

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland Security

June 24, 2010

The Honorable Patrick Leahy
United States Senate
Washington, DC 20510

Dear Senator Leahy:

Thank you for your May 23, 2010 letter regarding the Morses Line Port of Entry in Vermont.

Based on internal analyses and significant consultation with the local community and congressional delegation, the Department of Homeland Security (DHS) has decided to begin the process of closing the Morses Line Land Port of Entry in Franklin, Vermont.

Built in 1934, the Morses Line Port of Entry is U.S. Customs and Border Protection's (CBP) oldest land port and does not have the infrastructure to support the national security or operational requirements needed today. Senior career officials from across the Federal Government, Congress, the GAO, and the DHS Inspector General have all expressed alarm that, without new construction, aging ports, such as Morses Line, fail to provide the tools needed to guard against terrorist threats, endangering law enforcement personnel and falling far short of post-9/11 security standards.

Additionally, last year, an independent committee of government experts recommended that DHS consider closing ports, such as Morses Line, which are located within 25 miles of alternate points of entry to the United States and do not possess the critical security upgrades needed to continue to operate and safely process cross border traffic. Without expansion beyond its current footprint, the Morses Line Port of Entry cannot satisfy CBP's current security requirements.

As part of DHS's outreach to the local community, DHS hosted a community meeting on May 22 at the Franklin Town Hall, where CBP representatives described the modernization project, answered questions, and listened to concerns from community members. As reflected in your letter, a majority of the people who spoke favored closing the port rather than modernizing it.

The port closure process is expected to take a year and will take into account input from the public, Congress, Vermont, and Canada. CBP will conduct further assessments focusing on how to secure the area, reroute traffic to the closest port—which is approximately 15 miles away—and calculate any costs associated with closure, including environmental impact efforts, before finalizing the closure process. For your information, I have enclosed a timeline of the port closure process.

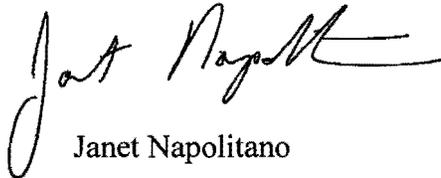
The current port of entry closure policy requires CBP to provide a 180-day notification and comment period to the Senate Committee on Finance and the House Committee on Ways and Means. After the 180-day period, CBP will publish a notice in the Federal Register for a 60-day public comment period. If closing the Moses Line crossing is determined to be in the best interest of the local community and the Nation's security, CBP will publish a final rule in the Federal Register. The closure of Moses Line would become effective 30 days after publication of the final rule.

DHS plans to cancel the current contract to modernize the port and will redeploy the *American Recovery and Reinvestment Act* funding to other border security projects.

If your constituents have any questions about the port project, please direct them to CBP's website at www.cbp.gov/morseslineinfo.

Thank you again for your letter. I hope to continue to foster a close working relationship with you on this and other homeland security issues.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Janet Napolitano

Enclosure

**U.S. CUSTOMS AND BORDER PROTECTION
STEPS AND TIMELINE FOR CLOSING A LAND PORT OF ENTRY**

<ul style="list-style-type: none"> • Since the current port is eligible for the National Register of Historic Buildings, CBP is required to reach out to the Vermont State Historic Preservation Officer to discuss plans for the current structure. This negotiation process can take two to three months. • Concurrently, CBP prepared a report for the Secretary of Homeland Security formally recommending the port be closed. On June 3, 2010, Secretary Napolitano approved the request to close the port. 	<p style="text-align: center;">60 to 90 Days</p>
<ul style="list-style-type: none"> • CBP will transmit Congressional notification letters on the proposed closing to the Senate Finance Committee and the House Ways and Means Committee. Congress has 180 days to object to the port closure. We will also notify our appropriators since this was funded by the <i>American Recovery and Reinvestment Act</i>. 	<p style="text-align: center;">180 Days</p>
<ul style="list-style-type: none"> • After the end of the 180-day Congressional notification period, CBP will send an official notice to the Canada Border Services Agency (CBSA) informing the agency of CBP's intention to close the port. This notice will trigger CBSA to conduct a port closure analysis for Morses Line's sister port, a process which can take six months to a year, which will not affect the U.S. process. • At the same time, CBP will publish a proposed rule to close the port in the Federal Register with a 60-day public comment period. • CBP will evaluate the comments on the proposed rule and, if no substantive arguments against closing the port are received, publish a final rule closing the port in the Federal Register. 	<p style="text-align: center;">60 Days</p>
<ul style="list-style-type: none"> • Following publication of the Final Rule, CBP will notify the affected offices and implement the closing in accordance with CBP Directive 2130-007A, <i>Organization Changes</i>. 	<p style="text-align: center;">30 Days</p>
<p>After Port Closure</p> <ul style="list-style-type: none"> • After CBP vacates the building, the port will close. Depending on the negotiations with the Vermont State Historic Preservation Officer, CBP may offer the structure to the Office of Border Patrol for use as a Forward Operating Base or other support structure. • If the Office of Border Patrol is not interested in using the building, CBP will begin the General Services Administration's disposal process, which may include environmental surveys to determine whether the port structure contains any hazardous materials. The disposal process takes six months to a year to complete. • CBP will also work with the Vermont Department of Transportation to determine what modifications must be made to the roadway. The modifications will depend on whether CBSA decides to close the sister port in Canada. CBP will likely put up railing or barricades to block off the roadway. 	<p style="text-align: center;">6 Months to 1 Year</p>