



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**

**James L. Oberstar**  
**Chairman**

**Washington, DC 20515**

**John L. Mica**  
**Ranking Republican Member**

May 26, 2010

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

The Honorable Janet Napolitano  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Napolitano:

Today, the Committee on Transportation and Infrastructure held a public hearing to address implementation efforts in infrastructure programs under the Committee's jurisdiction. During the hearing, we learned about the Department of Homeland Security's (DHS) plan to use funds allocated under the American Recovery and Reinvestment Act (Recovery Act) (P.L. 111-5) to modernize the Moses Line Land Port of Entry (LPOE) in Vermont. The Recovery Act provided \$420 million to U.S. Customs and Border Protection (CBP) for infrastructure modernization needs at CBP-owned land ports of entry. We have serious concerns about your plans to modernize this facility.

At the request of Committee Members, we invited Mr. Brian Rainville, high school teacher and son of owners of a dairy farm in Franklin, Vermont, to testify about your Department's plans to modernize the Moses Line LPOE. Representative Peter Welch also gave a statement to the Committee and introduced Mr. Rainville. The Committee learned that DHS plans to exercise eminent domain to take a portion of Mr. Rainville's family farm to accomplish this modernization project.

Mr. Rainville's testimony was both instructive and compelling. He raised concerns about both your Department's assessment of the property as well as the lack of outreach by DHS. Mr. Rainville explained that DHS environmental assessments concluded that the modernization project would have "no impact" on the Rainville farm. Yet, as Mr. Rainville testified, "Land DHS describes as a 'vacant lot' was shown by their own soil tests to be farmland of statewide importance...Despite the report's assertion, we have no surplus property, no extra land." Mr. Rainville further noted that a mere 2.5 cars per hour pass through this gate, and additional ports of entry exist just 11 miles to the west and 10 miles to the east. We have included Mr. Rainville's written testimony for your reference.

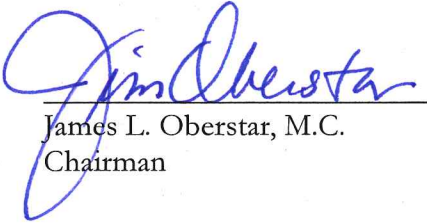
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Given these considerable concerns, we recommend that this project be withdrawn and these funds be used on other important LPOE modernizations. While protecting our Northern border is critical to the safety of the nation, the Department can better invest Recovery Act funds to further this important goal.

Sincerely,



James L. Oberstar, M.C.  
Chairman



John L. Mica, M.C.  
Ranking Member