

**From:** (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Wednesday, August 09, 2017 1:58:02 PM

(b) (5)

I like your response below.

(b)(6);(b)(7)(C)

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 1:53 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks, (b)(6);(b)(7)(C) (b) (5)

(b) (5)

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)

Email (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

*This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.*

From: (b)(6);(b)(7)(C)

Sent: Wednesday, August 09, 2017 1:47 PM

To: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

(b) (5)

Thanks,

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Wednesday, August 09, 2017 12:56 PM

To: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) <ov>; (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) >

Cc: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Yes, looks good to me.

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
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Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

*This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.*

---

From: (b)(6);(b)(7)(C)  
Sent: Wednesday, August 09, 2017 12:53 PM  
To: (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
Cc: (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
>  
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Hi (b)(6);(b)(7)(C)

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?

---

From: (b)(6);(b)(7)(C)  
Sent: Wednesday, August 09, 2017 10:35 AM  
To: (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) <(b)(6);(b)(7)(C)>  
<(b)(6);(b)(7)(C)>  
Cc: (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
>  
Subject: RE: Follow up question about border project in San Diego sector from Reuters

All –

These are our revisions to the answers. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include **fence replacement projects in El Centro and El Paso Sectors**, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the area specified in the waiver. The FY17 enacted budget doesn't include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President's FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to

commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP's border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Yes. However, the published notices are related to CBPs acquisition of land in 2008 to construct what is now the existing fence.

(b)(6);(b)(7)(C)

Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
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Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

*This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.*

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 8:04 AM  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from (b)(6);(b)(7)(C) too.

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 9:21 PM  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Is it Ok if I send slightly tweaked language in the morning?

(b)(6);(b)(7)(C)

Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

**From:** (b)(6);(b)(7)(C)

**Sent:** Wednesday, August 09, 2017 12:30:47 AM

**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)

**Cc:** (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b)(6);(b)(7)(C) – Please see my proposed edits (in green) are below. (b)(6);(b)(7)(C), can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – (b) (5)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? –

(b) (5)

- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? - (b) (5)

- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? - (b) (5)

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

---

**From:** (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 4:16 PM

**To:** (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) >

**Cc:** (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

**Importance:** High

(b)(6);(b)(7)(C), (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) -

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

(b)(6);(b)(7)(C)

---

**From:** (b)(6);(b)(7)(C)

Sent: Tuesday, August 08, 2017 2:24 PM

To: [REDACTED] (b)(6);(b)(7)(C) [REDACTED] (b)(6);(b)(7)(C)

[REDACTED] (b)(6);(b)(7)(C) >

Cc: [REDACTED] (b) (6)

Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need help addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (for example #1 is that project funded before current administration, etc). Thanks.

[REDACTED] (b)(6);(b)(7)(C)/CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw



that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? (b) (5).

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

---

**From:** (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 2:19 PM

**To:** (b) (6) @thomsonreuters.com' (b) (6) >; Lapan, David (b) (6) @hq.dhs.gov>

**Cc:** (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6):

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO's decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO's decision. CBP will continue to take steps to implement the President's Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

(b) (6), (b) (7)(C)

CBP Public Affairs

---

**From:** (b) (6) @thomsonreuters.com [mailto:(b) (6)]

**Sent:** Tuesday, August 08, 2017 1:58 PM

**To:** Lapan, David (b) (6) @hq.dhs.gov>

**Cc:** Media Inquiry <MediaInquiry@HQ.DHS.GOV>; (b) (6), (b) (7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from (b) (6), (b) (7)(C).

---

**From:** Lapan, David [mailto:(b) (6)@hq.dhs.gov]  
**Sent:** Tuesday, August 08, 2017 1:56 PM  
**To:** (b) (6) Reuters News)  
**Cc:** Media Inquiry; (b) (6), (b) (7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,  
Dave

---

**From:** (b) (6)@thomsonreuters.com  
**Sent:** Tuesday, August 08, 2017 1:44:47 PM  
**To:** Lapan, David  
**Cc:** Media Inquiry  
**Subject:** Follow up question about border project in San Diego sector from Reuters

Hi there David,  
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration?
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?
- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels of land where the ownership is not

clear?

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!  
All the best,

(b) (6)

.....  
(b) (6)

**Reuters News**

Reporter

[www.reuters.com](http://www.reuters.com)

3 Times Square, 18th Floor

New York, NY 10036

office: (b) (6)

cell: (b) (6)

email: (b) (6)@thomsonreuters.com

[\(b\) \(6\)](http://www.linkedin.com/in/(b)(6))

---

**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]

**Sent:** Tuesday, August 01, 2017 8:03 AM

**To:** (b) (6) (Reuters News)

**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



*Press Office*

**U.S. Department of Homeland Security**

# Press Release

August 1, 2017

Contact: DHS Press Office, (202) 282-8010

**DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN**

## SAN DIEGO AREA

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol's San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump's Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS's obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the

environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###

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[Unsubscribe](#)

Office of Public Affairs 202-282-8010 [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov)



---

U.S. Department of Homeland Security Washington, DC 20016

**From:** (b)(6);(b)(7)(C) on behalf of (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C)  
**Subject:** FW: Draft Border Wall Early T&E Strategy  
**Date:** Monday, May 22, 2017 10:04:11 AM  
**Attachments:** [20170516 Border Wall Early Strategy Review.pptx](#)  
[20170515 Border Wall IEF.xlsx](#)  
[20170518 Border Wall TE Rhythm.xlsx](#)  
[Wall Capability Decomp 20170424.xlsx](#)

---

(b)(6);(b)(7)(C)

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Monday, May 22, 2017 10:04 AM  
**To:** (b)(6);(b)(7)(C)  
**Subject:** FW: Draft Border Wall Early T&E Strategy

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Monday, May 22, 2017 8:54 AM  
**To:** (b)(6);(b)(7)(C)  
(b) (6) (b) (6) @hq.dhs.gov>; (b)(6);(b)(7)(C)  
**Subject:** Draft Border Wall Early T&E Strategy

All,  
These are working documents... briefing is focus for today's meeting. Remainder of documents are for background and familiarization.

Note: The briefing is Law Enforcement Sensitive (LES).

v/r,  
(b)(6);(b)(7)(C)  
Acting Technical Director

Land Systems Operational Test Authority (LSOTA)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

***Homeland Security Systems Engineering Development Institute (HSSEDI)***

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

# US Customs and Border Protection's Wall Program

## Draft T&E Strategy Briefing



Homeland  
Security

~~Low-Enforcement Sensitive/For-Official Use-Only~~  
~~LES/FOUO~~

April, 2017



# Program Background

## US CBP Border Wall:

- Provides impedance and denial (I&D) capability
  - US southwestern border
  - Between POEs
  - Not contiguous – divert illegal traffic
  - Improve certainty of detection and apprehension
- I&D capability requires combination of
  - Physical barrier(s)
  - Technology
  - People

(b) (7)(E)

Impedance and Denial Is a Critical Capability for Operational Control of US Border

~~Law-Enforcement-Sensitive/For-Official-Use-Only~~  
~~LES/FOUO~~

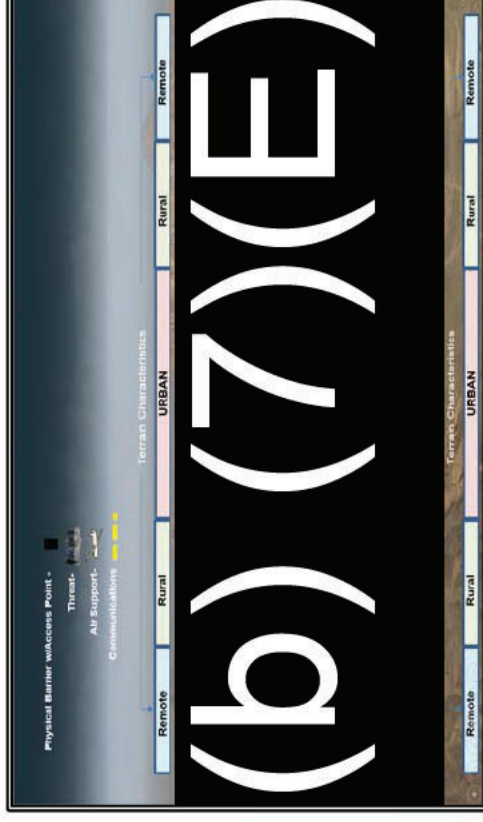
# Program Overview

## Program Description/Requirement:

- Identify, acquire, and deploy the right mix of physical barrier, technology and people
- ADM Requirements: Develop procurement solution for the purchase of four to six wall prototypes and construct first segment in Yuma, AZ or San Diego, CA to support Alternatives Analysis and refinement of requirements

## Wall Segment 1 Goals:

- Mockup Goal : Based on various wall construction designs, determine right mix of wall construction materials to achieve a (b) (7)(E) breaching delay
- Prototype Goal: Based on various wall construction designs, determine the right mix of wall attributes to (b) (7)(E)



## FY17 Accomplishments:

- Pre-solicitation Notice Released – 3/8
- Two RFPs released – 3/17
- ARB held – 3/20
- Granted ADE-1 – 4/14
- Acquisition Plan Staffed – 4/17

## FY17 Milestones:

- MAOL Inclusion Request – 4/30
- Award Contract – 6/12
- Begin Prototype Construction -7/21
- Complete JRC Actions – NLT 11/1
- ADE 2A ARB – o/a 12/31
- Draft TEMP – o/a 12/31

## Decision Authority:

- Acquisition Level: 1
  - Programs with: ≥ \$1B LCCE
  - Wall Lifecycle Cost Estimate: TBD
- Decision Authority: DHS Chief Acquisition Officer (CAO)
- Decision Event Review: Acquisition Review Board (ARB)
- Source Selection Authority: TBD
- ADE 2A Planned: December 31, 2017

**Low-Enforcement Sensitive/For-Official-Use-Only**  
**LES/FOUO**

# Key Program Documentation

| Document                                 | Date                  |
|--|-----------------------|
| Mission Needs Statement (MNS)            | March 9, 2017 (Draft) |
| Capability Analysis Report (CAR)         | March, 2017 (Draft)   |
| Acquisition Decision Memorandum (ADM)    | April 14, 2017        |
| Capability Development Plan (CDP)        | April 14, 2017        |
| Acquisition Plan (AP)                    | <i>April 17, 2017</i> |
| Operational Requirements Document (ORD)  | TBD                   |
| Integrated Logistics Support Plan (ILSP) | TBD                   |
| Concept of Operations (CONOPS)           | Initial Draft         |
| Test and Evaluation Master Plan (TEMP)   | TBD                   |

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# Decision Support Questions (DSQ)

| DSQ # | DSQ   |
|-------|---|
| 1     | Does the I&D system facilitate operational control of the US southwestern border?   |
| 2     | What is the right mix of physical wall, technology and people to achieve operational control of the US southwestern border? |
| 3     | Does the I&D system discourage *TTILVs from attempting to enter the US?   |
| 4     | Is CBP's certainty of detection enhanced by the I&D system?   |
| 5     | Is CBP's certainty of apprehension enhanced by the I&D system?  |
| 6     | Does the I&D system divert illegal activities away from high-value/threat favorable terrain/areas?                          |
| 7     | Can the I&D system be sufficiently maintained and supported throughout its lifecycle?                                       |
| 8     | Does the I&D system allow adequate access and mobility to the US southwestern border?                                       |
| 9     | Does the I&D system provide security from unauthorized access to system components?   |
| 10    | Does the I&D system afford CBP personnel with protection from hostile attacks?  |
| 11    | Does the I&D system facilitate the efficient use of CBP resources?  |

\* TTILV – Terrorists, Traffickers, and Immigration Law Violators

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# Critical Operational Issues

| COI #      | COI   | Capability Gap |
|------------|---|----------------|
| (b) (7)(E) | Does the I&D system allow USBP to impede and deny threats?  | (b) (7)(E)     |
|            | Does the I&D system allow USBP access to all areas of the US border?                              |                |
|            | Does the I&D system diminish adversary vanishing times?   |                |
|            | Is the I&D infrastructure easily compromised?   |                |
|            | Does the I&D system delineate the international boundary between the US and Mexico?               |                |
|            | Can the I&D system be maintained and supported throughout its lifecycle?                          |                |
|            | Does the I&D system provide security to system components and CBP personnel from hostile attacks? | NA             |

