

117TH CONGRESS  
1ST SESSION

# S. 2080

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 SENATE OF THE UNITED STATES

JUNE 16, 2021

Mr. RUBIO (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Finance

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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 of 2021”.

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(4)(A) of the Tariff Act  
23 of 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(9)(E) of the  
7 Tariff 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”;

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

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—”;

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

(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”.

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

20 Pursuant to section 418 of the United States-Mexico-  
21 Canada Agreement Implementation Act (19 U.S.C. 4588),  
22 the amendments made by this Act apply with respect to  
23 goods from Canada and Mexico.

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