

118TH CONGRESS  
1ST SESSION

# H. R. 3423

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Mr. JOHNSON of South Dakota (for himself, Mr. COSTA, Mrs. FISCHBACH, and Mr. PANETTA) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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” or the “SAVE Act”.

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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