

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.

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## 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

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## 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(c)(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 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(c)(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 do-  
5           mestic 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, de-  
10          termined by averaging production over the  
11          3 seasons or cyclical periods of time pre-  
12          ceding the filing of the petition.”;

13           (2) in subparagraph (B)(i), by inserting “(dur-  
14          ing the season or cyclical period of time specified in  
15          the petition, if applicable)” after “their interests as  
16          domestic producers”; and

17           (3) in subparagraph (D), in the matter pre-  
18          ceding clause (i), by striking “support” and all that  
19          follows through “domestic like product” and insert-  
20          ing “industry support in accordance with subpara-  
21          graph (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

1 amended by inserting “(as defined in section  
2 771(4)(A)(i))” after “domestic industry”.

3 (c) EFFECT OF FINAL DETERMINATIONS.—Section  
4 735(c)(1) of the Tariff Act of 1930 (19 U.S.C.  
5 1673d(c)(1)) is amended—

6 (1) by redesignating subparagraph (C) as sub-  
7 paragraph (D);

8 (2) in subparagraph (B)(ii), by striking “, and”  
9 and inserting a comma; and

10 (3) by inserting after subparagraph (B) the fol-  
11 lowing:

12 “(C) in cases involving dumping that af-  
13 fects a core seasonal industry solely during a  
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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