

117TH CONGRESS  
1ST SESSION

# H. R. 3926

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

JUNE 16, 2021

Mr. BUCHANAN (for himself, Mr. LAWSON of Florida, Mrs. CAMMACK, Mr. WALTZ, Mr. POSEY, Mr. HUIZENGA, Mr. AUSTIN SCOTT of Georgia, Ms. SALAZAR, Mr. GAETZ, Mr. CRIST, Mr. C. SCOTT FRANKLIN of Florida, Ms. WILSON of Florida, Mr. DUNN, Mr. SOTO, Mr. BILIRAKIS, Mr. RUTHERFORD, Mr. DIAZ-BALART, Mr. MAST, Mr. WEBSTER of Florida, Mr. GIMENEZ, Mrs. DEMINGS, Mrs. MURPHY of Florida, Ms. LOIS FRANKEL of Florida, Mr. ALLEN, Ms. WASSERMAN SCHULTZ, Ms. CASTOR of Florida, Mr. DEUTCH, Mr. STEUBE, Mr. DONALDS, Mr. CARTER of Georgia, Mr. UPTON, Mrs. MCCLAIN, and Mr. BERGMAN) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Defending Domestic  
3 Produce Protection Act”.

4 **SEC. 2. DEFINITIONS.**

5 (a) CORE SEASONAL INDUSTRY.—Section 771 of the  
6 Tariff Act of 1930 (19 U.S.C. 1677) is amended by add-  
7 ing at the end the following:

8 “(37) CORE SEASONAL INDUSTRY.—The term  
9 ‘core seasonal industry’ means the producers—

10 “(A) of a domestic like product that is a  
11 raw agricultural product,

12 “(B) whose collective output of the domes-  
13 tic like product constitutes a majority of the  
14 total production of the domestic like product in  
15 any State or group of States that accounts for  
16 a major portion of the total production of the  
17 domestic like product during any discrete sea-  
18 son or cyclical period of time that concludes not  
19 later than 8 weeks after the date in which the  
20 product is harvested, and

21 “(C) that make substantially all of their  
22 sales of the domestic like product during the  
23 season or cyclical period of time described in  
24 subparagraph (B).”.

25 (b) INDUSTRY.—Section 771(4)(A) of the Tariff Act  
26 of 1930 (19 U.S.C. 1677(4)(A)) is amended—

1           (1) by striking “‘industry’ means the pro-  
 2           ducers” and inserting the following: “‘industry’  
 3           means—

4                           “(i) the producers”;

5           (2) by striking the end period and inserting “,  
 6           or”; and

7           (3) by adding at the end the following:

8                           “(ii) a core seasonal industry.”.

9           (c) INTERESTED PARTY.—Section 771(9)(E) of the  
 10          Tariff Act of 1930 (19 U.S.C. 1677(9)(E)) is amended—

11           (1) by striking “association a majority” and in-  
 12          serting the following: “association—

13                           “(i) except as provided in clause (ii),  
 14                           a majority”;

15           (2) by inserting “or” after “States,”; and

16           (3) by adding at the end the following:

17                           “(ii) in the case of a proceeding under  
 18                           this title involving a core seasonal industry,  
 19                           whose members constitute not less than 80  
 20                           percent of the core seasonal industry,”.

21          **SEC. 3. IMPROVEMENTS TO COUNTERVAILING DUTY PRO-**  
 22                           **CEDURES FOR CORE SEASONAL INDUSTRIES.**

23           (a) DETERMINATION OF INDUSTRY SUPPORT.—Sec-  
 24          tion 702(c)(4) of the Tariff Act of 1930 (19 U.S.C.  
 25          1671a(c)(4)) is amended—

1 (1) in subparagraph (A)—

2 (A) by redesignating clauses (i) and (ii) as  
3 subclauses (I) and (II), and by moving such  
4 subclauses, as so redesignated, 2 ems to the  
5 right;

6 (B) in the matter preceding subclause (I),  
7 as redesignated by subparagraph (A), by strik-  
8 ing “behalf of the industry, if—” and inserting  
9 the following: “behalf of—

10 “(i) an industry (other than a core  
11 seasonal industry), if—”;

12 (C) in subclause (II), as redesignated by  
13 subparagraph (A), by striking the period at the  
14 end and inserting “, or”; and

15 (D) by adding at the end the following:

16 “(ii) a core seasonal industry, if the  
17 domestic producers or workers who sup-  
18 port the petition account for at least 50  
19 percent of the total production of the do-  
20 mestic like product in any State or group  
21 of States that accounts for at least 50 per-  
22 cent of total production of the domestic  
23 like product during the season or cyclical  
24 period of time specified in the petition, de-  
25 termined by averaging production over the

1                   3 seasons or cyclical periods of time pre-  
2                   ceding the filing of the petition.”;

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

7                   (3) in subparagraph (D), in the matter pre-  
8                   ceding clause (i), by striking “support” and all that  
9                   follows through “domestic like product” and insert-  
10                  ing “industry support in accordance with subpara-  
11                  graph (A)”.

