

118TH CONGRESS
1ST SESSION

S. 1652

To amend the Agricultural Trade Act of 1978 to preserve foreign markets for goods using common names, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2023

Mr. THUNE (for himself, Ms. BALDWIN, Mr. MARSHALL, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agricultural Trade Act of 1978 to preserve foreign markets for goods using common names, 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 “Safeguarding Amer-
5 ican Value-added Exports Act of 2023” or the “SAVE Act
6 of 2023”.

1 **SEC. 2. PRESERVING FOREIGN MARKETS FOR GOODS**
 2 **USING COMMON NAMES.**

3 (a) DEFINITIONS.—Section 102 of the Agricultural
 4 Trade Act of 1978 (7 U.S.C. 5602) is amended—

5 (1) in the matter preceding paragraph (1), by
 6 striking “As used in this Act—” and inserting “In
 7 this Act:”;

8 (2) by redesignating paragraphs (2) through
 9 (8) as paragraphs (3), (5), (6), (7), (8), (9), and
 10 (4), respectively, and reordering accordingly;

11 (3) by inserting after paragraph (1) the fol-
 12 lowing:

13 “(2) COMMON NAME.—

14 “(A) IN GENERAL.—The term ‘common
 15 name’ means a name that, as determined by the
 16 Secretary—

17 “(i) is ordinarily or customarily used
 18 for an agricultural commodity or food
 19 product;

20 “(ii) is typically placed on the pack-
 21 aging and product label of the agricultural
 22 commodity or food product;

23 “(iii) with respect to wine—

24 “(I) is—

1 “(aa) ordinarily or custom-
 2 arily used for a wine grape vari-
 3 etal name; or

4 “(bb) a traditional term or
 5 expression that is typically placed
 6 on the packaging and label of the
 7 wine; and

8 “(II) does not mean any appella-
 9 tion of origin for wine listed in sub-
 10 part C of part 9 of title 27, Code of
 11 Federal Regulations (or successor reg-
 12 ulations); and

13 “(iv) the use of which is consistent
 14 with standards of the Codex Alimentarius
 15 Commission.

16 “(B) CONSIDERATIONS.—In making a de-
 17 termination under subparagraph (A), the Sec-
 18 retary may take into account—

19 “(i) competent sources, such as dic-
 20 tionaries, newspapers, professional journals
 21 and literature, and information posted on
 22 websites that are determined by the Sec-
 23 retary to be reliable in reporting market
 24 information;

1 “(ii) the use of the common name in
 2 a domestic, regional, or international prod-
 3 uct standard, including a standard promul-
 4 gated by the Codex Alimentarius Commis-
 5 sion, for the agricultural commodity or
 6 food product; and

7 “(iii) the ordinary and customary use
 8 of the common name in the production or
 9 marketing of the agricultural commodity or
 10 food product in the United States or in
 11 other countries.”; and

12 (4) in paragraph (7) (as so redesignated), in
 13 subparagraph (A)—

14 (A) in clause (v), by striking “or” at the
 15 end;

16 (B) in clause (vi), by striking the period at
 17 the end and inserting “; or”; and

18 (C) by adding at the end the following:

19 “(vii) prohibits or disallows the use of
 20 the common name of an agricultural com-
 21 modity or food product of the United
 22 States.”.

23 (b) NEGOTIATIONS TO DEFEND USE OF COMMON
 24 NAMES.—Title III of the Agricultural Trade Act of 1978

1 (7 U.S.C. 5652 et seq.) is amended by adding at the end
2 the following:

3 **“SEC. 303. NEGOTIATIONS TO DEFEND THE USE OF COM-**
4 **MON NAMES.**

5 “(a) IN GENERAL.—The Secretary shall coordinate
6 efforts with the United States Trade Representative to se-
7 cure the right of United States agricultural producers,
8 processors, and exporters to use common names for agri-
9 cultural commodities or food products in foreign markets
10 through the negotiation of bilateral, plurilateral, or multi-
11 lateral agreements, memoranda of understanding, or ex-
12 changes of letters that assure the current and future use
13 of each common name identified by the Secretary in con-
14 nection with United States agricultural commodities or
15 food products.

16 “(b) REPORT.—The Secretary and the United States
17 Trade Representative shall submit to Congress a report
18 every 2 years regarding efforts and successes in carrying
19 out subsection (a).”.

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