

RON JOHNSON, WISCONSIN, CHAIRMAN

ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
JAMES LANKFORD, OKLAHOMA
MITT ROMNEY, UTAH
RICK SCOTT, FLORIDA
MICHAEL B. ENZI, WYOMING
JOSH HAWLEY, MISSOURI

GARY C. PETERS, MICHIGAN
THOMAS R. CARPER, DELAWARE
MAGGIE HASSAN, NEW HAMPSHIRE
KAMALA D. HARRIS, CALIFORNIA
KYRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

December 21, 2020

Mr. Mark Morgan
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Mr. Morgan:

I write to seek to confirm information related to U.S. Customs and Border Protection (CBP) Field Offices' application of policy at seaports in the Great Lakes. I have great appreciation for the work CBP does to manage the complex challenge of maintaining security while facilitating trade and travel. As you know, Michigan has active air, land, and sea ports of entry that are critical to the state and national economy. Despite having engaged CBP since 2016 on issues facing the Port of Monroe and unequal application of policy at different Great Lakes ports, insufficient progress has been made to ensure that Michigan ports are being treated fairly by CBP.

As Acting Secretary Wolf has said, economic security is homeland security. CBP has the difficult job of balancing security requirements with the economic considerations of trade and travel. I understand that Field Offices and Port Directors require standards to have some degree of flexibility to respond to the unique characteristics of their jurisdictions, however there must also be clear and consistent standards nationwide for sea ports and other stakeholders to conduct business with levels of assurance. CBP implementation of policy for incoming commerce and travel at ports of entry can have severe impacts on communities that rely on economic activity from cross-border activity or trade.

Please confirm the information provided below. If CBP disagrees with any of these statements please note the disagreement, provide an explanation, and any related documentation. In addition, I would like to formally request documentation related to CBP's review of the Port of Monroe and any related findings.

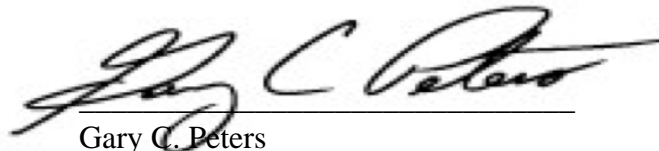
- The Detroit Field Office restricts international maritime crated breakbulk and prohibits maritime containers from the Port of Monroe, Michigan.
- It is a Detroit Field Office position, responsible for all Michigan ports, to restricts international maritime crates and prohibit international maritime containers applies to all ports in Michigan until such time as they have installed fixed,

radiation portal monitors (RPM), Non-intrusive inspection (NII) equipment, and other tools and technology required by CBP.

- The Detroit Field Office has access to Mobile NII technology that it frequently employs at the Detroit-Windsor Truck Ferry, which facilitates the import and export of tractor-trailers laden with hazardous material and large, over-sized cargo.
- The Detroit Field Office refuses to employ that same mobile NII technology at the Port of Monroe for international maritime crates and containers.
- Despite a policy not to permit international crates or containers to be discharged in Michigan, the Detroit Field Office has, on occasion, waived that policy and allowed international crates and containers to be discharged at a terminal within the Port of Detroit in Michigan without fixed RPM or NII.
- The Detroit Field Office restrictions on international maritime crated breakbulk and prohibitions on international maritime containers at the Port of Monroe and other Michigan ports apply even if the shipping carrier participates in the Automated Manifest System and a licensed custom broker participating in the Automated Broker Interface manages the importation transaction.
- The Chicago Field Office permits the Port of Cleveland to process international maritime crates and containers.
- The Port of Cleveland does not have fixed RPM or NII on site to screen maritime crates or containers.
- The Chicago Field Office has limited Great Lakes ports in their ability to handle international containers as of the second quarter of 2020, by restricting new container service.
- CBP can inspect crates or containers with RPM or NII technology that is portable, mobile or fixed or by manually inspecting suspicious cargo.

Please provide a response to this letter by January 15, 2020. Thank you for your attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary C. Peters", written over a horizontal line.

Gary C. Peters
Ranking Member