

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

February 11, 2020

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

Dear Acting Commissioner Morgan:

I am contacting you to request U.S. Customs and Border Protection investigate the attached e-allegation (Case Number e973P121202015) submitted by the Cherry Marketing Institute regarding potentially misidentified and misreported imports of cherry products from Brazil.

As noted in the allegation, data indicate a stark change in import sources of tart cherry products to the U.S. in recent months. Soon after the U.S. government rescinded Turkey's ability to export tart cherry products to the U.S. duty-free, tart cherry imports from Turkey fell drastically and imports from Brazil sharply rose. Furthermore, data indicate discrepancies involving imports from Brazil—a nation that does not appear to have a discernable tart cherry industry, but which has rapidly increased its exports of cherry products to the U.S. since Turkey's duty-free privileges were removed. From January 2018 to November 2018, Brazil exported 314,988 liters of tart cherry juice concentrate, yet over the same 11 months in 2019, that amount increased to 3,937,268 liters, representing an uptick of over 1200%.¹ Notably, Brazil is still eligible to import tart cherry products to the U.S. duty-free.

Our nation's cherry producers and the broader cherry industry have suffered due to unfair trade practices. Michigan producers have endured "dumping" of Turkish cherry products into the U.S. for years – resulting in a significant drop in the price of their products. Between 2006 and 2018, the number of Michigan tart cherry farms declined from 540 to 380, with farms under 200 acres hit hardest.²

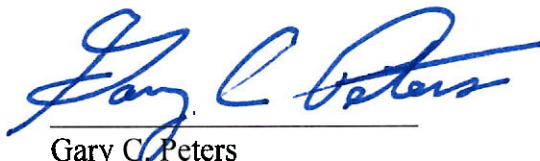
¹ Cherry Marketing Institute, *Customs Allegation Regarding Tart Cherry Juice from Turkey and Brazil* (Jan. 21, 2020).

² *Michigan cherry industry still trying to absorb tariff loss to Turkey*, The Sault St. Marie Evening News (Jan. 25, 2020) (<https://www.sooeveningnews.com/news/20200125/michigan-cherry-industry-still-trying-to-absorb-tariff-loss-to-turkey/>).

Mark Morgan
February 11, 2020
Page 2

Failing to investigate and prosecute alleged violations such as those made by the Cherry Marketing Institute threatens to undermine an industry that has weathered years of unfair competition. Consequently, I request you fully investigate this and address any discrepancies to ensure full compliance with the law. Additionally, I request a briefing on this matter as soon as possible. Thank you for your attention to this request.

Sincerely,



Gary C. Peters
Ranking Member
Senate Committee on Homeland Security
and Governmental Affairs