

117TH CONGRESS
2D SESSION

S. 3812

To provide a temporary waiver of countervailing and antidumping duties relating to fertilizer or fertilizer ingredients if an emergency situation impacts the domestic production or supply of merchandise subject to those duties, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 7), 2022

Mr. MARSHALL introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide a temporary waiver of countervailing and antidumping duties relating to fertilizer or fertilizer ingredients if an emergency situation impacts the domestic production or supply of merchandise subject to those duties, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Relief from
5 Duties Act”.

1 **SEC. 2. EMERGENCY WAIVER OF COUNTERVAILING AND**
2 **ANTIDUMPING DUTIES RELATING TO FER-**
3 **TILIZER OR FERTILIZER INGREDIENTS.**

4 (a) PETITION.—Any covered party may petition the
5 Commission to waive countervailing duties or antidumping
6 duties assessed for covered merchandise under title VII
7 of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), or
8 renew any such waiver, if there is an emergency situation
9 that—

10 (1) limits the production in the United States
11 of that merchandise in a manner that causes eco-
12 nomic hardship for users of that merchandise or
13 merchandise made from that merchandise; or

14 (2) would result in a supply and demand dis-
15 ruption that substantially increases the price of that
16 merchandise or merchandise made from that mer-
17 chandise.

18 (b) PUBLIC COMMENT.—The Commission shall per-
19 mit the public to submit comments concerning any petition
20 for a waiver or renewal under subsection (a) for a period
21 of not less than 30 days.

22 (c) FINAL DECISION ON WAIVER OR RENEWAL.—
23 Not later than 30 days after the close of a public comment
24 period under subsection (b) concerning a petition for a
25 waiver or renewal under subsection (a), the Commission

1 shall issue a final decision concerning that waiver or re-
 2 newal.

3 (d) PERIOD OF WAIVER.—Any waiver or renewal
 4 under this section shall be for a period of one year.

5 (e) DEFINITIONS.—In this section:

6 (1) COMMISSION.—The term “Commission”
 7 means the United States International Trade Com-
 8 mission.

9 (2) COVERED MERCHANDISE.—The term “cov-
 10 ered merchandise” means any fertilizer or ingredient
 11 used to make fertilizer.

12 (3) COVERED PARTY.—The term “covered
 13 party” means any of the following:

14 (A) An interested party, as that term is
 15 defined in section 771(9) of the Tariff Act of
 16 1930 (19 U.S.C. 1677(9)), that is a United
 17 States person.

18 (B) A coalition or trade association rep-
 19 resentative of agricultural producers or growers
 20 in the United States if those producers or grow-
 21 ers utilize covered merchandise subject to coun-
 22 tervailing duties or antidumping duties assessed
 23 under title VII of the Tariff Act of 1930 (19
 24 U.S.C. 1671 et seq.) or merchandise made from
 25 covered merchandise subject to those duties.

1 (4) EMERGENCY SITUATION.—The term “emer-
2 gency situation” includes the following:

3 (A) Acts of God, such as severe acts of na-
4 ture or weather events including floods, fires,
5 earthquakes, hurricanes, and explosions.

6 (B) War, acts of terrorism, and epidemics.

7 (C) Acts of governmental authorities such
8 as expropriation, condemnation, and changes in
9 laws and regulations.

10 (D) Strikes and labor disputes.

11 (E) Major accidents.

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