

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5051
Minority (202) 225-5074

August 26, 2009

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

Dear Secretary Napolitano:

As you are aware, the American Recovery and Reinvestment Act (“stimulus”) allocated \$720 million for the planning, management, design, alteration, and construction of U.S. land ports of entry (“LPOE”).¹ Of this, \$420 million is allocated to U.S. Customs and Border Protection (“CBP”) and \$300 million is allocated to the General Services Administration (“GSA”). According to [Recovery.gov](http://www.recovery.gov), \$399 million of the \$420 million allocated to CBP will be used for reconstruction of up to 23 existing LPOEs and the repair and alteration of at least ten additional locations.² The designation of stimulus money for these projects, however, appears to be inconsistent with long-term planning and priorities set forth by the Department between 2005 and 2008. This raises questions as to whether the Department has changed its priorities, and if it has, whether it has also changed its methodology for determining those priorities.

The Committee has reviewed CBP’s October 2008 list, which ranks LPOE construction projects by order of priority, as well as the June 2005 Capital Improvement Plan, which provided the methodology for creating the 2008 priority list.³ While many of the LPOE projects funded under the stimulus conform to CBP’s October 2008 strategic plan, there are a number of significant deviations. For example, of the 23 CBP-owned projects funded by the stimulus, five have moved up the priority list, leap-frogging projects that were scheduled to be funded first.⁴ Another six stimulus-funded projects are

¹ See http://www.recovery.gov/?q=content/program-plan&program_id=7878#ProjectsandActivities.

² *Id.*

³ See U.S. Customs and Border Protection, *Land Port of Entry Modernization: Promoting Security, Travel and Trade* (October 2008). See also U.S. Customs and Border Protection, *Capital Improvement Plan: Land Ports of Entry Modernization Program* (June 10, 2005).

⁴ The projects that received higher priority in the stimulus are Walhalla, ND, Hamlin, ME, Antler, ND, Wild Horse, MT, and Hansboro, ND.

brand new and do not appear anywhere in the 2008 plan.⁵ Finally, nine projects slated to receive funds according to the 2008 plan are not currently receiving any stimulus funding.⁶

The Oversight and Government Reform Committee is conducting an ongoing investigation of stimulus spending in order to ensure that taxpayer funds are spent wisely and efficiently. In order to assist the Committee with its investigation of this issue, please provide the following information no later than close of business on Wednesday, September 9, 2009:

1. A full and complete explanation of the criteria CBP used to develop its October 2008 prioritization of LPOE modernization projects including, but not limited to, the methodologies laid out in CBP's June 10, 2005 Capital Improvement Plan;
2. A full and complete explanation of the criteria CBP used to develop its current prioritization of LPOE modernization projects to receive stimulus funds;
3. A full and complete explanation of the discrepancies between CBP's prioritization of LPOE modernization projects in October 2008 and CBP's current prioritization of LPOE modernization projects to receive stimulus funds;
4. All records and communications referring or relating to:
 - (a) the criteria and/or evaluations CBP used to develop all priority lists of LPOE modernization projects;
 - (b) any contact between CBP and federal- and state-level elected officials referring or relating to CBP's prioritization of LPOE modernization projects; and
5. All master lists of LPOE modernization projects developed by CBP between 2005 and the present.

Please note that, for purposes of responding to this request, the terms "records," "communications," and "referring or relating" should be interpreted consistently with the attached Definitions of Terms.

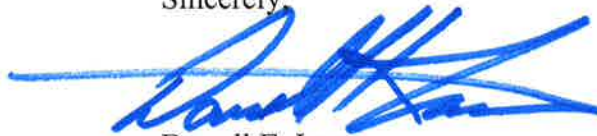
⁵ The new projects are Morses Line, VT, Noonan, ND, Del Bonita, MT, Carbury, ND, Westhope, ND, and Sherwood, ND.

⁶ The nine projects are Sarles, ND, Hannah, ND, Bridgewater, ME, Nighthawk, WA, Easton, ME, Monticello, ME, Amistad Dam, TX, Pinecreek, MN, and Whitlash, MT.

The Honorable Janet Napolitano
August 26, 2009
Page 3

Should you or your staff have any questions with regard to this request, you may contact Thomas Alexander or Brien Beattie of the Committee staff at (202) 225-5074.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darrell E. Issa", with a long horizontal stroke extending to the left.

Darrell E. Issa
Ranking Member

cc: The Honorable Edolphus Towns, Chairman

Attachment

Definition of Terms

1. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
3. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.