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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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August 12, 2019

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

Dear Acting Commissioner Morgan:

I write to express my concern about U.S. Customs and Border Protection (CBP) application of standards for Great Lakes Ports. The Great Lakes and St. Lawrence Seaway are a vital transportation system and the ports along this route provide critical access points for trade to and from the manufacturing hub of the Midwest.

The Port of Monroe, a public port, was established in 1932 and has handled bulk and break bulk cargo since that time. On average, break bulk cargo has accounted for over fifty percent of revenue for the Port of Monroe. However, in 2017, CBP's Detroit Field Office notified the Port of Monroe that counter to existing practices and for the first time since operations began, they were restricted from moving international break bulk cargo, as well as containerized cargo. Since then, the Port of Monroe has worked with CBP to try and understand the basis for the Detroit Field Office's notification and the applicable standards it has relied on in applying them to the Port. The Port of Monroe has also tried to work with CBP to understand how they may come into compliance. CBP has advised this low-risk port to invest in significant screening technology and physical infrastructure, even though other Great Lakes sea and land ports, even within the jurisdiction of this same regional office, have continued to operate without application of the same standards.

I share CBP's commitment to securing our borders and trade and ensuring our nation's ports of entry are able to support this mission. However, I am concerned that the Detroit Field Office is applying an arbitrary and potentially unauthorized standard to Michigan sea ports that is not consistent with ports across the country, unnecessarily causing economic harm to the port and the region.

To better understand whether CBP, through the actions of the Detroit Field Office, is complying with applicable standards regarding the import of bulk, break bulk, and containerized cargo, I respectfully request that you provide answers to the following questions as soon as possible, but no later than August 26 2019:

1. What change occurred in 2017 to cause the Detroit Field Office to halt international break bulk cargo imports at Michigan ports, which had been receiving such cargo for a considerable time?
2. How is the Detroit Field Office 2017 decision compliant with the applicable statutes and regulations, including without limitation, the requirements in the Security and Accountability for Every Port Act (Pub. L. 109-347) generally, and specifically, the Act's requirement that inspections occur at foreign ports of origin prior to loading on U.S. bound ships? What authorities has CBP's Detroit Field Office relied on as justification for its 2017 notification to the Port of Monroe and how is this notification consistent with previously announced extensions by the Department of Homeland Security for compliance with mandated screening requirements?
3. Why are ports in states adjacent to Michigan, who have equivalent tools and technology at Michigan ports, permitted to receive international cargo without upgrades?
4. Will other U.S. ports be restricted in international break bulk and container trade if they do not immediately comply with new scanning equipment standards being imposed on the Port of Monroe?
5. Does CBP ever allow active ports to be grandfathered in to new scanning and/or security standards?
6. What impact does being identified as a low-risk port have on security and scanning standards?
7. What are the scanning standards for international cargo coming directly from Container Security Initiative ports?
8. Why is the Port of Monroe required to scan 100% of incoming international cargo, while other ports, including air and land ports of entry, currently scan only small percentages?
9. What is CBP's process for reviewing port decisions made by field offices?
  - a. How does CBP ensure that ports across the country are held to the same security standards?
10. What criteria determine when CBP will cover costs for a demonstration project and when they will be the responsibility of the port?
  - a. What funding opportunities are available to low-risk, public ports to supplement the investment in technology required to come into compliance with CBP standards?

Mark Morgan  
August 12, 2019  
Page 3

Thank you for your continued work to protect our nation's air, sea, and land ports of entry and facilitate legitimate trade and travel. I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Gary C. Peters". The signature is fluid and cursive, with the first name "Gary" being the most prominent.

Gary C. Peters  
Ranking Member