

#### 116TH CONGRESS 1ST SESSION

# H. R. 101

To amend title VII of the Tariff Act of 1930 to provide for the treatment of core seasonal industries affected by antidumping or countervailing duty investigations, and for other purposes.

#### IN THE HOUSE OF REPRESENTATIVES

January 3, 2019

Mr. Buchanan (for himself and Mr. Lawson of Florida) introduced the following bill; which was referred to the Committee on Ways and Means

## A BILL

To amend title VII of the Tariff Act of 1930 to provide for the treatment of core seasonal industries affected by antidumping or countervailing duty investigations, 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 "Defending Domestic
- 5 Produce Production Act".

### 1 SEC. 2. DEFINITIONS.

2	(a) Core Seasonal Industry.—Section 771 of the
3	Tariff Act of 1930 (19 U.S.C. 1677) is amended by add-
4	ing at the end the following:
5	"(37) Core seasonal industry.—The term
6	'core seasonal industry' means the producers—
7	"(A) of a domestic like product that is a
8	raw agricultural product,
9	"(B) whose collective output of the domes-
10	tic like product constitutes a majority of the
11	total production of the domestic like product in
12	any State or group of States that accounts for
13	a major portion of the total production of the
14	domestic like product during any discrete sea-
15	son or cyclical period of time that concludes not
16	later than 8 weeks after the date in which the
17	product is harvested, and
18	"(C) that make substantially all of their
19	sales of the domestic like product during the
20	season or cyclical period of time described in
21	subparagraph (B).".
22	(b) Industry.—Section 771 of the Tariff Act of
23	1930 (19 U.S.C. 1677(4)(A)) is amended—
24	(1) by striking "industry means the pro-
25	ducers" and inserting the following: "industry
26	means—

1	"(i) the producers";
2	(2) by striking the end period and inserting ",
3	or''; and
4	(3) by adding at the end the following:
5	"(ii) a core seasonal industry.".
6	(c) Interested Party.—Section 771 of the Tariff
7	Act of 1930 (19 U.S.C. 1677(9)(E)) is amended—
8	(1) by striking "association a majority" and in-
9	serting the following: "association—
10	"(i) except as provided in clause (ii),
11	a majority"; and
12	(2) by inserting "or" after "States,"; and
13	(3) by adding at the end the following:
14	"(ii) in the case of a proceeding under
15	this title involving a core seasonal industry,
16	whose members constitute not less than 80
17	percent of the core seasonal industry,".
18	SEC. 3. IMPROVEMENTS TO COUNTERVAILING DUTY PRO-
19	CEDURES FOR CORE SEASONAL INDUSTRIES.
20	(a) Determination of Industry Support.—Sec-
21	tion $702(e)(4)$ of the Tariff Act of 1930 (19 U.S.C.
22	1671a(c)(4)) is amended—
23	(1) in subparagraph (A)—
24	(A) by redesignating clauses (i) and (ii) as
25	subclauses (I) and (II), and by moving such

1	subclauses, as so redesignated, 2 ems to the
2	$\operatorname{right};$
3	(B) in the matter preceding subclause (I),
4	as redesignated by subparagraph (A), by strik-
5	ing "behalf of the industry, if—" and inserting
6	the following: "behalf of—
7	"(i) an industry (other than a core
8	seasonal industry), if—";
9	(C) in subclause (II), as redesignated by
10	subparagraph (A), by striking the period at the
11	end and inserting ", or"; and
12	(D) by adding at the end the following:
13	"(ii) a core seasonal industry, if the
14	domestic producers or workers who sup-
15	port the petition account for at least 50
16	percent of the total production of the do-
17	mestic like product in any State or group
18	of States that accounts for at least 50 per-
19	cent of total production of the domestic
20	like product during the season or cyclical
21	period of time specified in the petition, de-
22	termined by averaging production over the
23	3 seasons or cyclical periods of time pre-
24	ceding the filing of the petition.";

