

Secretary

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



Homeland Security

March 10, 2010

The Honorable Patrick Leahy
United States Senate
Washington, DC 20510

Dear Senator Leahy:

Thank you for your February 24, 2010 letter regarding the Moses Line Land Port of Entry (LPOE) and its proposed modernization plans. The Department of Homeland Security is strongly committed to securing our borders while facilitating legal travel and trade. Our airports, seaports, and land ports of entry are all part of an interconnected security network to facilitate entry and exit to and from our country. When we fail to fortify one, we weaken the entire system, putting our national security at risk. As your letter noted, the Moses Line port of entry falls far short of the modern security and operational standards of a post-9/11 world. The funding Congress provided to U.S. Customs and Border Protection (CBP) through the *American Recovery and Reinvestment Act* (ARRA) will improve security at 41 land ports of entry, including Moses Line.

Over the past eleven months, CBP and the U.S. Army Corps of Engineers have worked closely with the Rainville family on the proposed modernization plans at the Moses Line port of entry throughout the appraisal and site assessment stages. CBP plans to meet with the Rainvilles and the local area Port Director on March 12, 2010, and is committed to continuing to work with the family and the local community in the months ahead to protect their farm while ensuring the port of entry has the capacity to fulfill modern security and operational standards.

I have enclosed a white paper containing detailed answers to the specific questions you raised in your letter. Thank you again for your letter. Should you need additional assistance, please do not hesitate to contact me at (202) 282-8203.

Yours very truly,

A handwritten signature in black ink that reads "Janet Napolitano".

Janet Napolitano

Enclosure

**Answers to the Questions in Senator Leahy's February 24, 2010 Letter
Regarding the Morses Line Project**

1. What is the operational necessity of building a new port at Morses Line?

The Morses Line Land Port of Entry (LPOE) was built in 1934 and falls far short of the security and operational standards of a post-9/11 world. The roof of the LPOE leaks and the facility lacks a source of potable water. The facility also lacks adequate detention and inspection facilities, with only a bench located next to the front door to detain individuals. The current port does not have an indoor vehicle inspection area, so all vehicle secondary inspections occur outside regardless of the weather. Based on these operational deficiencies and modern security requirements, it is clear that the Morses Line LPOE requires improvements.

2. What is the current status of the Morses Line project?

U.S. Customs and Border Protection (CBP) plans to award a design/build contract by March 2010. Once awarded, the vendor will begin the design phase, which lasts an average of four to six months before construction begins.

On March 12, 2010 CBP plans to meet with the Rainville family to discuss the project, answer questions, and provide an offer to buy land. The Rainvilles will then have two weeks to consider the offer and accept, reject, or provide a counter offer. If the Rainvilles accept the offer, the U.S. Army Corps of Engineers (USACE) Realty Specialist will negotiate the terms of closure for the property with the Rainvilles. If the Rainvilles propose a counter offer, the USACE Realty Specialist will evaluate the counter offer with CBP and either accept it or pursue further negotiations.

The proposed footprint for the facility is of approximately 4.9 acres, which represents one of CBP's smaller facilities. The general footprint for most of these facilities ranges from 4.5 acres to as much as 12 acres, depending on the topography of the site, the configuration of the road, and environmental mitigation requirements. The Rainvilles property consists of 228 acres of land. The original plan for the footprint was approximately eight acres, but CBP has worked to reduce the size of the footprint as much as possible without sacrificing operational requirements. Further, CBP is willing to work with the Rainvilles to provide access to the arable land around the modernized port of entry.

3. Are you planning any public meetings in Vermont on your updated proposal?

Over the past 11 months, CBP has been in frequent contact with the Rainvilles and the surrounding community. Outreach has included multiple site visits with the Rainvilles to the Morses Line LPOE, conducting the appraisal of the 4.9 acres proposed for the port of entry with the Rainvilles present, and several meetings with the family and the USACE real estate specialist.

CBP plans to meet with the Rainvilles and the local area Port Director on March 12, 2010, and is committed to working with the Rainvilles and the local community in the months ahead to

protect their family farm while ensuring the port of entry has the capacity to fulfill modern security and operational standards.

4. Is DHS going to conduct a review of ports that could be closed, as recommended by the 30-day review committee?

DHS will conduct port closure analyses periodically in conjunction with the interagency and Congress.

5. What criteria should DHS consider when assessing whether to close a port?

There are a number of factors that would be used to evaluate whether it would be prudent to propose closing a port of entry. These factors would include the current volume of traffic (both commercial and private), whether that traffic has been growing or decreasing, the hours of operation, the distance to an alternative crossing point, the impact on community access to emergency services, and the assessment of the condition of the port facility and its ability to fully support the current mission.

Additionally, a number of stakeholders would have to be consulted, including the Governments of Canada or Mexico, other Federal agencies, Congress, DHS's law enforcement partners, and impacted members of the community.

6. What are some possible impediments to closing a U.S. port of entry?

The closure of a port of entry may result in a reduction of service to the public.

In addition, any proposed closure of a land border port would need to be closely coordinated with the Government of Canada or Mexico, the Department of State, Congress, and our law enforcement partners.