

# **Exhibit 5**



Andrew Becker <abecker@revealnews.org>

**CBP-2017-041208 - Time Frame Clarification**

5 messages

CBPFOIA@cbp.dhs.gov <CBPFOIA@cbp.dhs.gov>  
To: "abecker@cionline.org" <abecker@cionline.org>

Tue, May 23, 2017 at 11:25 AM

Good Afternoon Mr. Becker,

After careful review of your FOIA request, CBP-2017-041208, we have determined that your request is too broad in scope or did not specifically identify the records which you are seeking. Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. For this reason, §5.3(b) of the DHS regulations, 6 C.F.R. Part 5, require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the event that would have created the record, a **date range for the request**, and subject matter of the records. The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records.

**In order for us to continue processing your request, please indicate the time frame you wish your request to cover. If a response is not received within five (5) working days, your request will be closed as insufficient.**

You may contact a FOIA Public Liaison by sending an email via your FOIAonline account or call [202-325-0150](tel:202-325-0150). Please notate file number CBP-2017-041208 on any future correspondence to CBP related to this request. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at [202-741-5770](tel:202-741-5770); toll free at [1-877-684-6448](tel:1-877-684-6448); or facsimile at [202-741-5769](tel:202-741-5769).

**CBP-2017-041208 - Time Frame Clarification.pdf**  
3K

Andrew Becker <abecker@revealnews.org>  
To: jodi.drengson@cbp.dhs.gov

Tue, May 23, 2017 at 11:42 AM

I called you to discuss. Can you please give me a call?

I'd also like to amend my FOIA request to include this:

The total amount of money paid related to all real estate related activity pertaining to border fence construction, including but not limited to surveys, appraisals, title research and the like, with a breakdown by contractor/company name, amount paid, task/job, location of work, date paid, date of work start, date of work completion.

I can be reached at [510-809-3165](tel:510-809-3165).

[Quoted text hidden]

--  
Andrew Becker, staff reporter  
The Center for Investigative Reporting + Reveal  
[510-809-3165](tel:510-809-3165) direct  
[510-849-6141](tel:510-849-6141) fax  
[abecker@revealnews.org](mailto:abecker@revealnews.org)  
<https://www.revealnews.org/author/andrew-becker>  
<http://revealnews.org/>  
PGP: [bit.ly/2hN5dM2](https://bit.ly/2hN5dM2)



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**Andrew Becker** <abecker@revealnews.org>  
To: "CBPFOIA@cbp.dhs.gov" <CBPFOIA@cbp.dhs.gov>

Tue, May 23, 2017 at 11:45 AM

I called and tried to leave a message for Jodi Drengson. If she could please call me back at the number below.

--  
Andrew Becker, staff reporter  
The Center for Investigative Reporting + Reveal  
[510-809-3165](tel:510-809-3165) direct  
[510-849-6141](tel:510-849-6141) fax  
[abecker@revealnews.org](mailto:abecker@revealnews.org)  
<http://www.revealnews.org/author/andrew-becker>  
<http://revealnews.org/>  
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Cc: [jodi.drengson@cbp.dhs.gov](mailto:jodi.drengson@cbp.dhs.gov)

Wed, May 24, 2017 at 8:04 AM

I'm looking for records from 1996 (or earliest date possible) to present.

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Andrew Becker, staff reporter  
The Center for Investigative Reporting + Reveal  
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To: "DESHIELD, SHARON R" <SHARON.R.DESHIELD@cbp.dhs.gov>, Patrick Howard <patrick.howard@cbp.dhs.gov>  
Cc: [jodi.drengson@cbp.dhs.gov](mailto:jodi.drengson@cbp.dhs.gov), CBP FOIA <CbpfOIA@cbp.dhs.gov>

Wed, Jun 7, 2017 at 11:52 AM

Today I received notice that my FOIA request, tracking number 2017-041208 was closed because I had not responded to a request seeking a time frame clarification.

As you can clearly see below in my email sent the day after CBP FOIA sought clarification on the time frame for records I was seeking, I gave a specific timeframe. I had also requested Jodi Drengson amend my FOIA request.

CBP FOIA AND MS. DRENGSON FAILED TO RESPOND TO MY EMAIL, ACKNOWLEDGE MY EMAIL OR CONFIRM RECEIPT OF THE INFORMATION AND MY REQUESTED AMENDMENT.

I ask that CBP FOIA immediately reopen this request, process with expedited treatment and release these records by the end of the week as CBP FOIA division has completely dropped the ball on handling of this request.

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PGP: [bit.ly/2hN5dM2](https://bit.ly/2hN5dM2)





Andrew Becker <[abecker@revealnews.org](mailto:abecker@revealnews.org)>

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## Hello?

1 message

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Andrew Becker <[abecker@revealnews.org](mailto:abecker@revealnews.org)>

Thu, Jun 8, 2017 at 5:14 AM

To: [jodi.drengson@cbp.dhs.gov](mailto:jodi.drengson@cbp.dhs.gov)

Cc: CBP FOIA <[CBPFOIA@cbp.dhs.gov](mailto:CBPFOIA@cbp.dhs.gov)>, Patrick Howard <[patrick.howard@cbp.dhs.gov](mailto:patrick.howard@cbp.dhs.gov)>, "DESHIELD, SHARON R" <[SHARON.R.DESHIELD@cbp.dhs.gov](mailto:SHARON.R.DESHIELD@cbp.dhs.gov)>, "HOSKINS, CHARLYSE" <[CHARLYSE.HOSKINS@cbp.dhs.gov](mailto:CHARLYSE.HOSKINS@cbp.dhs.gov)>

Jodi,

I still haven't heard from you regarding how CBP plans to correct its mistake regarding the recent final disposition and closure of my request, 2017-041208.

You asked for and I provided the timeframe for records I'm requesting. Your failure to respond or engage in further correspondence led CBP FOIA to close erroneously my request. On appeal I will surely be granted a remand and my place back in line. Please rectify this at your earliest convenience.

Andrew

--

Andrew Becker, staff reporter  
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