118TH CONGRESS
1ST SESSION

S.

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

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safeguarding American Value-Added Exports Act of 2023” or the “SAVE Act of 2023”.

1
2
3
4
5
6
SEC. 2. PRESERVING FOREIGN MARKETS FOR GOODS USING COMMON NAMES.

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

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

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

(3) by inserting after paragraph (1) the following:

“(2) COMMON NAME.—

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

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

“(ii) is typically placed on the packaging and product label of the agricultural commodity or food product;

“(iii) with respect to wine—

“(I) is—
“(aa) ordinarily or custom-arily used for a wine grape varietal name; or

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

“(II) does not mean any appellation of origin for wine listed in sub-part C of part 9 of title 27, Code of Federal Regulations (or successor regulations); and

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

“(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Secretary may take into account—

“(i) competent sources, such as dictionaries, newspapers, professional journals and literature, and information posted on websites that are determined by the Secretary to be reliable in reporting market information;
“(ii) the use of the common name in a domestic, regional, or international product standard, including a standard promulgated by the Codex Alimentarius Commission, for the agricultural commodity or food product; and

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

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

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

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

(C) by adding at the end the following:

“(vii) prohibits or disallows the use of the common name of an agricultural commodity or food product of the United States.”.

(b) Negotiations to Defend Use of Common Names.—Title III of the Agricultural Trade Act of 1978
(7 U.S.C. 5652 et seq.) is amended by adding at the end the following:

“SEC. 303. NEGOTIATIONS TO DEFEND THE USE OF COMMON NAMES.

“(a) IN GENERAL.—The Secretary shall coordinate efforts with the United States Trade Representative to secure the right of United States agricultural producers, processors, and exporters to use common names for agricultural commodities or food products in foreign markets through the negotiation of bilateral, plurilateral, or multilateral agreements, memoranda of understanding, or exchanges of letters that assure the current and future use of each common name identified by the Secretary in connection with United States agricultural commodities or food products.

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