Department.

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). 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 our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may notice a recent date on the attached records. This is the date our processor queried the record in response to your FOIA request. For clarity, it is not the date the agency first created the record.

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<sup>1</sup> Department of Justice (DOJ), "Freedom of Information Act Guidelines," March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>

This completes the CBP response to your request. You may contact CBP's FOIA Public Liaison, Charlyse Hoskins, by sending an email via your SecureRelease account, mailing a letter to 90 K St, NE MS 1181, Washington DC, 20229 or by calling 202-325-0150. (If you need telecommunication relay service (TRS) assistance to communicate with the CBP FOIA Office and you are in the United States, please dial 711 to obtain TRS assistance and notify the Communications Assistant that you want to contact the CBP FOIA Office at the telephone number (202) 325-0150). The FOIA Public Liaison is able to assist in advising on the requirements for submitting a request, assist with narrowing the scope of a request, assist in reducing delays by advising the requester on the type of records to request, suggesting agency offices that may have responsive records and receive questions or concerns about the agency's FOIA process. Please notate file number **CBP-2020-072408** on any future correspondence to CBP related to this request.

If you are not satisfied with the response to this request, you have a right to appeal the final disposition. Should you wish to do so, you must file your appeal within 90 days of the date of this letter following the procedures outlined in the DHS regulations at Title 6 C.F.R. §5.8. Please include as much information as possible to help us understand the grounds for your appeal. You should submit your appeal via your SecureRelease account. If you do not have computer access, you may send your appeal and a copy of this letter to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia). Additional information can be found at the following link [https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/definitions-exemptions-foia\\_0.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/definitions-exemptions-foia_0.pdf).

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Please note that contacting the CBP FOIA Public Liaison or OGIS **does not** stop the 90-day appeal clock and **is not** a substitute for filing an administrative appeal.

Sincerely,

FOIA Division  
U.S. Customs and Border Protection