

United States Senate

WASHINGTON, DC 20510

April 6, 2018

COMMITTEES:
APPROPRIATIONS
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND ENTREPRENEURSHIP
SPECIAL COMMITTEE ON AGING

The Honorable Orrin G. Hatch
Chairman
United States Senate
Committee on Finance
219 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Ron Wyden
Ranking Member
United States Senate
Committee on Finance
219 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Hatch and Ranking Member Wyden:

As the North American Free Trade Agreement (NAFTA) renegotiations near a potential end, we write to you to seek your firm commitment to support the inclusion in NAFTA of a mechanism to allow U.S. fruit and vegetable growers to use seasonal data to seek regional relief in antidumping and countervailing duties (AD/CVD) cases. To be clear, free trade is not responsible for the dramatic damage sustained by Florida's fruit and vegetable farmers since NAFTA's inception. Rather it is the lack of reasonable evidentiary standards and processes for seasonal and perishable producers to seek relief, as well as a lack of willingness from multiple Administrations to confront our trade partners, to ensure that U.S. farmers are able to compete fairly in our own domestic markets. The seasonal and perishable produce trade remedy proposal advanced by the U.S. Trade Representative (USTR) in NAFTA renegotiations would solve this inequity and strengthen the NAFTA through enhanced free and fair trade.

As you know, the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (P.L. 114-26) set clear agricultural trade negotiating objectives for any Administration utilizing Trade Promotion Authority. Through the law, Congress specifically noted three priorities with respect to seasonal and perishable produce that USTR's NAFTA provision strongly reflects including:

- "eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture";
- "ensuring that import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries"; and
- "seeking to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area."

NAFTA has undoubtedly expanded U.S. agricultural exports, and that is a great result for American farmers. But our exports have succeeded at the expense of Florida farmers who have been systematically undercut at home by Mexican agricultural subsidies, poor labor standards, and seasonal dumping. USTR's seasonal and perishable protection proposal would significantly benefit domestic growers by allowing them to more effectively challenge and compete with this

flood of unfairly traded foreign produce. These benefits are not theoretical – just last week Florida's bell pepper growers were denied protection from egregious Mexican dumping when the Department of Commerce declined to self-initiate an anti-dumping case. Had USTR's provision been in place, it is possible that these growers would have been able to successfully meet the standards to petition the case directly rather than being wholly dependent on Commerce to self-initiate.

Once again, we seek your firm commitment to support the inclusion in NAFTA of USTR's proposed mechanism to allow U.S. fruit and vegetable growers to use seasonal data to seek regional relief in antidumping and countervailing duties (AD/CVD) cases. Not only does the provision fulfill Congressional intent in the Administration's utilization of Trade Promotion Authority, but the inclusion or exclusion of the provision will factor greatly in our decision to ratify a renegotiated NAFTA. On behalf of Florida's diverse and unique agricultural sector, thank you for your consideration.

Sincerely,



Marco Rubio
U.S. Senator



Bill Nelson
U.S. Senator