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# Threat Assessment

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- **I&D Threat Defeat Ways and Means**
  - Use of land, air and water conveyances
  - Personnel crossing on foot – individual and in groups
  - Personnel with surveillance means
  - Personnel crossing on foot – with narcotics and contraband
  - Personnel crossing with weapons
  - Use of breaching means on I&D infrastructure

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# Integrated Master Schedule

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10/4 – 10/31: Test Execution of Mockup and Prototypes

11/1 – 11/28: Analysis and Reporting (Briefing)

Update

# T&E Overview

- Pre-ADE 2A T&E Support (Mockups)
  - ✓ Breaching
- Pre-ADE 2A T&E Support (Prototypes)
  - ✓ Anti scaling
- Pre-ADE 2C T&E Support (RGV Segment)
  - ✓ Limited evaluation of RGV segment\*
- Prioritized Segment T&E Support
  - ✓ Evaluation of prioritized segments\*
- Follow-On T&E Support
  - ✓ Based on changes/updates\*
- Evaluation Reports
  - ✓ For all T&E events and segments

\* Assumes I&D system evaluation



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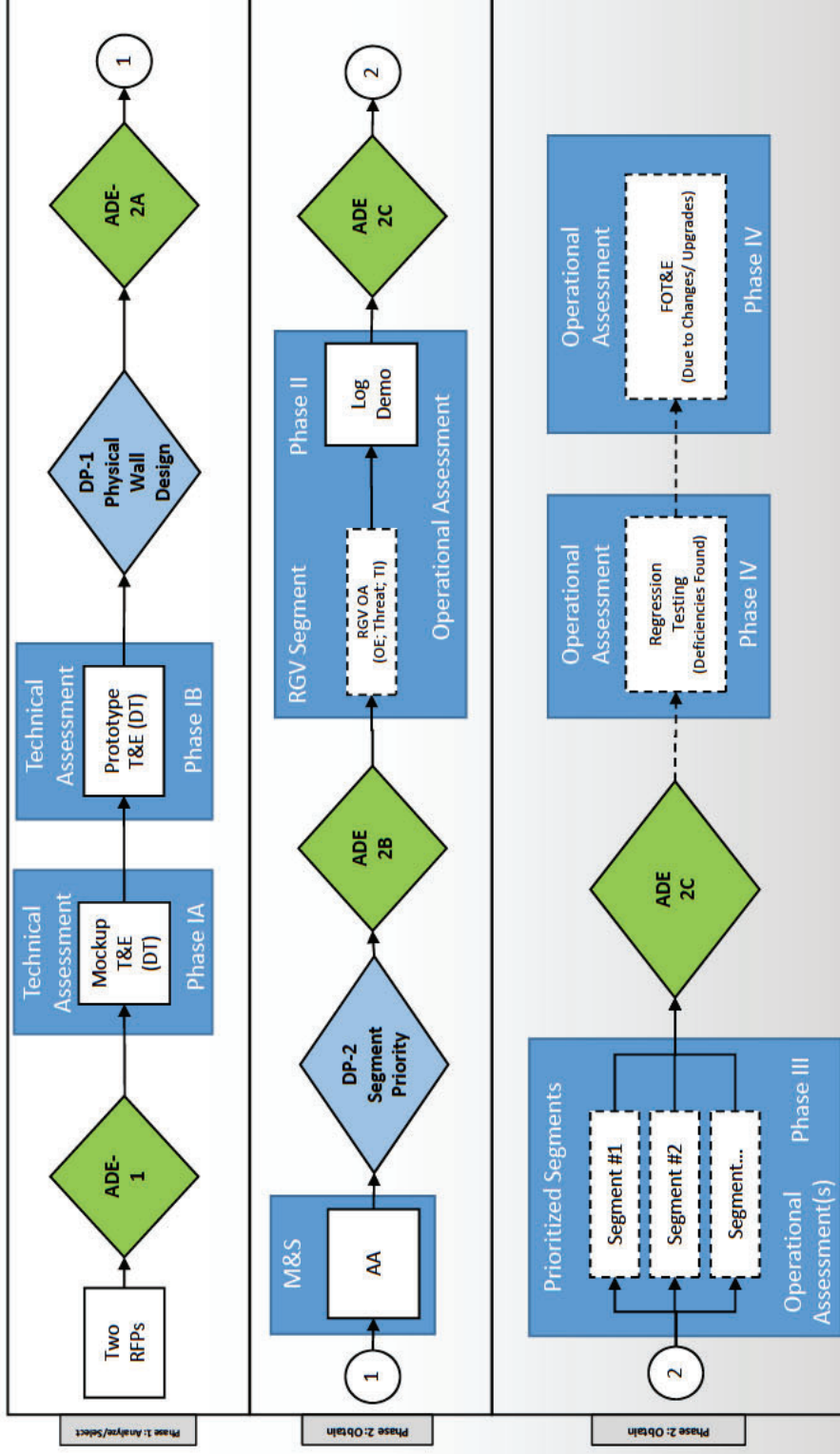


# T&E Process, Activities and Products



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# Overall T&E Strategy

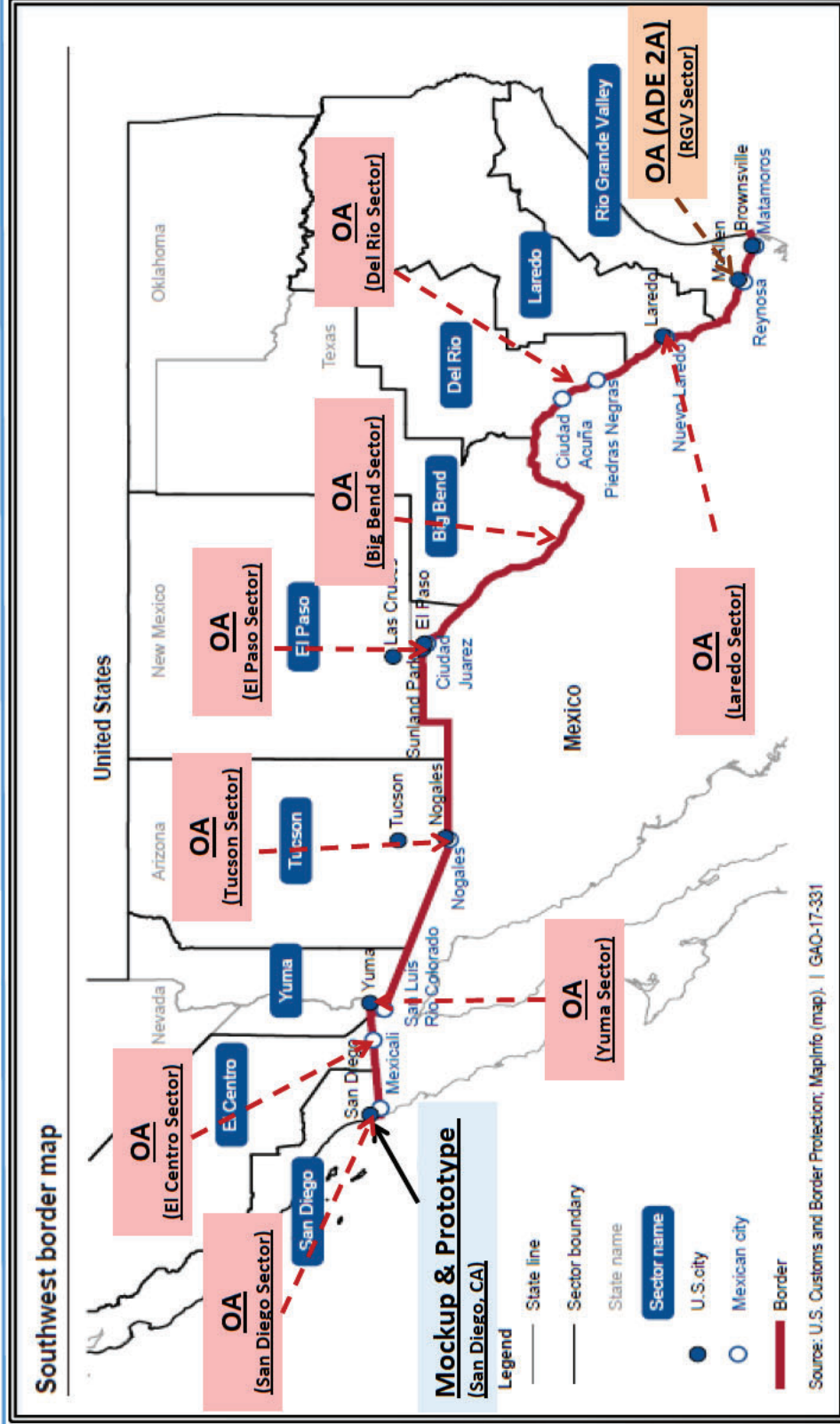


- OE – Operational Environment Considerations
- TI – Technology Integration
- C – Cyber Resilience

- DP – Decision Point
- Need Acquisition Strategy

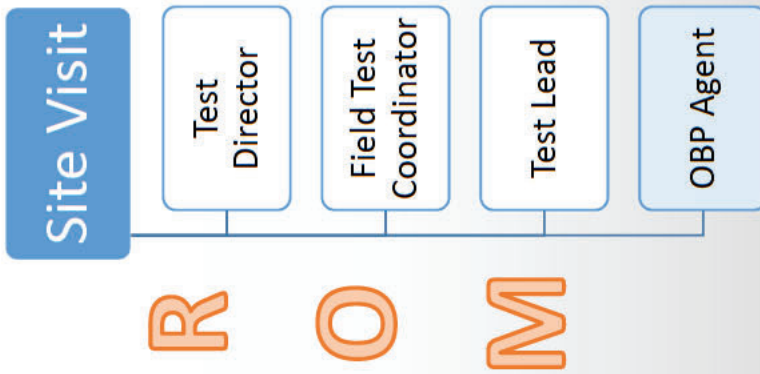
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# Continuous T&E Locations



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# Integrated T&E Team: Site Visit



| Travel | Purpose of Travel/<br>Test Personnel   | Projected<br>Person | Date of<br>Travel | Location      | # of<br>Travelers | Duration<br>(Days) | Air Fare<br>R/T* | Lodging<br>/Night** | Per<br>Diem<br>/Day*** | Car<br>Rental<br>/Day**** | Misc<br>/Day***** | Total<br>Per<br>Traveler | Total<br>Travel for<br>Billet |
|--------|--|---------------------|-------------------|---------------|-------------------|--------------------|------------------|---------------------|------------------------|---------------------------|-------------------|--------------------------|-------------------------------|
|        | <b>Site Visit</b>  |                     | 8/28/2017         | San Diego, CA |                   |                    |                  |                     |                        |                           |                   |                          |                               |
|        | Test Director  | Personnel Name      | 8/28/2017         | DCA-SAN       |                   |                    |                  |                     |                        |                           |                   |                          |                               |
|        | Field Test Coordinator   | Personnel Name      | 8/28/2017         | DCA-SAN       |                   |                    |                  |                     |                        |                           |                   |                          |                               |
|        | Test Lead  | Personnel Name      | 8/28/2017         | DCA-SAN       |                   |                    |                  |                     |                        |                           |                   |                          |                               |
|        | * Air Fare: Based on Round Trip from Home Airport to Location except where noted   |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |
|        | ** Lodging: Recommend multiplying "Per Diem - FY17" tab value by 1.15 to account for state and local taxes at ~15%         |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |
|        | Note: Calculation for "Total per Traveler" deducts 1 day from the duration since lodging cost is per night and not per day |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |
|        | *** Per Diem: MI&E (First & Last Days 75% not calculated here); see tab "Per Diem - FY17" for rates                        |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |
|        | **** Car Rental: Estimated Economy or 4-Wheel Drive SUV for testing  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |
|        | ***** Gas, tolls, parking, fees, taxi to/from home airport, etc.   |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |
|        |  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          | \$0                           |
|        |  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          | (b) (5)                       |
|        |  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          | \$0                           |
|        |  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          | (b) (5)                       |

Assumes BPA from within San Diego sector

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# Pre-ADE 2A T&E Support (Mockups)

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- Technical Assessment (TA) Event
- T&E Phase IA
  - Technical assessment of mockups (San Diego Sector)
  - Test Purpose: Ability to achieve or exceed breaching requirements (RFP)
  - Test Objective: Based on threat assessment, use breaching techniques to determine impedance times
  - Event timeline
    - Participate in Impedance and Denial ORD Development (Late May; San Diego)
    - Participate in contractor presentations (o/a 1 June; San Diego)
    - Conduct on-site survey (San Diego)
    - Conduct on-site observation/data collection of breaching activities/operations
  - Event limitations/concerns and actions/mitigations

