

115TH CONGRESS
2D SESSION

S. 3510

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 SENATE OF THE UNITED STATES

SEPTEMBER 26, 2018

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

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 “Agricultural Trade Im-
5 provement Act of 2018”.

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(4)(A) (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(9)(E) (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

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”.

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