

[Billing Code 3290-F0]

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Docket Number USTR-2020-0010**

**Hearings Regarding Trade Distorting Policies That May Be Affecting Seasonal and Perishable Products in U.S. Commerce**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of public hearing and request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR) and the Departments of Commerce and Agriculture will convene virtual public hearings to hear firsthand from interested persons on trade distorting policies that may be causing harm to U.S. seasonal and perishable producers (namely, of fresh fruits and vegetables) and contributing to unfair pricing in the U.S. market, and to solicit feedback on how the Administration can better support these producers and redress any unfair harm.

**DATES:**

*Virtual hearing dates:*

August 13, 2020 at 9:00 am EST

August 20, 2020 at 9:00 am EST

*Submission deadlines:*

July 27, 2020 at 11:59 pm EST: Deadline for submission of requests to provide virtual testimony during either hearing.

August 3, 2020 at 11:59 pm EST: Deadline for submission of hearing statements and written comments.

**ADDRESSES:** USTR strongly prefers electronic submissions made through the Federal eRulemaking portal: <http://www.regulations.gov> (Regulations.gov). Follow the instructions for submission in section II below. The docket number is USTR-2020-0010. For alternatives to online submissions, please contact Trey Forsyth in advance of the submission deadline at (202) 395-8583.

**FOR FURTHER INFORMATION CONTACT:** Contact Trey Forsyth at (202) 395-8583 or [Trey.M.Forsyth@ustr.eop.gov](mailto:Trey.M.Forsyth@ustr.eop.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

USTR and the Departments of Commerce and Agriculture will convene public hearings to hear firsthand from interested persons regarding trade-distorting policies that may be affecting seasonal and perishable products in U.S. commerce. The public hearings will be viewable online and USTR will provide information about viewing the hearings before the hearing dates. USTR invites all interested persons to participate in the hearings, but slots to participate may be limited due to time constraints and the number of requests. Unless circumstances warrant otherwise, USTR will process requests to participate and provide testimony at the hearing on a first come, first served basis. Instructions on how to submit a request to participate at the hearing are in section II below.

USTR invites comments and supporting documentation from interested persons on the following issues:

- Trade distorting policies that may be contributing to unfair pricing in the U.S. market and causing harm to U.S. seasonal and perishable producers in U.S. commerce.

- How the Administration can better support these producers and redress unfair harm.

## **II. Hearing Participation - Submission Requirements**

The instructions for submitting requests to participate at the hearings and to make written submissions are the same as those included in the March 10, 2020 *Federal Register* notice (85 FR 13973) (March FRN) announcing hearing dates that were postponed due to COVID-19. Those instructions are included below with new deadlines. Please note the following:

- To ensure that USTR has a correct count of requests to testify, everyone who wants to participate in the virtual hearings in August must submit a request to testify by the July 27, 2020, 11:59 pm EST deadline. This applies to those who submitted a request to participate pursuant to the March FRN. If you submitted a request to testify pursuant to the March FRN but do not want to testify virtually at an August hearing, you do not need to take any further action.
- You do not have to resubmit written submissions that you submitted in response to the March FRN. You can update or supplement a prior submission, by following the instructions for written statements below.
- All parties who would like to provide testimony during either hearing must submit a request to do so by the July 27, 2020, 11:59 pm EST deadline.
- All parties who wish to testify also must submit the statement they intend to present at the hearing by the August 3, 2020, 11:59 pm EST deadline. Remarks at the hearing will be limited to five minutes, and might be further limited if circumstances warrant, to allow adequate time for questions from the panel.

- As noted above, USTR will process requests to participate and provide testimony at the hearing on a first come, first served basis unless circumstances warrant otherwise. If you submit a request to participate by the July 27, 2020 deadline, USTR will notify you as soon as practicable whether or not you have been selected to participate in the virtual hearings. If selected, USTR will provide further details and instructions on procedures for participating virtually. USTR will consider all written statements submitted by the August 3, 2020 deadline.
- Interested parties who do not want to testify virtually at either hearing may still submit written comments for consideration by the August 3, 2020 deadline.

To submit a request to provide testimony virtually, go to [www.regulations.gov](http://www.regulations.gov).

To make a submission via Regulations.gov, enter docket number USTR-2020-0010 in the ‘search for’ field on the home page and click ‘search.’ The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ‘notice’ under ‘document type’ in the ‘filter results by’ section on the left side of the screen and click on the link entitled ‘comment now.’ In the “comment” field on the next page, identify the hearing at which you would like to testify and provide the full name, address, email address, and telephone number of the person who wishes to present the testimony. Parties who submit requests to testify without identifying a preferred date will be assigned a date to the extent there is availability and unless circumstances warrant otherwise.

To submit a written statement, the Regulations.gov website allows users to provide comments by filling in a ‘type comment’ field or by attaching a document using the ‘upload file(s)’ field. USTR prefers that you provide submissions in an attached

document. The file name should include the name of the person who will be presenting the testimony, or if not testifying, the name of the person submitting the statement. The name of the presenter also should be clear in the content of the file itself. All submissions must be in English and be prepared in (or be compatible with) Microsoft Word (.doc) or Adobe Acrobat (.pdf) formats. Include any data attachments to the submission in the same file as the submission itself, and not as separate files.

For additional information on using the Regulations.gov website, please consult the resources provided on the website by clicking on ‘how to use this site’ on the left side of the home page.

You must clearly designate business confidential information (BCI) by marking the submission ‘BUSINESS CONFIDENTIAL’ at the top and bottom of the cover page and each succeeding page, and indicating, via brackets, the specific information that is confidential. A submitter requesting that USTR treat information in a submission as BCI must certify that the information is business confidential and would not customarily be released to the public by the submitter. You must include ‘business confidential’ in the ‘type comment’ field, and must add ‘business confidential’ to the end of your file name for any attachments. For any submission containing BCI, you also must attach a separate non-confidential version (*i.e.*, not as part of the same submission with the BCI version), indicating where confidential information has been redacted. USTR will place the non-confidential version in the docket and it will be available for public inspection. USTR may not accept BCI submissions that do not have the required markings, or are not accompanied by a properly marked non-confidential version, and may consider the submission to be a public document.

Submissions responding to this notice, except for information granted BCI status, will be available for public viewing at Regulations.gov upon completion of processing. You can view submissions by entering docket number USTR-2020-0010 in the search field at Regulations.gov.

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Office of the United States Trade Representative.