.....  
(b) (7)(E), (b) (5)

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# Pre-ADE 2A T&E Support (Prototypes)

---

- Technical Assessment (TA) Event
- T&E Phase IB
  - Technical assessment of prototypes (San Diego Sector)
  - Test Purpose: Ability to (b) (7)(E) requirements (RFP)
  - Test Objective: Based on threat assessment, (b) (7)(E)
- Event timeline
  - Conduct on-site observation/data collection of scaling activities/operations
- Event limitations/concerns and actions/mitigations

• (b) (7)(E), (b) (5)

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# Integrated T&E Team: Mockup & Prototype

Mockup & Prototype T&E

- Test Director
- Field Test Coordinator (x2)
- Data Manager (x2)
- Data Collector (x8)
- Test Lead
- OBP Agent (x2)

Includes on-site test execution

| Travel  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
|---|---------------------|-------------------|---------------|-------------------|--------------------|------------------|---------------------|------------------------|---------------------------|-------------------|--------------------------|-------------------------------|--|-----------|-----|--|----------|---------|--|------------|-----|--|------------|---------|
| Purpose of Travel/<br>Test Personnel  | Projected<br>Person | Date of<br>Travel | Location      | # of<br>Travelers | Duration<br>(Days) | Air Fare<br>R/T* | Lodging<br>/Night** | Per<br>Diem<br>/Day*** | Car<br>Rental<br>/Day**** | Misc<br>/Day***** | Total<br>Per<br>Traveler | Total<br>Travel for<br>Billet |  |           |     |  |          |         |  |            |     |  |            |         |
| Mockup & Prototype  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| Test Director   | Personnel Name      | 10/3/2017         | San Diego, CA |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| Field Test Coordinator  | Personnel Name      | 10/3/2017         | DCA-SAN       |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| Data Manager  | Personnel Name      | 10/3/2017         | DCA-SAN       |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| Data Collector  | Personnel Name      | 10/3/2017         | DCA-SAN       |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| Test Lead   | Personnel Name      | 10/3/2017         | DCA-SAN       |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| OBP Agent   | Personnel Name      | 10/3/2017         | DCA-SAN       |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| * Air Fare: Based on Round Trip from Home Airport to Location except where noted  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| ** Lodging: Recommend multiplying "Per Diem - FY17" tab value by 1.15 to account for state and local taxes at ~15%  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| Note: Calculation for "Total per Traveler" deducts 1 day from the duration since lodging cost is per night and not per day  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| *** Per Diem: M&E (First & Last Days 75% not calculated here); see tab "Per Diem - FY17" for rates  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| **** Car Rental: Estimated Economy or 4-Wheel Drive SUV for testing   |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| ***** Gas, tolls, parking, fees, taxi to/from home airport, etc.  |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; text-align: right;">PMO Total</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td></td> <td style="text-align: right;">SE Total</td> <td style="text-align: right;">(b) (5)</td> </tr> <tr> <td></td> <td style="text-align: right;">OIAD Total</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td></td> <td style="text-align: right;">OIAD+SE+PM</td> <td style="text-align: right;">(b) (5)</td> </tr> </table> |                     |                   |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  | PMO Total | \$0 |  | SE Total | (b) (5) |  | OIAD Total | \$0 |  | OIAD+SE+PM | (b) (5) |
|   | PMO Total           | \$0               |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
|   | SE Total            | (b) (5)           |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
|   | OIAD Total          | \$0               |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |
|   | OIAD+SE+PM          | (b) (5)           |               |                   |                    |                  |                     |                        |                           |                   |                          |                               |  |           |     |  |          |         |  |            |     |  |            |         |

Total Estimated T&E Costs for Mockup & Prototype: (b) (5) \*

\* Travel costs only

Assumes:

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)

(b) (5)

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# Pre-ADE 2C T&E Support (RGV Segment)

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- Operational Assessment (OA) Event
- T&E Phase II
  - Operational assessment of RGV I&D system segment
  - Event Goals and Objectives:
    - Determine if the operational requirements contained in the I&D CONOPS and/or ORD have been met
    - Evaluate operational effectiveness, operational suitability, safety and security
  - Event timeline
    - Participate in any user/operator training
    - Conduct on-site survey prior to T&E event
    - Conduct on-site T&E observation/data collection (includes logistics/maintenance demo and cybersecurity assessment)
    - Conduct analysis of T&E event results
    - Develop, staff and publish operational assessment report
  - Event limitations/concerns and actions/mitigations

• [REDACTED]  
• (b) (5)  
• [REDACTED]



# Prioritized Segment T&E Support

---

- Operational Assessment (OA) Events
- T&E Phases III (Segment T&E)
  - Operational assessment of I&D system within each Sector
  - Event Goals and Objectives:
    - Determine if the operational requirements contained in the I&D CONOPS and/or ORD have been met
    - Evaluate operational effectiveness, operational suitability, safety and security
  - Event timeline
    - Participate in any user/operator training
    - Conduct on-site survey prior to T&E event
    - Conduct on-site T&E observation/data collection (includes logistics/maintenance demo and cybersecurity assessment)
    - Conduct analysis of T&E event results
    - Develop, staff and publish operational assessment report
  - Event limitations/concerns and actions/mitigations

•  
•  
•  
**(b) (5)**

# Follow-On T&E Support

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- Follow-On T&E (FOT&E) Events

- T&E Phase IV

- Operational evaluations of I&D system within each applicable Sector

- Event Goals and Objectives:

- Re-evaluate operational effectiveness, operational suitability, safety and security based on:
  - I&D system design changes,
  - I&D system or component updates,
  - New threats,
  - Changes to policies,
  - Changes to I&D CONOPS and/or tactics, techniques and procedures

- Event timeline

- Conduct on-site survey prior to T&E event
- Conduct on-site T&E observation/data collection (includes logistics/maintenance demo and cybersecurity assessment)
- Conduct analysis of T&E event results
- Develop, staff and publish operational assessment report

- Event limitations/concerns and actions/mitigations (TBD)

# RAM Data Collection and Evaluation

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- Supports COI (b)(7)(E) and Capability Gap (b)(7)(E)
  - (b)(7)(E)
  - (b)(7)(E)
  - (b)(7)(E)
- System failure and maintenance data to be collected at all test activities (when available)
- OTA will work with T&E IPT and PM to begin collecting RAM data as soon as possible
- Overall proposed approach for determining system reliability will be included in OTA's concept brief to DOT&E

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# Cybersecurity

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- Compliance with ORD requirements
- Focus on interfaces and ‘network’ of domain awareness components of I&D system to other data sources and systems
- Integration Testing will cover implementation and evaluation of cybersecurity controls (where applicable)
- Cyber Assessment will be performed by national cyber centers of excellence and will include following cyber activities and events:
  - Vulnerability Assessment
  - Penetration Testing
  - Ability of users to detect, react and restore system to needed mission readiness level
- OT will plan to encompass a comprehensive cyber assessment to include threat/adversary attacks and means consistent with threat reviews

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# Back Ups

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# Acronyms

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- LSOTA – Land Systems Operational Test Authority
- ITO – Independent Test Organization
- OTA – Operational Test Agency
- CBP – Customs and Border Protection
- DOE – Design of Experiments
- DT – Developmental Test
- OT – Operational Test
- TEGR – Test and Evaluation Gate Review

## ***Requests for Information (RFIs)***

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• (b) (7)(E), (b) (5)

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# Mockup and Prototype Daily T&E Rhythm

- 0600 – 1<sup>st</sup> shift travel to test site
- 0700 – 1<sup>st</sup> shift prep test site
- 0700 - 2<sup>nd</sup> shift travel to test site
- 0800 – 1<sup>st</sup> shift begins breaching testing (technique #1 on four concrete facing mockups)
- 0800 - 2<sup>nd</sup> shift prep test site
- 0900 – 2<sup>nd</sup> shift begin breaching testing (technique #2 on four non-concrete mockups)
- 1200 – 1<sup>st</sup> shift complete breaching technique #1 test; **Lunch break**
- 1230 – 1<sup>st</sup> shift start breaching testing (technique #3 on four concrete mockups)
- 1300 – 2<sup>nd</sup> shift complete breaching technique #2 test; **Lunch break**
- 1330 – 2<sup>nd</sup> shift start breaching testing (technique #4 on four non-concrete mockups)
- 1630 – 1<sup>st</sup> shift complete breaching technique #2; clean-up 1<sup>st</sup> shift test site
- 1730 - 1<sup>st</sup> shift travel to hotel
- 1730 - 2<sup>nd</sup> shift complete breaching technique #4 testing; clean up 2<sup>nd</sup> shift test site
- 1830 – 2<sup>nd</sup> shift travel to hotel

Assumes simultaneous breaching on all mockup sets  
Using this method can assess up to <sup>(b)(7)(C)</sup> breaching techniques combinations in 10 test days  
Use same rhythm for scaling

- Current plan is two – 8 hour shifts  
Equates to <sup>(b)(7)(C)</sup> total hours per day due to daylight availability
- Assumes test day of 0700-1900
- Based on PM schedule, 20 test days (2 days for travel, and five on and two off) = 240 test hours

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# T&E Strategy Initial ROM

|   | Phase IA (Mock-Ups)           | Phase IB (Prototype)          | Phase II (OA)   | Phase III (All Segments)   | Phase IV (FOT&E)                        |
|---|-------------------------------|-------------------------------|---|--|---|
| • | Anti-breaching                | Anti-scaling                  | Production representative wall system (RGV)                                 | Production representative wall system (5 segments)                       | Changes to:                             |
| ✓ | RFP requirements met          | RFP requirements met          | Limited operational effectiveness, suitability, safety and cyber resiliency | Full operational effectiveness, suitability, safety and cyber resiliency | System design                           |
| ✓ | Test cases                    | Test cases                    | On-site observations  | On-site observations, data collection forms, interviews                  | System upgrades                         |
| ✓ | On-site observations          | On-site observations          | On-site observation data collection forms, interviews                       | Day/night  | Technology insertions                   |
| ✓ | Data collection forms         | Data collection forms         | Day/night   | Actual users, intended operational environment, representative threat    | Threats                                 |
| ✓ | Interviews                    | Interviews                    | Actual users, intended operational environment, representative threat       | Estimated Cost (b) (5)   | Resolution of deficiencies              |
| ✓ | Day/night                     | Day/night                     | Estimated Cost (b) (5)  | Estimated Cost (b) (5)   | USBP tactics, techniques and procedures |
|   | <u>Estimated Cost</u> (b) (5) | <u>Estimated Cost</u> (b) (5) | <u>Estimated Cost</u> (b) (5)   | <u>Estimated Cost</u> (b) (5)  | <u>Estimated Cost</u> TBD               |

## Modeling and Simulation (approx. 1 year):

- ✓ Sensitivity analysis
- ✓ LCCE
- ✓ Mission Effectiveness

Estimated Cost (b) (5)

## Total Estimated T&E Cost

\*Total Estimated T&E Cost excludes any potential FOT&E costs

(b) (5)

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DSQ 1 - Does the I&D system facilitate operational control of the US southwestern border?

Critical Operational Issue (COI) 1 - Does the I&D system allow USBP to impede and deny threats/lois?

Operational Issue 1.A - Does the I&D system allow USBP to impede (b) (7)(E) threats/lois?

(b) (7)(E)

Operational Issue 1.B - Does the I&D system allow USBP to deny [No successful attempts] threats/lois the use of key terrain?

DSQ 2 - What is the right mix of physical wall, technology and people to achieve operational control of the US southwestern border?

Operational Issue 2 - Right Mix of Physical Wall

(b) (7)(E)

Operational Issue 3 - Right Mix of Technology

Operational Issue 4 - Right Mix of People

DSQ 3 - Does the I&D system discourage \*TTILVs from attempting to enter the US?

DSQ 4 - Is CBP's certainty of detection enhanced by the I&D system?

DSQ 5 - Is CBP's certainty of apprehension enhanced by the I&D system?

DSQ 6 - Does the I&D system divert illegal activities away from high-value/threat favorable terrain/areas?