12                  (b) SUSPENSION OF INVESTIGATIONS FOR EXTRAOR-  
13                  DINARY CIRCUMSTANCES.—Section 704(c)(4)(A)(i) of the  
14                  Tariff Act of 1930 (19 U.S.C. 1671c(c)(4)(A)(i)) is  
15                  amended by inserting “(as defined in section  
16                  771(4)(A)(i))” after “domestic industry”.

17                  (c) EFFECT OF FINAL DETERMINATIONS.—Section  
18                  705(c)(1) of the Tariff Act of 1930 (19 U.S.C.  
19                  1671d(c)(1)) is amended—

20                  (1) by redesignating subparagraph (C) as sub-  
21                  paragraph (D);

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

24                  (3) by inserting after subparagraph (B) the fol-  
25                  lowing:

“(C) in cases involving a countervailable subsidy that affects a core seasonal industry solely during a specific season or cyclical period of time, the administering authority shall limit the application of any rate determined under subparagraph (B) to that season or cyclical period of time, and”.

**SEC. 4. IMPROVEMENTS TO ANTIDUMPING DUTY PROCEDURES FOR CORE SEASONAL INDUSTRIES.**

(a) DETERMINATION OF INDUSTRY SUPPORT.—Section 732(c)(4) of the Tariff Act of 1930 (19 U.S.C. 1673a(c)(4)) is amended—

(1) in subparagraph (A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), and by moving such subclauses, as so redesignated, 2 ems to the right;

(B) in the matter preceding subclause (I), as redesignated by subparagraph (A), by striking “behalf of the industry, if—” and inserting the following: “behalf of—

“(i) an industry (other than a core seasonal industry), if—”;

1 (C) in subclause (II), as redesignated by  
2 subparagraph (A), by striking the period at the  
3 end and inserting “, or”; and

4 (D) by adding at the end the following:

5 “(ii) a core seasonal industry, if the  
6 domestic producers or workers who sup-  
7 port the petition account for at least 50  
8 percent of the total production of the do-  
9 mestic like product in any State or group  
10 of States that accounts for at least 50 per-  
11 cent of total production of the domestic  
12 like product during the season or cyclical  
13 period of time specified in the petition, de-  
14 termined by averaging production over the  
15 3 seasons or cyclical periods of time pre-  
16 ceding the filing of the petition.”;

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

21 (3) in subparagraph (D), in the matter pre-  
22 ceding clause (i), by striking “support” and all that  
23 follows through “domestic like product” and insert-  
24 ing “industry support in accordance with subpara-  
25 graph (A)”.

1 (b) SUSPENSION OF INVESTIGATIONS FOR EXTRAOR-  
 2 DINARY CIRCUMSTANCES.—Section 734(c)(2)(A)(i) of the  
 3 Tariff Act of 1930 (19 U.S.C. 1673c(c)(2)(A)(i)) is  
 4 amended by inserting “(as defined in section  
 5 771(4)(A)(i))” after “domestic industry”.

6 (c) EFFECT OF FINAL DETERMINATIONS.—Section  
 7 735(c)(1) of the Tariff Act of 1930 (19 U.S.C.  
 8 1673d(c)(1)) is amended—

9 (1) by redesignating subparagraph (C) as sub-  
 10 paragraph (D);

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

13 (3) by inserting after subparagraph (B) the fol-  
 14 lowing:

15 “(C) in cases involving dumping that af-  
 16 fects a core seasonal industry solely during a  
 17 specific season or cyclical period of time, the  
 18 administering authority shall limit the applica-  
 19 tion of any rate determined under subpara-  
 20 graph (B) to that season or cyclical period of  
 21 time, and”.

22 **SEC. 5. APPLICATION TO CANADA AND MEXICO.**

23 Pursuant to section 418 of the United States-Mexico-  
 24 Canada Agreement Implementation Act (19 U.S.C. 4588),



- 1 the amendments made by this Act apply with respect to
- 2 goods from Canada and Mexico.

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