1	(2) in subparagraph (B)(i), by inserting "(dur-
2	ing the season or cyclical period of time specified in
3	the petition, if applicable)" after "their interests as
4	domestic producers"; and
5	(3) in subparagraph (D), in the matter pre-
6	ceding clause (i), by striking "support" and all that
7	follows through "domestic like product" and insert-
8	ing "industry support in accordance with subpara-
9	graph (A)".
10	(b) Suspension of Investigations for Extraor-
11	DINARY CIRCUMSTANCES.—Section 704(c)(4)(A)(i) of the
12	Tariff Act of 1930 (19 U.S.C. $1671c(c)(4)(A)(i)$ ) is
13	amended by inserting "(as defined in section
14	771(4)(A)(i))" after "domestic industry".
15	(c) Effect of Final Determinations.—Section
16	705(c)(1) of the Tariff Act of 1930 (19 U.S.C.
17	1671d(c)(1)) is amended—
18	(1) by redesignating subparagraph (C) as sub-
19	paragraph (D);
20	(2) in subparagraph (B)(ii), by striking ", and"
21	and inserting a comma; and
22	(3) by inserting after subparagraph (B) the fol-
23	lowing:
24	"(C) in cases involving a countervailable
25	subsidy that affects a core seasonal industry

1	solely during a specific season or cyclical period
2	of time, the administering authority shall limit
3	the application of any rate determined under
4	subparagraph (B) to that season or cyclical pe-
5	riod of time, and".
6	SEC. 4. IMPROVEMENTS TO ANTIDUMPING DUTY PROCE-
7	DURES FOR CORE SEASONAL INDUSTRIES.
8	(a) Determination of Industry Support.—Sec-
9	tion $732(e)(4)$ of the Tariff Act of 1930 (19 U.S.C.
10	1673a(c)(4)) is amended—
11	(1) in subparagraph (A)—
12	(A) by redesignating clauses (i) and (ii) as
13	subclauses (I) and (II), and by moving such
14	subclauses, as so redesignated, 2 ems to the
15	right;
16	(B) in the matter preceding subclause (I),
17	as redesignated by subparagraph (A), by strik-
18	ing "behalf of the industry, if—" and inserting
19	the following: "behalf of—
20	"(i) an industry (other than a core
21	seasonal industry), if—";
22	(C) in subclause (II), as redesignated by
23	subparagraph (A), by striking the period at the
24	end and inserting ", or"; and
25	(D) by adding at the end the following:

1 "(ii) a core seasonal industry, if the 2 domestic producers or workers who sup-3 port the petition account for at least 50 4 percent of the total production of the domestic like product in any State or group 6 of States that accounts for at least 50 per-7 cent of total production of the domestic 8 like product during the season or cyclical 9 period of time specified in the petition, determined by averaging production over the 10 11 3 seasons or cyclical periods of time pre-12 ceding the filing of the petition.";

- (2) in subparagraph (B)(i), by inserting "(during the season or cyclical period of time specified in the petition, if applicable)" after "their interests as domestic producers"; and
- (3) in subparagraph (D), in the matter preceding clause (i), by striking "support" and all that follows through "domestic like product" and inserting "industry support in accordance with subparagraph (A)".
- 22 (b) Suspension of Investigations for Extraor-23 Dinary Circumstances.—Section 734(c)(2)(A)(i) of the 24 Tariff Act of 1930 (19 U.S.C. 1673c(c)(2)(A)(i)) is

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inserting "(as defined 1 amended by in section 771(4)(A)(i))" after "domestic industry". 3 (c) Effect of Final Determinations.—Section 735(c)(1) of the Tariff Act of 1930 4 (19 U.S.C. 5 1673d(c)(1)) is amended— (1) by redesignating subparagraph (C) as sub-6 7 paragraph (D); (2) in subparagraph (B)(ii), by striking ", and" 8 9 and inserting a comma; and (3) by inserting after subparagraph (B) the fol-10 11 lowing: "(C) in cases involving dumping that af-12 fects a core seasonal industry solely during a 13 14 specific season or cyclical period of time, the 15 administering authority shall limit the applica-16 tion of any rate determined under subpara-17 graph (B) to that season or cyclical period of 18 time, and".

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