DSQ 7 - Can the I&D system be sufficiently maintained and supported throughout its lifecycle?

|   |   |   |
|---|---|---|
| Operational Issue X - I&D Design Does Impede or Change Natural Surface Drainage | MOE X.1 - Percent of instances where surface drainage impeded | MOP X.1.1 - Number of instances where I&D system impedes surface drainage             |
|   |   | MOP X.1.2 - Total number of surface drainage sites/locations                          |
|   | MOE X.2 - Percent of instances where surface drainage changed | MOP X.1.1 - Number of instances where I&D system changed the natural surface drainage |
|   |   | MOP X.1.2 - Total number of surface drainage sites/locations                          |

|   |  |   |
|---|--|---|
| Operational Issue X - I&D Design Meets USBP Standards | MOE X.1 - Percent of instances where pedestrian gate standards not supported/met | MOP X.1.1 - Number of instances where pedestrian gate standards not met |
|   |  | MOP X.1.2 - Total number of pedestrian gates                            |
|   |  | MOP X.1.3 - Mission impact of pedestrian gate standards not being met   |
|   | MOE X.2 - Percent of instances where vehicle gate standards not supported/met    | MOP X.2.1 - Number of instances where vehicle gate standards not met    |
|   |  | MOP X.2.2 - Total number of vehicle gates                               |
|   |  | MOP X.2.3 - Mission impact of vehicle gate standards not being met      |

(b) (7)(E)

DSQ 8 - Does the I&D system allow adequate access and mobility to the US southwestern border?

DSQ 9 - Does the I&D system provide security from unauthorized access to system components?

DSQ 10 - Does the I&D system afford CBP personnel with protection from hostile attacks?

DSQ 11 - Does the I&D system facilitate the efficient use of CBP resources?



| Mission   | Desired Mission Outcome(s)   | Threats   | CBP Capability<br>(CBP needs the ability to...)   | CBP Capability Purpose or Effect<br>(to enable, allow, facilitate...)                    | Potential Capability Measures (MOEs) | Supporting Capabilities/Tasks   | Source  |
|---|--|---|---|--|--------------------------------------|---|---|
| <p><b>Operational Control of the US Border.</b><br/> <b>Success Criteria:</b> Provide/gain and maintain control of any given border area<br/>           1) Does the wall facilitate operational control of the US border?<br/>           2) For how long can operational control be kept?<br/>           3) Under what circumstances is operational control lost?<br/>           4) What is the right mix of physical wall, technology and people to achieve operational control of the border?</p> | <p><b>Safeguard America's borders -</b> 1) Protecting the public from dangerous people and materials<br/>           1a) Percent improvement in US border with new I&amp;D infrastructure<br/>           1b) Percent improvement in US border with effective roads<br/>           1c) Increased I&amp;D infrastructure and decreased USBP response times<br/>           1d) Percent improvement of sufficiency of existing I&amp;D infrastructure<br/>           1e) Percent improvement in international border demarcation<br/>           1f) Ability to maintain I&amp;D infrastructure mission readiness<br/> <b>Enabling legitimate trade and travel</b></p> | <p><b>Drug traffickers</b> (is there a difference between drugs and contraband)<br/> <b>Breaching Means:</b> (b) (7)(E)<br/> <b>Intent:</b> employ counter measures when and where possible to defeat and or damage impedence and denial (capabilities) and assets<br/> <b>Contraband smugglers</b><br/> <b>Breaching Means:</b> (b) (7)(E)<br/> <b>Intent:</b> employ counter measures when and where possible to defeat and or damage impedence and denial (capabilities) and assets<br/> <b>Terrorist groups</b> - not within scope?</p> | <p><b>Impede</b> (slowing) border incursions/<br/> <b>Success Criteria:</b> Discourage TTILVs from attempting to enter the US<br/>           1) Does the wall discourage TTILVs from attempting to enter the US?<br/>           2) Does the wall slow illegal foot entries to the US?<br/>           3) Does the wall slow illegal vehicle entries to the US?<br/>           4) Does the wall slow legal foot entries to the US?<br/>           5) Does the wall slow legal vehicle entries to the US?<br/>           6) Does the wall slow legal entries to the US?<br/>           7) Is CBP's certainty of detection enhanced by the wall?<br/>           8) What is the right mix of physical wall, technology and people to enhance CBP's certainty of detection?<br/>           9) Is CBP's certainty of apprehension enhanced by the wall?<br/>           10) What is the right mix of physical wall, technology and people to enhance CBP's certainty of arrest?</p> | <p>support disruption and degradation of illegal activity and acts of terrorism</p>      | <p>(b) (7)(E)</p>                    | <p>Domain Awareness (Track); Access and Mobility (Respond); Communicate (Respond); Mission Readiness (Respond); Security; Resolve</p> | <p>USBP Impedance and Denial MNS (3/9/2017)</p> |
|   |  |   |   | <p>facilitate disruption of TCO activities</p>   |                                      | <p>Domain Awareness (Track); Access and Mobility (Respond); Communicate (Respond); Mission Readiness (Respond); Security; Resolve</p> | <p>USBP Impedance and Denial MNS (3/9/2017)</p> |
|   |  |   | <p><b>deny</b> (stopping) the adversary's use of terrain/ border crossings (staging)<br/> <b>Success Criteria:</b> Prevent TTILVs from attempting to enter the US<br/>           1) Does the wall prevent TTILVs from attempting to enter the US?<br/>           2) Does the wall stop illegal foot entries to the US?<br/>           3) Does the wall stop illegal vehicle entries to the US?</p>  | <p>prevent all unlawful entries into the United States between the land POEs</p>         |                                      | <p>Domain Awareness (Track); Access and Mobility (Respond); Communicate (Respond); Mission Readiness (Respond); Security; Resolve</p> | <p>USBP Impedance and Denial MNS (3/9/2017)</p> |
|   |  |   | <p><b>channel</b> (diverting) adversaries into specified areas; or away from high-value, threat favorable US terrain</p>  | <p>support agents' successful interdiction of/ response to illegal persons and items</p> |                                      | <p>Domain Awareness (Track); Access and Mobility (Respond); Communicate (Respond); Mission Readiness (Respond); Security; Resolve</p> | <p>USBP Impedance and Denial MNS (3/9/2017)</p> |
|   |  |   | <p>maintain <b>domain awareness</b> of the US border (<b>key capability?</b>)<br/> <b>Success Criteria:</b> Improved detection times<br/>           1) Does the wall improve border incursion detection times?<br/>           2) What is the right mix of physical wall, technology and people to enhance CBP's certainty of detection?</p>   | <p>support detection of illegal activity; and ensure agent/officer safety</p>            |                                      | <p>predict; detection; identification; classification; tracking; communicate command and control</p>                                  | <p>USBP Impedance and Denial MNS (3/9/2017)</p> |

| Conditions   | Potential Scenarios/Test Cases  | Means for Achieving Capability   | Means Requirements  | Potential Means MOPs  | Ways of Achieving Capability |
|--|---|--|---|---|------------------------------|
| <p>on land; in the air; through the water; unlawful aliens; terrorists; instruments of terrorism (weapons); narcotics; other contraband; TCOs; Terrain-subterranean, rugged, remote, rural, urban, waterways/coastal/riverine; on-foot threats; on-vehicle or animal threats</p> | <p>points of origin, modes of transit to the United States, arrival at, and crossing the border, and routes of egress to a final destination; repair and sustainment of denial and impedance infrastructure and systems</p> | <p>Man-made walls; barriers; fencing*; surveillance (systems); CBP personnel; local law enforcement</p>  | <p>Man-made walls; Concrete facing; breaching; Other wall; breaching; Anti-digging; Anti-climbing; US Facing (Concrete); aesthetically pleasing; facilitates changes in color and texture based on site specific needs US Facing (Other); See Through design Surface Drainage; Design does not impede or change natural surface drainage Entry and Exit; Accommodates standard sliding pedestrian gate design(s) Accommodates standard sliding vehicle gate design(s) Do gates sufficiently accommodate all vehicle/equipment types (e.g. trailers, boats, repair and maintenance equipment, etc.); fittings and features secured on US side of wall and prevents tampering, damage and destruction of fittings and features Slope; Slope/Grade constructible up to</p> | <p>1) (b) (7)(E)<br/>2) (b) (7)(E)<br/>3) (b) (7)(E)<br/>4) (b) (7)(E)<br/>5) (b) (7)(E)<br/>5a) (b) (7)(E)<br/>5b) (b) (7)(E)<br/>6) (b) (7)(E)<br/>7) (b) (7)(E)<br/>8) Percent of persons that rate wall as aesthetically pleasing<br/>9) Percent of colors supported<br/>10) Percent of textures supported<br/>11) Percent of instances where surface drainage impeded<br/>12) Percent of instances where surface drainage changed<br/>13) Number and criticality of issues where pedestrian gate standards not supported<br/>14) Number and impact of instances where vehicle gate standards not supported<br/>15) Number and criticality of issues where gates do not support vehicle/equipment types<br/>16) (b) (7)(E)<br/>17) (b) (7)(E)<br/>18) (b) (7)(E)<br/>19) (b) (7)(E)<br/>20) Reliability</p> | <p>(b) (7)(E)</p>            |
| <p>on land; in the air; through the water; unlawful aliens; terrorists; instruments of terrorism (weapons); narcotics; other contraband; TCOs; Terrain-subterranean, rugged, remote, rural, urban, waterways/coastal/riverine; on-foot threats; on-vehicle or animal threats</p> | <p>points of origin, modes of transit to the United States, arrival at, and crossing the border, and routes of egress to a final destination; repair and sustainment of denial and impedance infrastructure and systems</p> | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p> | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>(b) (7)(E)</p>            |
| <p>on land; in the air; through the water; unlawful aliens; terrorists; instruments of terrorism (weapons); narcotics; other contraband; TCOs; Terrain-subterranean, rugged, remote, rural, urban, waterways/coastal/riverine; on-foot threats; on-vehicle or animal threats</p> | <p>points of origin, modes of transit to the United States, arrival at, and crossing the border, and routes of egress to a final destination</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p> | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>(b) (7)(E)</p>            |
| <p>on land; in the air; through the water; unlawful aliens; terrorists; instruments of terrorism (weapons); narcotics; other contraband; TCOs; Terrain-subterranean, rugged, remote, rural, urban, waterways/coastal/riverine; on-foot threats; on-vehicle or animal threats</p> | <p>points of origin, modes of transit to the United States, arrival at, and crossing the border, and routes of egress to a final destination</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p> | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>(b) (7)(E)</p>            |
| <p>on land; in the air; through the water; unlawful aliens; terrorists; instruments of terrorism (weapons); narcotics; other contraband; TCOs; Terrain-subterranean, rugged, remote, rural, urban, waterways/coastal/riverine; on-foot threats; on-vehicle or animal threats</p> | <p>points of origin, modes of transit to the United States, arrival at, and crossing the border, and routes of egress to a final destination</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p> | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>(b) (7)(E)</p>            |
| <p>on land; in the air; through the water; unlawful aliens; terrorists; instruments of terrorism (weapons); narcotics; other contraband; TCOs; Terrain-subterranean, rugged, remote, rural, urban, waterways/coastal/riverine; on-foot threats; on-vehicle or animal threats</p> | <p>points of origin, modes of transit to the United States, arrival at, and crossing the border, and routes of egress to a final destination</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p> | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>(b) (7)(E)</p>            |
| <p>on land; in the air; through the water; unlawful aliens; terrorists; instruments of terrorism (weapons); narcotics; other contraband; TCOs; Terrain-subterranean, rugged, remote, rural, urban, waterways/coastal/riverine; on-foot threats; on-vehicle or animal threats</p> | <p>points of origin, modes of transit to the United States, arrival at, and crossing the border, and routes of egress to a final destination</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p> | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>Man-made walls/barriers/fencing*; Technology - surveillance (systems); CBP personnel - surveillance, response, and apprehension; Local law enforcement - surveillance, response, and apprehension</p>  | <p>(b) (7)(E)</p>            |

| Mission | Desired Mission Outcome(s) | Threats | CBP Capability<br>(CBP needs the ability to...)  | CBP Capability Purpose or Effect<br>(to enable, allow, facilitate...)  | Potential Capability Measures (MOEs)  | Supporting Capabilities/Tasks  | Source                                      |
|---------|----------------------------|---------|--|--|---|--|---|
|         |                            |         | <p>gain and maintain access and mobility to critical operational locations</p> <p><b>Success criteria:</b> Improved interdiction times</p> <p>1) Does the wall improve agent interdiction times?<br/>2) What is the right mix of physical wall, technology and people to enhance CBP's interdiction times?</p>   | allow apprehension of illegal persons and items  | (b) (7)(E)  | respond; move/deploy; resolution   | USBP Impedance and Denial<br>MNS (3/9/2017) |
|         |                            |         | <p><b>secure</b> border security infrastructure and systems</p>  | allow repair and replacement of damaged, missing or malfunctioning infrastructure and/or systems                   | agent safety - safer work environment; protection from hostile activities; timeliness and quality of SA | maintenance (inspection, repair, replace, initialize, and test); domain awareness  | USBP Impedance and Denial<br>MNS (3/9/2017) |
|         |                            |         | <p>Establish and maintain <b>mission readiness</b> of CBP assets and resources (including agents)</p> <p>1) What is the right mix of resources and people to enhance CBP's mission readiness?</p>  | ensure CBP resources are available to support Border Patrol operations and missions                                |   | Security; Access and Mobility  |   |
|         |                            |         | <p><b>communicate</b> with other CBP and local law enforcement entities</p>  | allow agent-to-agent (also agent-to-local LE) real-time sharing/exchange of data, voice, information and knowledge | (b) (7)(E)  | Establish connectivity; push and pull information; distribute SA details; ensure interoperability; protect information (cyber and OPSEC) |   |
|         |                            |         | <p><b>command and control</b> CBP assets and resources</p> <p><b>Success Criteria:</b> effective and efficient use of CBP assets and resources</p> <p>1) Does the wall facilitate precise responses to border incursions?<br/>anticipate and target illegal traffic actions prior to illegal activity occurring (<b>predict</b>)</p>   | effectively direct CBP resources in the execution of operations (mission)  |   | Establish objectives and intent; determine and assign responsibilities; monitor activities (what kind? whose?); direct and decide        |   |
|         |                            |         | <p>discover the presence of a possible item of interest (loi) or suspected contraband (<b>detect</b>)</p> <p>1) What is the right mix of physical wall, technology and people to enhance CBP's <b>certainty of detection</b>?</p> <p>determine whether an entity/loi is human, animal, conveyance or unknown (<b>identify</b>)</p>   | support assignment of CBP assets; allow interdiction of lois and contraband  | (b) (7)(E)  | impedance and denial   |   |
|         |                            |         | <p>determine the level of threat, risk, and/or intent of a detected loi (<b>classify</b>)</p>  | facilitate agent, officer and public safety  |   | impedance and denial   |   |
|         |                            |         | <p>follow the progress or movements of an loi (<b>track</b>)</p> <p>1) What is the right mix of physical wall, technology and people to enhance CBP's ability to track border incursion incidents?<br/>dispatch or employ law enforcement resources (<b>respond</b>)</p> <p>1) Does the wall facilitate timely responses to border incursions?<br/>2) What is the right mix of physical wall, technology and people to enhance CBP's ability to respond to border incursion incidents?</p> | support repositioning of CBP assets' and allow interdiction of lois and contraband                                 | (b) (7)(E)  | impedance and denial   |   |
|         |                            |         |  | to resolve the detection of illegal persons, activities, and contraband  | (b) (7)(E)  |  |   |

| Conditions   | Potential Scenarios/Test Cases   | Means for Achieving Capability  | Means Requirements | Potential Means MOPs | Ways of Achieving Capability   |
|--|--|---|--------------------|----------------------|--|
| <p>on land; in the air, through the water; unlawful aliens; terrorists; instruments of terrorism (weapons); narcotics; other contraband; TCOs; Terrain -subterranean, rugged, remote, rural, urban, waterways/coastal/riverine; Civilian considerations - clutter; on-foot threats; on-vehicle or animal threats</p> | <p>points of origin, modes of transit to the United States; arrival at, and crossing the border, and routes of egress to a final destination</p> | <p>air, land and waterway conveyances; agreements (private land, reservations, other)</p> |                    |                      |  |
| <p>on land; in the air; through the water; unlawful aliens; terrorists; instruments of terrorism (weapons); narcotics; other contraband; TCOs; Terrain -subterranean, rugged, remote, rural, urban, waterways/coastal/riverine; Civilian considerations - clutter; on-foot threats; on-vehicle or animal threats</p> | <p>points of origin, modes of transit to the United States; arrival at, and crossing the border, and routes of egress to a final destination</p> | <p>perimeter detection systems; BPAs; local law enforcement</p>                           |                    |                      | <p>patrolling; inspection</p>  |
|  |  |   |                    |                      | <p>Move; Develop; Maintain (including logistics supportability); Supply/Logistics</p>      |
|  |  | <p>TACCOM; LMRS</p>   |                    |                      | <p>voice, data, video, analog, digital</p>   |
|  |  |   |                    |                      |  |
|  |  | <p>(b) (7)(E)<br/>CBP personnel; domain awareness systems</p>                             |                    |                      | <p>Data and information from surveillance systems; results/reports from patrols/shifts</p> |
|  |  | <p>(b) (7)(E), (b) (5)</p>  |                    |                      | <p>Monitoring surveillance system feeds; Patrols; video analytics</p>                      |
|  |  |   |                    |                      | <p>Monitoring surveillance system feeds; Patrols; video analytics</p>                      |
|  |  |   |                    |                      | <p>Monitoring surveillance system feeds; Patrols; video analytics</p>                      |
|  |  |   |                    |                      | <p>Monitoring surveillance system feeds; Patrols; video analytics</p>                      |
|  |  | <p>BPAs; land, air and waterway conveyances</p>   |                    |                      |  |



| Mission | Desired Mission Outcome(s) | Threats | CBP Capability  |  | CBP Capability Purpose or Effect<br>(to enable, allow, facilitate...)  | Potential Capability Measures (MOEs) | Supporting Capabilities/Tasks | Source |
|---------|----------------------------|---------|---|--|--|--------------------------------------|-------------------------------|--------|
|         |                            |         | (CBP needs the ability to...)   | (CBP needs the ability to...)  |  |                                      |                               |        |
|         |                            |         | take action (resolve) against terrorists and criminals<br>1)<br>What is the right mix of physical wall, technology and people to enhance CBP's certainty of apprehension?<br>swifly take appropriate admin and/or legal action(s) for violations to the US border and US immigration laws (consequence) | apprehend or turn-back illegal aliens and contraband (other types of resolution?)<br>ensure operational control of the US border | Certainty of Arrest/Apprehension; probability of interdiction (?); probability of arrest/apprehension<br>probability of conviction(?); case resolution time (time awaiting completion of legal or admin action); case resolution effectiveness |                                      |                               |        |

\*Fencing

Primary Fence (PF) uses steel bollards or pickets, to impede illegal pedestrian and vehicular traffic.

Secondary Fencing (SF) as a means of Tactical Infrastructure (TI) uses fence fabric to impede illegal pedestrian traffic that has breached the PF

Tertiary Fence (TF) uses open fence fabric to delineate property limits and/or the limits of the TI corridor.

Vehicle Fence (VF) as a means of TI uses steel bollards and wide flange sections to resist illegal vehicular traffic across the border but does not impede illegal pedestrian traffic.

| Conditions | Potential Scenarios/Test Cases | Means for Achieving Capability             | Means Requirements | Potential Means MOPs | Ways of Achieving Capability |
|------------|--------------------------------|--|--------------------|----------------------|------------------------------|
|            |                                | Weapons; restraining devices/systems       |                    |                      | legal, administrative, other |
|            |                                | Video feeds; still pictures; BPA testimony |                    |                      | Judicial system?             |

**From:** (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Tuesday, August 08, 2017 7:30:47 PM

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(b)(6);(b)(7)(C) – Please see my proposed edits (in green) are below. (b)(6);(b)(7)(C), can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – (b) (5)  
[Redacted]
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
[Redacted]
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – (b) (5)  
[Redacted]
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – (b) (5)  
[Redacted]
- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? – (b) (5)  
[Redacted]

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

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**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 4:16 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Importance:** High

(b)(6);(b)(7)(C), (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) –

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

(b)(6);(b)(7)(C)

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**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 2:24 PM  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b) (6)  
**Subject:** FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need help addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (for example #1 is that project funded before current administration, etc). Thanks.

(b)(6);(b)(7)(C)/CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border

infrastructure during the current administration? – (b) (5)

[REDACTED]

- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)

[REDACTED]

- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? –

(b) (5)

- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – (b) (5)

[REDACTED]

- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? – (b) (5)

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

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**From:** (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 2:19 PM

**To:** (b) (6) @thomsonreuters.com' (b) (6) Lapan, David  
(b) (6)

**Cc:** (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO's decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to be built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO's decision. CBP will continue to take steps to implement the President's Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

(b) (6), (b) (7)(C)

CBP Public Affairs

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**From:** (b) (6) @thomsonreuters.com (b) (6) ]  
**Sent:** Tuesday, August 08, 2017 1:58 PM  
**To:** Lapan, David <(b) (6) @hq.dhs.gov>  
**Cc:** Media Inquiry <MediaInquiry@HQ.DHS.GOV>; (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from (b)(6);(b)(7)(C).

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**From:** Lapan, David [mailto:(b) (6) @hq.dhs.gov]  
**Sent:** Tuesday, August 08, 2017 1:56 PM  
**To:** (b) (6) (Reuters News)  
**Cc:** Media Inquiry; (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,  
Dave

---

**From:** (b) (6) @thomsonreuters.com

**Sent:** Tuesday, August 08, 2017 1:44:47 PM  
**To:** Lapan, David  
**Cc:** Media Inquiry  
**Subject:** Follow up question about border project in San Diego sector from Reuters

Hi there David,  
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration?
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?
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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!  
All the best,

(b) (6)

.....  
(b) (6)

**Reuters News**

Reporter

[www.reuters.com](http://www.reuters.com)

3 Times Square, 18th Floor

New York, NY 10036

office: (b) (6)

cell: (b) (6)

email: (b) (6)@thomsonreuters.com  
[www.linkedin.com](http://www.linkedin.com) (b) (6) /

---

**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]  
**Sent:** Tuesday, August 01, 2017 8:03 AM  
**To:** (b) (6) (Reuters News)  
**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



*Press Office*  
**U.S. Department of Homeland Security**

# Press Release

August 1, 2017  
Contact: DHS Press Office, (202) 282-8010

## **DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA**

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol's San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to



improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump's Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS's obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###

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Office of Public Affairs 202-282-8010 [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov)



---

U.S. Department of Homeland Security Washington, DC 20016

**From:** (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Tuesday, August 08, 2017 8:08:02 PM

---

1. San Diego replacement project is 14 miles.

2. (b) (5)

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:30:47 AM  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b)(6);(b)(7)(C) Please see my proposed edits (in green) are below. (b)(6);(b)(7)(C) can you please confirm my edit to question 5 is accurate (as well as the other edits).

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[Redacted]
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[Redacted]  
[Redacted]

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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 4:16 PM  
**To:** (b)(6);(b)(7)(C)  
[Redacted] (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
[Redacted]  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Importance:** High

(b)(6);(b)(7)(C), (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) –

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!

Thanks,  
[Redacted]

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 2:24 PM  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b) (6)  
**Subject:** FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need help addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (b) (5). Thanks.

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From: (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 2:19 PM

**To:** (b) (6) thomsonreuters.com' <(b) (6) thomsonreuters.com>; Lapan, David <(b) (6) hq.dhs.gov>

**Cc:** (b) (6), (b) (7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO's decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO's decision. CBP will continue to take steps to implement the President's Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

(b)(6);(b)(7)(C)

CBP Public Affairs

---

**From:** (b) (6) thomsonreuters.com [mailto:(b) (6) thomsonreuters.com]

**Sent:** Tuesday, August 08, 2017 1:58 PM

**To:** Lapan, David <(b) (6) hq.dhs.gov>

**Cc:** Media Inquiry <MediaInquiry@HQ.DHS.GOV>; (b) (6), (b) (7)(C) >;

(b) (6), (b) (7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from

(b)(6);(b)(7)(C)

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**To:** (b) (6) (Reuters News)

**Cc:** Media Inquiry; (b) (6), (b) (7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

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Dave

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**Sent:** Tuesday, August 08, 2017 1:44:47 PM  
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**Cc:** Media Inquiry  
**Subject:** Follow up question about border project in San Diego sector from Reuters

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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!  
All the best,

(b) (6)

.....

(b) (6)

Reuters News

Reporter

[www.reuters.com](http://www.reuters.com)

3 Times Square, 18th Floor

New York, NY 10036

office: (b) (6)

cell: (b) (6)

email: (b) (6)@thomsonreuters.com

[\(b\) \(6\)](http://www.linkedin.com/in/(b)(6))

---

**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]

**Sent:** Tuesday, August 01, 2017 8:03 AM

**To:** (b) (6) (Reuters News)

**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



*Press Office*

U.S. Department of Homeland Security

# Press Release

August 1, 2017

Contact: DHS Press Office, (202) 282-8010

## **DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA**

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The Department is implementing President Trump's Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

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###

---

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Office of Public Affairs 202-282-8010 [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov)







**From:** (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Tuesday, August 08, 2017 9:21:16 PM

---

Is it Ok if I send slightly tweaked language in the morning?

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

~~ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT~~

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:30:47 AM  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

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**Sent:** Tuesday, August 08, 2017 4:16 PM

**To:** (b)(6);(b)(7)(C)

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(b)(6);(b)(7)(C)

**Cc:** (b)(6);(b)(7)(C)

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**Importance:** High

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From: (b)(6);(b)(7)(C)

Sent: Tuesday, August 08, 2017 2:24 PM

To: (b)(6);(b)(7)(C) >; (b)(6);(b)(7)(C)

<(b)(6);(b)(7)(C)

Cc: (b) (6)

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(b)(6);(b)(7)(C)

CBP Public Affairs

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- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration?
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?
- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels of land where the ownership is not clear?

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!  
All the best,

(b) (6)

.....  
(b) (6)

Reuters News

Reporter

[www.reuters.com](http://www.reuters.com)

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New York, NY 10036

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[www.linkedin.com/in/\(b\) \(6\)](http://www.linkedin.com/in/(b) (6))

---

**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]

**Sent:** Tuesday, August 01, 2017 8:03 AM

**To:** (b) (6) (Reuters News)

**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



*Press Office*

**U.S. Department of Homeland Security**

# Press Release

August 1, 2017

Contact: DHS Press Office, (202) 282-8010

**DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN  
SAN DIEGO AREA**

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol's San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump's Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS's obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.



###

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Office of Public Affairs 202-282-8010 [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov)



---

U.S. Department of Homeland Security Washington, DC 20016

**From:** (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Wednesday, August 09, 2017 10:34:54 AM

---

All –

These are our revisions to the answers. (b) (5)  
[Redacted]

1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – (b) (5)  
[Redacted]

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
[Redacted]

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – (b) (5)  
[Redacted]

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – (b) (5)  
[Redacted]

(b) (5)

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

(b) (5)

(b)(6);(b)(7)(C)

Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
Washington, DC 20229

Tel: (b)(6);(b)(7)(C)

Fax: (b)(6);(b)(7)(C)

Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

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From: (b)(6);(b)(7)(C)

Sent: Wednesday, August 09, 2017 8:04 AM

To: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Cc: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from (b)(6);(b)(7)(C) too.

From: (b)(6);(b)(7)(C)

Sent: Tuesday, August 08, 2017 9:21 PM

To: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) > (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
Cc: (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Is it Ok if I send slightly tweaked language in the morning?

**(b)(6);(b)(7)(C)**  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

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**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:30:47 AM  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b)(6);(b)(7)(C) Please see my proposed edits (in green) are below. (b)(6);(b)(7)(C) can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – (b) (5)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)

- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? –

(b) (5)

- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? –

(b) (5)

- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? –

(b) (5)

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

From: (b)(6);(b)(7)(C)

Sent: Tuesday, August 08, 2017 4:16 PM

To: (b)(6);(b)(7)(C)

>; (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Cc: (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

**Importance:** High

(b)(6);(b)(7)(C), (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) –

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Tuesday, August 08, 2017 2:24 PM

To: (b)(6);(b)(7)(C) >; (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Cc: (b) (6)

Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need help addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (b) (5). Thanks.

(b)(6);(b)(7)(C) CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – (b) (5)  
[Redacted]
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
[Redacted]
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – (b) (5)  
[Redacted]
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – (b) (5)  
[Redacted]

(b) (5)

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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

---

**From:** (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 2:19 PM

**To:** (b) (6) thomsonreuters.com' <(b) (6) thomsonreuters.com>; Lapan, David <(b) (6) hq.dhs.gov>

**Cc:** (b)(6);(b)(7)(C) >

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO's decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO's decision. CBP will continue to take steps to implement the President's Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

(b)(6);(b)(7)(C)

CBP Public Affairs

---

**From:** (b) (6) thomsonreuters.com [mailto:(b) (6) thomsonreuters.com]

**Sent:** Tuesday, August 08, 2017 1:58 PM

**To:** Lapan, David <(b) (6) [hq.dhs.gov](mailto:hq.dhs.gov)>

**Cc:** Media Inquiry <[MediaInquiry@HQ.DHS.GOV](mailto:MediaInquiry@HQ.DHS.GOV)>; (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) [CBP.DHS.GOV](mailto:CBP.DHS.GOV)>

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from

(b)(6);(b)(7)(C)

---

**From:** Lapan, David [[mailto:\(b\) \(6\)@hq.dhs.gov](mailto:(b) (6)@hq.dhs.gov)]

**Sent:** Tuesday, August 08, 2017 1:56 PM

**To:** (b) (6) (Reuters News)

**Cc:** Media Inquiry; (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,  
Dave

---

**From:** (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com)

**Sent:** Tuesday, August 08, 2017 1:44:47 PM

**To:** Lapan, David

**Cc:** Media Inquiry

**Subject:** Follow up question about border project in San Diego sector from Reuters

Hi there David,

Hope you are doing well.

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- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration?
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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!  
All the best,

(b) (6)

.....  
(b) (6)

**Reuters News**

Reporter

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[www.linkedin.com/in/\(b\) \(6\)](http://www.linkedin.com/in/(b) (6))

---

**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]

**Sent:** Tuesday, August 01, 2017 8:03 AM

**To:** (b) (6) (Reuters News)

**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



Press Office

U.S. Department of Homeland Security

# Press Release

## **DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA**

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol's San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump's Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS's obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###

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Office of Public Affairs 202-282-8010 [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov)



---

U.S. Department of Homeland Security Washington, DC 20016

**From:** (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Wednesday, August 09, 2017 12:55:53 PM

---

Yes, looks good to me.

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

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---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:53 PM  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Hi (b)(6);(b)(7)(C)

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 10:35 AM  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
\_\_\_\_\_

(b)(6);(b)(7)(C)

San Diego sector from Reuters

All –

These are our revisions to the answers. (b) (5)

1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include **fence replacement projects in El Centro and El Paso Sectors**, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the area specified in the waiver. The FY17 enacted budget doesn't include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President's FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary

fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP's border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Yes. However, the published notices are related to CBPs acquisition of land in 2008 to construct what is now the existing fence.

(b)(6);(b)(7)(C)

Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

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From: (b)(6);(b)(7)(C)

Sent: Wednesday, August 09, 2017 8:04 AM

To: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Cc: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from (b)(6);(b)(7)(C) too.

From: (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 9:21 PM

**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >

**Cc:** (b)(6);(b)(7)(C)  
[Redacted]  
[Redacted]

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Is it Ok if I send slightly tweaked language in the morning?

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:30:47 AM  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b)(6);(b)(7)(C) Please see my proposed edits (in green) are below. (b)(6);(b)(7)(C) can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – (b) (5)  
[Redacted]
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
[Redacted]

(b) (5)

- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? –

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(b) (5)

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 4:16 PM  
**To:** (b)(6);(b)(7)(C)  
 (b)(6);(b)(7)(C)  
 (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
 >  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Importance:** High

(b)(6);(b)(7)(C), (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C)

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!



Thanks,

(b)(6)

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 2:24 PM  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b) (6)  
**Subject:** FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need help addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (b) (5). Thanks.

(b)(6);(b)(7)(C) CBP Public Affairs

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- <http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

---

**From:** (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 2:19 PM

**To:** (b) (6) thomsonreuters.com' <(b) (6) thomsonreuters.com>; Lapan, David <(b) (6) hq.dhs.gov>

**Cc:** (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO's decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO's decision. CBP will continue to take steps to implement the President's Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

(b)(6);(b)(7)(C)

CBP Public Affairs

**From:** (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com) [mailto:(b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com)]  
**Sent:** Tuesday, August 08, 2017 1:58 PM  
**To:** Lapan, David <(b) (6) [hq.dhs.gov](mailto:(b) (6)@hq.dhs.gov)>  
**Cc:** Media Inquiry <[MediaInquiry@HQ.DHS.GOV](mailto:MediaInquiry@HQ.DHS.GOV)>; (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from (b)(6);(b)(7)(C)

---

**From:** Lapan, David [mailto:(b) (6) [hq.dhs.gov](mailto:(b) (6)@hq.dhs.gov)]  
**Sent:** Tuesday, August 08, 2017 1:56 PM  
**To:** (b) (6) (Reuters News)  
**Cc:** Media Inquiry; (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,  
Dave

---

**From:** (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com)  
**Sent:** Tuesday, August 08, 2017 1:44:47 PM  
**To:** Lapan, David  
**Cc:** Media Inquiry  
**Subject:** Follow up question about border project in San Diego sector from Reuters

Hi there David,  
Hope you are doing well.

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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!

All the best,

(b) (6)

.....  
(b) (6)

**Reuters News**

Reporter

[www.reuters.com](http://www.reuters.com)

3 Times Square, 18th Floor

New York, NY 10036

office: (b) (6)

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[www.linkedin.com/in/\(b\) \(6\)](http://www.linkedin.com/in/(b) (6))

---

**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]

**Sent:** Tuesday, August 01, 2017 8:03 AM

**To:** (b) (6) (Reuters News)

**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



*Press Office*

**U.S. Department of Homeland Security**

# Press Release

August 1, 2017

Contact: DHS Press Office, (202) 282-8010

## **DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA**

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol's San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump's Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan,

design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS's obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###

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Office of Public Affairs 202-282-8010 [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov)



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U.S. Department of Homeland Security Washington, DC 20016

**From:** (b) (6)  
**To:** (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** EPT STN Replacement Fence 90% Review Conference (UNCLASSIFIED)  
**Date:** Wednesday, August 23, 2017 3:39:19 PM  
**Attachments:** [W9126G-15-D-0009-0017 EPT-STN\\_90Review\\_2017-08-23 ForDRC.PDF](#)  
[W9126G-15-D-0009-0017 EPT-STN\\_90Review\\_2017-08-23 ForDRC.XLSX](#)  
(b) (5)

---

CLASSIFICATION: UNCLASSIFIED

All,

Please find attached the PDF and Excel Spreadsheet for all the review comments to go over on the teleconference this afternoon. These are filtered comments Michael Baker would like to discuss that they have not concurred with. The last PDF contains all the review comments just for reference.

Thanks,

(b) (6)  
Military and Operations Project Manager

USACE-ABQ District  
4101 Jefferson Plaza  
Albuquerque, NM 87109  
Desk: (b) (6)  
BB: (b) (6)  
E: (b) (6)

CLASSIFICATION: UNCLASSIFIED

| id      | sheet           | detail             | commentText  | DocRef createdBy | Discipline     | DocType              | status3         | evaluationText  |
|---------|-----------------|--------------------|--|------------------|----------------|----------------------|-----------------|---|
| 7116382 | II.Sheet S-502  | A.Section A        | 2. Change the (b) (7)(E) wide foundation dimension to (b) (7)(E) please try to keep foundation dimensions to the nearest inch.   | (b) (6)          | Structural     | Request for Proposal | Non-Concur      | The (b) (7)(E) dimension was recently agreed to by CBP. The slight increase was to address a comment to satisfy (b) (7)(E) clear cover to vertical bars. No change needed.  |
| 7116388 | III.Sheet S-503 | A.Gate elevation 2 | Add "OR HSS8X6X 3/8" <sup>min</sup> to the top of gate note in the upper right corner.   | (b) (6)          | Structural     | Request for Proposal | Non-Concur      | The HSS8X6X callout is shown in the upper left corner of detail. No change needed.  |
| 7116390 | IV.Sheet S-504  | A.Section 4.       | remove the second HSS 6x6 callout.   | (b) (6)          | Structural     | Request for Proposal | For Information | Will correct the leader location. Should point to bottom horizontal member.   |
| 7116401 | V.Sheet S-505   | B.Section C        | 1. The (b) (7)(E) plate on the right side of the gate is shown in the wrong position.<br>(b) (7)(E) Since this plate does not run full height, please locate it on the gate elevation. | (b) (6)          | Structural     | Request for Proposal | For Information | Plate is shown in the elevation, leader needs to be adjusted. (b) (7)(E) not near it.   |
| 7116403 | V.Sheet S-505   | B.Section C        | (b) (5)  | (b) (6)          | Structural     | Request for Proposal | For Information | (b) (7)(E)  |
| 7116466 |                 |                    | (b) (5)  | (b) (6)          | General        | Request for Proposal | For Information | A separate set of 100% design drawings will be provided for the drainage crossings. The Design Build contractor can start building the drainage crossings immediately after award. 30% drawings will be provided for balance of the (b) (7)(E) mile project and the Design Build Contractor will need to complete the design before he can start construction outside the drainage crossings. |
| 7116483 |                 |                    | (b) (5)  | (b) (6)          | General        | Request for Proposal | For Information | A separate set of 100% design drawings will be provided for the drainage crossings. The Design Build contractor can start building the drainage crossings immediately after award. 30% drawings will be provided for balance of the (b) (7)(E) mile project and the Design Build Contractor will need to complete the design before he can start construction outside the drainage crossings. |
| 7116486 |                 |                    | (b) (5)  | (b) (6)          | General        | Plans                | For Information | A separate set of 100% design drawings will be provided for the drainage crossings. The Design Build contractor can start building the drainage crossings immediately after award. 30% drawings will be provided for balance of the (b) (7)(E) mile project and the Design Build Contractor will need to complete the design before he can start construction outside the drainage crossings. |
| 7116646 |                 |                    | (b) (5)  | (b) (6)          | Specifications | Specifications       | Check And Res   | Concur to recommendations (b) (5)   |
| 7116649 |                 |                    | (b) (5)  | (b) (6)          | Specifications | Specifications       | Check And Res   | Need to discuss at DRC.   |
| 7116653 |                 |                    | (b) (5)  | (b) (6)          | Specifications | Specifications       | Check And Res   | Need to obtain this information from USACE  |
| 7116676 |                 |                    | (b) (5)  | (b) (6)          | General        | Plans                | Check And Res   | what he is referring to. (b) (5) Need to check with (b) (7)(C) on exactly   |





**From:** (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Wednesday, August 09, 2017 8:04:06 AM

---

Yes! Thank you...I will incorporate a few minor edits from (b)(6);(b)(7)(C) too.

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 9:21 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >  
**Cc:** (b)(6);(b)(7)(C)  
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**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

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(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

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**Sent:** Wednesday, August 09, 2017 12:30:47 AM  
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Sent: Tuesday, August 08, 2017 4:16 PM

To: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C); (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Cc: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

**Importance:** High

(b)(6);(b)(7)(C), (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C)–

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!

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(b)(6);(b)(7)(C)

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**Sent:** Tuesday, August 08, 2017 2:24 PM

(b)(6);(b)(7)(C) (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

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**Subject:** FW: Follow up question about border project in San Diego sector from Reuters

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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

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**Cc:** (b)(6);(b)(7)(C) >

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO's decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to built.

CBP is updating the expected timeline of contract award and construction to allow for

immediate resumption of the acquisition process based on GAO's decision. CBP will continue to take steps to implement the President's Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

(b)(6);(b)(7)(C)

CBP Public Affairs

---

**From:** (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com) [mailto:(b) (6)@thomsonreuters.com]

**Sent:** Tuesday, August 08, 2017 1:58 PM

**To:** Lapan, David <(b) (6)@hq.dhs.gov>

**Cc:** Media Inquiry <[MediaInquiry@HQ.DHS.GOV](mailto:MediaInquiry@HQ.DHS.GOV)>; (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from

(b)(6);(b)(7)(C)

---

**From:** Lapan, David [mailto:(b) (6)@hq.dhs.gov]

**Sent:** Tuesday, August 08, 2017 1:56 PM

**To:** (b) (6) (Reuters News)

**Cc:** Media Inquiry; (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,  
Dave

---

**From:** (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com)

**Sent:** Tuesday, August 08, 2017 1:44:47 PM

**To:** Lapan, David

**Cc:** Media Inquiry

**Subject:** Follow up question about border project in San Diego sector from Reuters

Hi there David,  
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration?
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and

extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?

- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?
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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!

All the best,

(b) (6)

.....  
(b) (6)

Reuters News

Reporter

[www.reuters.com](http://www.reuters.com)

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New York, NY 10036

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email: (b) (6) [thomsonreuters.com](mailto:thomsonreuters.com)

[\(b\) \(6\)](http://www.linkedin.com/in/(b)(6))

---

**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]

**Sent:** Tuesday, August 01, 2017 8:03 AM

**To:** (b) (6) (Reuters News)

**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



*Press Office*

**U.S. Department of Homeland Security**

# Press Release

August 1, 2017

Contact: DHS Press Office, (202) 282-8010

## **DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA**

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol's San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United



States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump's Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS's obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###

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Office of Public Affairs 202-282-8010 [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov)



---

U.S. Department of Homeland Security Washington, DC 20016

**From:** (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Wednesday, August 09, 2017 12:53:14 PM

---

Hi (b)(6);(b)(7)(C)

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 10:35 AM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

All –

These are our revisions to the answers. (b) (5)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include **fence replacement projects in El Centro and El Paso Sectors**, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and

extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the area specified in the waiver. The FY17 enacted budget doesn't include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President's FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP's border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Yes. However, the published notices are related to CBPs acquisition of land in 2008 to construct what is now the existing fence.

(b)(6);(b)(7)(C)

Senior Attorney (Trade & Finance)

Office of Chief Counsel

U.S. Customs and Border Protection

1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)

Washington, DC 20229

Tel: (b)(6);(b)(7)(C)

Fax: (b)(6);(b)(7)(C)

Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

*This communication might contain communications between attorney and client, communications that are part of*

*the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.*

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 8:04 AM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >; (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from (b)(6);(b)(7)(C) too.

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 9:21 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Is it Ok if I send slightly tweaked language in the morning?

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:30:47 AM  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b)(6);(b)(7)(C) Please see my proposed edits (in green) are below. (b)(6);(b)(7)(C) can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – (b) (5)  
[Redacted]
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
[Redacted]
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – (b) (5)  
[Redacted]
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – (b) (5)  
[Redacted]
- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? – (b) (5)  
[Redacted]  
<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

---

**From:** QUIAMBAO, VIRGINIA S

Sent: Tuesday, August 08, 2017 4:16 PM

To: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) >

(b)(6);(b)(7)(C) >

Cc: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Importance: High

(b)(6);(b)(7)(C), (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) —

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

(b)(6);(b)(7)(C)

---

From: (b)(6);(b)(7)(C)

Sent: Tuesday, August 08, 2017 2:24 PM

To: (b)(6);(b)(7)(C) > (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Cc: (b) (6)

Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need held addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (b) (5). Thanks.

(b)(6);(b)(7)(C) CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? — (b) (5)
- (b)(6);(b)(7)(C)
- (b)(6);(b)(7)(C)
- (b)(6);(b)(7)(C)
- (b)(6);(b)(7)(C)

- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – (b) (5)
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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

---

**From:** (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 2:19 PM

**To:** (b) (6) thomsonreuters.com' <(b) (6) thomsonreuters.com>; Lapan, David <(b) (6) hg.dhs.gov>

**Cc:** (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

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(b)(6);(b)(7)(C)

CBP Public Affairs

---

**From:** (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com) [mailto:(b) (6)@thomsonreuters.com]

**Sent:** Tuesday, August 08, 2017 1:58 PM

**To:** Lapan, David <(b) (6)@hq.dhs.gov>

**Cc:** Media Inquiry <[MediaInquiry@HQ.DHS.GOV](mailto:MediaInquiry@HQ.DHS.GOV)>; (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from

(b)(6);(b)(7)(C)

---

**From:** Lapan, David [mailto:(b) (6)@hq.dhs.gov]

**Sent:** Tuesday, August 08, 2017 1:56 PM

**To:** (b) (6) (Reuters News)

**Cc:** Media Inquiry; (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,  
Dave

---

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**Sent:** Tuesday, August 08, 2017 1:44:47 PM

**To:** Lapan, David

**Cc:** Media Inquiry

**Subject:** Follow up question about border project in San Diego sector from Reuters



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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!  
All the best,

(b) (6)

.....  
(b) (6)

Reuters News

Reporter

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[www.linkedin.com/in/](http://www.linkedin.com/in/(b) (6)) (b) (6)

---

**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]

**Sent:** Tuesday, August 01, 2017 8:03 AM

**To:** (b) (6) (Reuters News)

**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



*Press Office*

**U.S. Department of Homeland Security**

# Press Release

August 1, 2017

Contact: DHS Press Office, (202) 282-8010

## **DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA**

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###

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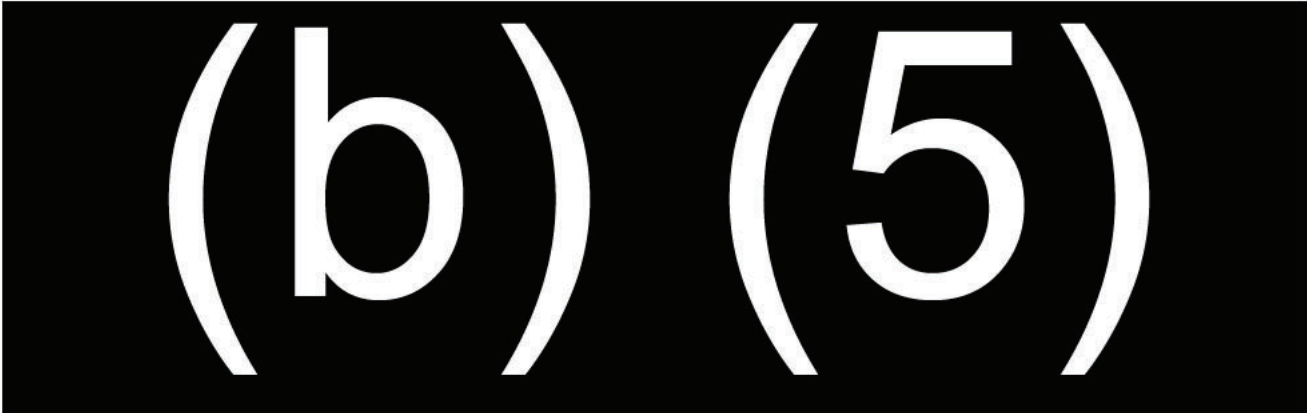


---

U.S. Department of Homeland Security Washington, DC 20016

**From:** (b)(6);(b)(7)(C) ]  
**To:** (b)(6);(b)(7)(C) ;(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C) ]  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Wednesday, August 09, 2017 1:52:54 PM

Thanks, (b)(6);(b)(7)(C) (b) (5)



(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

*This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.*

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 1:47 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

One other item of clarification, #3.

(b) (5)

Thanks,

(b)(6);(b)(7)(C)

---

**From:** (b)(6);(b)(7)(C) )  
**Sent:** Wednesday, August 09, 2017 12:56 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Yes, looks good to me.

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

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---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:53 PM  
**To:** (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >  
Cc: (b)(6);(b)(7)(C)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Hi (b)(6);(b)(7)(C)

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 10:35 AM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

All –

These are our revisions to the answers. (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include **fence replacement projects in El Centro and El Paso**

**Sectors**, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the area specified in the waiver. The FY17 enacted budget doesn't include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President's FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP's border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Yes. However, the published notices are related to CBPs acquisition of land in 2008 to construct what is now the existing fence.

**(b)(6);(b)(7)(C)**

Senior Attorney (Trade & Finance)

Office of Chief Counsel

U.S. Customs and Border Protection

1300 Pennsylvania Avenue, NW Room **(b)(6);(b)(7)**

Washington, DC 20229

Tel: **(b)(6);(b)(7)(C)**

Fax: **(b)(6);(b)(7)(C)**

Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

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---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 8:04 AM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from (b)(6);(b)(7)(C) too.

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 9:21 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Is it Ok if I send slightly tweaked language in the morning?

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
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Washington, DC 20229  
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Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

---

**From:** (b)(6);(b)(7)(C)



**Sent:** Wednesday, August 09, 2017 12:30:47 AM

**To:** (b)(6);(b)(7)(C)

**Cc:** (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b)(6);(b)(7)(C) Please see my proposed edits (in green) are below. (b)(6);(b)(7)(C) can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – (b) (5)  
[Redacted]
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
[Redacted]
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – (b) (5)  
[Redacted]
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – (b) (5)  
[Redacted]
- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? – (b) (5)  
[Redacted]

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

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**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 4:16 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Importance:** High

(b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) —

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

(b)(6);(b)(7)(C)

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 2:24 PM  
**To:** (b)(6);(b)(7)(C) >; (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b) (6)  
**Subject:** FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need help addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (b) (5)

(b)(6);(b)(7)(C) Thanks.

(b)(6);(b)(7)(C) CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? — (b) (5)

(b) (5)

- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)

- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? –

(b) (5)

- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – (b) (5)

- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? – (b) (5)

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

---

From: (b) (6), (b) (7)(C)

Sent: Tuesday, August 08, 2017 2:19 PM

To: (b) (6) thomsonreuters.com' <(b) (6) thomsonreuters.com>; Lapan, David <(b) (6) hg.dhs.gov>

Cc: (b) (6), (b) (7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

(b) (6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO's decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to be built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO's decision. CBP will continue to take steps to implement the President's Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

(b)(6);(b)(7)(C)

CBP Public Affairs

---

**From:** (b) (6) <(b) (6)@thomsonreuters.com> [mailto:(b) (6)@thomsonreuters.com]

**Sent:** Tuesday, August 08, 2017 1:58 PM

**To:** Lapan, David <(b) (6)@hq.dhs.gov>

**Cc:** Media Inquiry <MediaInquiry@HQ.DHS.GOV>; (b) (6)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from

(b)(6);(b)(7)(C)

---

**From:** Lapan, David [mailto:(b) (6)@hq.dhs.gov]

**Sent:** Tuesday, August 08, 2017 1:56 PM

**To:** (b) (6) (Reuters News)

**Cc:** Media Inquiry; (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,  
Dave

---

**From:** (b) (6) <(b) (6)@thomsonreuters.com>

**Sent:** Tuesday, August 08, 2017 1:44:47 PM

**To:** Lapan, David  
**Cc:** Media Inquiry  
**Subject:** Follow up question about border project in San Diego sector from Reuters

Hi there David,  
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration?
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?
- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels of land where the ownership is not clear?

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!  
All the best,

(b) (6)

.....  
(b) (6)

**Reuters News**

Reporter

[www.reuters.com](http://www.reuters.com)

3 Times Square, 18th Floor

New York, NY 10036

office: (b) (6)

cell: (b) (6)

email: (b) (6) [thomsonreuters.com](mailto:thomsonreuters.com)

---

**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]  
**Sent:** Tuesday, August 01, 2017 8:03 AM  
**To:** (b) (6) (Reuters News)  
**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



*Press Office*

**U.S. Department of Homeland Security**

# Press Release

August 1, 2017

Contact: DHS Press Office, (202) 282-8010

## **DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA**

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol's San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to

meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump's Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS's obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###

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Office of Public Affairs 202-282-8010 [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov)



---

U.S. Department of Homeland Security Washington, DC 20016

**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C); (b)(6);(b)(7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Wednesday, August 09, 2017 2:00:23 PM

---

Thank you.

All – We spoke with (b)(6), (b)(7)(C) and I believe the below captures his preferred approach for responding to #3. Please let me know if this is ok.

- (b) (5)

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Wednesday, August 09, 2017 1:47 PM  
**To:** (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C); (b)(6);(b)(7)(C) (b) (6), (b) (7)(C) >  
**Cc:** (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

One other item of clarification, #3.

(b) (5)

Thanks,  
(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Wednesday, August 09, 2017 12:56 PM  
**To:** (b) (6), (b) (7)(C)  
(b)(6);(b)(7)(C)  
(b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Yes, looks good to me.

(b) (6), (b) (7)(C)

Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
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Washington, DC 20229  
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Fax: (b)(6);(b)(7)(C)  
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**From:** (b)(6);(b)(7)(C)

**Sent:** Wednesday, August 09, 2017 12:53 PM

**To:** (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) >

**Cc:** (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Hi (b)(6);(b)(7)(C)

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?

**From:** (b)(6);(b)(7)(C)

**Sent:** Wednesday, August 09, 2017 10:35 AM

**To:** (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

**Cc:** (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

All –

These are our revisions to the answers. (b) (5)

1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include **fence replacement projects in El Centro and El Paso Sectors**, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the area specified in the waiver. The FY17 enacted budget doesn't include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President's FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary

fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP's border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Yes. However, the published notices are related to CBPs acquisition of land in 2008 to construct what is now the existing fence.

(b)(6);(b)(7)(C)

Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

*This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.*

---

From: (b)(6);(b)(7)(C)

Sent: Wednesday, August 09, 2017 8:04 AM

To: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Cc: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from (b)(6);(b)(7)(C) too.

---

From: (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 9:21 PM

**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >; (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >

**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Is it Ok if I send slightly tweaked language in the morning?

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

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**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:30:47 AM  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b)(6);(b)(7)(C) Please see my proposed edits (in green) are below. (b)(6);(b)(7)(C) can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – (b) (5)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
(b)(6);(b)(7)(C)

(b) (5)

- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? –

(b) (5)

- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? –

(b) (5)

- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? –

(b) (5)

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 4:16 PM  
**To:** (b)(6);(b)(7)(C)  
 >;(b)(6);(b)(7)(C)  
 (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Importance:** High

(b)(6);(b)(7)(C), (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) –

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

(b)(6);(b)(7)(C)

---

**From:** (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 2:24 PM

**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)

<(b)(6);(b)(7)(C)>

**Cc:** (b) (6)

**Subject:** FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need help addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (b) (5). Thanks.

(b)(6);(b)(7)(C) CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – (b) (5)  
[Redacted]
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
[Redacted]
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – (b) (5)  
[Redacted]
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of

prototypes be? -

(b) (5)

- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? - (b) (5)
- <http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

---

**From:** (b)(6);(b)(7)(C)

**Sent:** Tuesday, August 08, 2017 2:19 PM

**To:** (b) (6) thomsonreuters.com' <(b) (6) thomsonreuters.com>; Lapan, David <(b) (6) hq.dhs.gov>

**Cc:** (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO's decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO's decision. CBP will continue to take steps to implement the President's Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

(b)(6);(b)(7)(C)

CBP Public Affairs

**From:** (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com) [mailto:(b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com)]  
**Sent:** Tuesday, August 08, 2017 1:58 PM  
**To:** Lapan, David <(b) (6) [hq.dhs.gov](mailto:(b) (6)@hq.dhs.gov)>  
**Cc:** Media Inquiry <[MediaInquiry@HQ.DHS.GOV](mailto:MediaInquiry@HQ.DHS.GOV)>; (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from (b)(6);(b)(7)(C)

---

**From:** Lapan, David [mailto:(b) (6) [hq.dhs.gov](mailto:(b) (6)@hq.dhs.gov)]  
**Sent:** Tuesday, August 08, 2017 1:56 PM  
**To:** (b) (6) (Reuters News)  
**Cc:** Media Inquiry; (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,  
Dave

---

**From:** (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com)  
**Sent:** Tuesday, August 08, 2017 1:44:47 PM  
**To:** Lapan, David  
**Cc:** Media Inquiry  
**Subject:** Follow up question about border project in San Diego sector from Reuters

Hi there David,  
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration?
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes



will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?

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<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!

All the best,

(b) (6)

.....  
(b) (6)

**Reuters News**

Reporter

[www.reuters.com](http://www.reuters.com)

3 Times Square, 18th Floor

New York, NY 10036

office: (b) (6)

cell: (b) (6)

email: (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com)

[www.linkedin.com/in/\(b\) \(6\)](http://www.linkedin.com/in/(b) (6))

---

**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]

**Sent:** Tuesday, August 01, 2017 8:03 AM

**To:** (b) (6) (Reuters News)

**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



*Press Office*

**U.S. Department of Homeland Security**

# Press Release

August 1, 2017

Contact: DHS Press Office, (202) 282-8010

## **DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA**

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol's San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump's Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan,

design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS's obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###

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Office of Public Affairs 202-282-8010 [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov)



---

U.S. Department of Homeland Security Washington, DC 20016

**From:** (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Date:** Wednesday, August 09, 2017 1:46:41 PM

---

One other item of clarification, #3.

(b) (5)

Thanks,

(b)(6);(b)(7)(C)

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:56 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Yes, looks good to me.

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: [danielle.moora@cbp.dhs.gov](mailto:danielle.moora@cbp.dhs.gov)

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**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:53 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Hi (b)(6);(b)(7)(C) –

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 10:35 AM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) <>; (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

All –

These are our revisions to the answers. (b) (5)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)

1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include **fence replacement projects in El Centro and El Paso Sectors**, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the area specified in the waiver. The FY17 enacted budget doesn't include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President's FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP's border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Yes. However, the published notices are related to CBP's acquisition of land in 2008 to construct what is now the existing fence.

**(b)(6);(b)(7)(C)**

Senior Attorney (Trade & Finance)

Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
Tel: (b)(6);(b)(7)(C)  
Fax: (b)(6);(b)(7)(C)  
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

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---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 8:04 AM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >  
**Cc:** (b)(6);(b)(7)(C)  
>  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from (b)(6);(b)(7)(C) too.

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 9:21 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) >; (b)(6);(b)(7)(C)  
< (b)(6);(b)(7)(C) >  
**Cc:** (b)(6);(b)(7)(C)  
>  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Is it Ok if I send slightly tweaked language in the morning?

(b)(6);(b)(7)(C)  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
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1300 Pennsylvania Avenue, NW  
Room (b)(6);(b)(7)(C)  
Washington, DC 20229  
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Fax: (b)(6);(b)(7)(C)

Email: (b)(6);(b)(7)(C)

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**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, August 09, 2017 12:30:47 AM  
**To:** (b)(6);(b)(7)(C); (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b)(6);(b)(7)(C) Please see my proposed edits (in green) are below. (b)(6);(b)(7)(C) can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – (b) (5)  
[Redacted]
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
[Redacted]
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – (b) (5)  
[Redacted]
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – (b) (5)  
[Redacted]
- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not



clear? (b) (5)

<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 4:16 PM  
**To:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters  
**Importance:** High

(b)(6);(b)(7)(C), (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C)

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!

Thanks,  
(b)(6);

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**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 2:24 PM  
**To:** (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Cc:** (b) (6)  
**Subject:** FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need held addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (b) (5) ). Thanks.

(b)(6);(b)(7)(C) CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration? – (b) (5)  
[Redacted]
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)  
[Redacted]
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – (b) (5)  
[Redacted]
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – (b) (5)  
[Redacted]
- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? – (b) (5)  
<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

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**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, August 08, 2017 2:19 PM  
**To:** (b) (6) thomsonreuters.com' <(b) (6) thomsonreuters.com>; Lapan, David <(b) (6) [hq.dhs.gov](mailto:hq.dhs.gov)>  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO's decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to be built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO's decision. CBP will continue to take steps to implement the President's Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

(b)(6);(b)(7)(C)

CBP Public Affairs

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**From:** (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com) [mailto:(b) (6)@thomsonreuters.com]

**Sent:** Tuesday, August 08, 2017 1:58 PM

**To:** Lapan, David <(b) (6)@hq.dhs.gov>

**Cc:** Media Inquiry <[MediaInquiry@HQ.DHS.GOV](mailto:MediaInquiry@HQ.DHS.GOV)>; (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from

(b)(6);(b)(7)(C)

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**From:** Lapan, David [mailto:(b) (6)@hq.dhs.gov]

**Sent:** Tuesday, August 08, 2017 1:56 PM

**To:** (b) (6) (Reuters News)

**Cc:** Media Inquiry; (b)(6);(b)(7)(C)

**Subject:** RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,  
Dave

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**From:** (b) (6) [thomsonreuters.com](mailto:(b) (6)@thomsonreuters.com)  
**Sent:** Tuesday, August 08, 2017 1:44:47 PM  
**To:** Lapan, David  
**Cc:** Media Inquiry  
**Subject:** Follow up question about border project in San Diego sector from Reuters

Hi there David,  
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

- 1) Will these projects in San Diego be the first major construction to improve border infrastructure during the current administration?
- 2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?
- 3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?
- 4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?
- 5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels of land where the ownership is not clear?  
<http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000>

Thanks so much for your help with these and I will be looking forward to hearing back from you!  
All the best,

(b) (6)

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(b) (6)  
**Reuters News**  
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**From:** DHS Press Office [<mailto:pressoffice@messages.dhs.gov>]  
**Sent:** Tuesday, August 01, 2017 8:03 AM  
**To:** (b) (6) (Reuters News)  
**Subject:** DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA



*Press Office*

**U.S. Department of Homeland Security**

# Press Release

August 1, 2017

Contact: DHS Press Office, (202) 282-8010

## **DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA**

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol's San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump's Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS's obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

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[Unsubscribe](#)

Office of Public Affairs 202-282-8010 [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov)



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U.S. Department of Homeland Security Washington, DC 20016