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S. 2992

To require the establishment of a joint task force to identify and eliminate barriers to agriculture exports of the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2023

Mr. CASSIDY (for himself, Mrs. HYDE-SMITH, Ms. ERNST, Mr. BOOZMAN, Mr. WICKER, and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require the establishment of a joint task force to identify and eliminate barriers to agriculture exports of the United States.

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 “Prioritizing Offensive
5 Agricultural Disputes and Enforcement Act” or the “Ag
6 Disputes Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Agricultural competitiveness through access
2 to international markets is a vital part of the econ-
3 omy of the United States.

4 (2) A healthy, well-functioning, rules-based
5 trading system is the basis for the success of agri-
6 culture exports of the United States.

7 (3) When foreign governments erect trade bar-
8 riers, that makes it difficult for agricultural export-
9 ers in the United States to compete in the global
10 marketplace and undermines the rules-based trading
11 system.

12 (4) Those trade barriers can harm farmers,
13 ranchers, workers, and businesses in the United
14 States and can also lead to higher prices for con-
15 sumers and a less resilient international trading sys-
16 tem.

17 (5) Dispute settlement is available to the Presi-
18 dent through trade agreements with 163 countries,
19 and there are protectionist trade barriers to agri-
20 culture exports of the United States in many of
21 those countries.

22 (6) Many of those barriers are systemically im-
23 portant. For example, the use by the Government of
24 India of unrestrained price support programs vio-

1 lates the commitments by that government under
2 the World Trade Organization.

3 (7) The Government of India recognizes that its
4 price support programs violate its commitments
5 under the World Trade Organization, so instead of
6 reforming its programs, it has repeatedly demanded
7 an exemption from disputes for those programs.
8 Moreover, the Government of India has tried to pre-
9 vent discussions at the World Trade Organization of
10 any other significant agricultural trade issue unless
11 it gets a permanent exemption from disputes for
12 those programs.

13 (8) The Government of India has repeatedly
14 raised its minimum price supports, which has had
15 negative effects on several commodity markets and
16 most notably has led to its dominance of the global
17 rice trade, with a 40-percent share of the global
18 market since marketing year 2020 through 2021.
19 India is also the world's largest producer of pulses
20 and second largest producer of wheat, peanuts, and
21 cotton.

22 (9) The United States Trade Representative
23 submitted a counter notification at the World Trade
24 Organization in 2023 showing that price supports by
25 the Government of India for rice increased from

1 78.6 percent of the value of production in marketing
2 year 2014 through 2015 to 93.9 percent of the value
3 of production in marketing year 2020 through 2021,
4 compared to the limit at the World Trade Organiza-
5 tion on increased price supports of 10 percent of the
6 value of production. That counter notification also
7 showed price supports by the Government of India
8 for wheat increasing from 77.7 percent to 81.3 per-
9 cent during the same period. Previous counter notifi-
10 cations have shown similar violations by the Govern-
11 ment of India for other commodities. For example,
12 in the marketing year 2016 through 2017, price
13 supports by the Government of Indian were 67.9
14 percent for cotton, 31.7 percent for chickpeas, 41
15 percent for lentils, and 47.4 percent for pulses over-
16 all.

17 (10) Minor attempts to reform the agriculture
18 subsidy system in India in marketing year 2020
19 through 2021 failed to produce results. Reforms en-
20 acted as a result of those attempts would not have
21 changed the policies that violate commitments under
22 the World Trade Organization, but would have
23 merely provided farmers in India with opportunities
24 to sell their products outside of the government-run

1 mandi system, but those reforms were ultimately re-
2 pealed.

3 (11) Dispute settlement is an effective way to
4 provide a neutral assessment of compliance with
5 terms of trade agreements and empower internal re-
6 formers who recognize a problem but have not been
7 able to overcome entrenched resistance.

8 (12) Global agriculture is uniquely susceptible
9 to trade barriers and requires special attention to re-
10 solve myriad systemic and economically significant
11 trade violations that impede the development of a re-
12 silient, sustainable, and rules-based agricultural
13 trading system.

14 **SEC. 3. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

16 (1) the President should accelerate efforts to
17 address foreign trade barriers that harm agriculture
18 exports of the United States;

19 (2) the United States Trade Representative and
20 the Secretary of Agriculture both have a critical role
21 in developing agricultural trade disputes;

22 (3) Congress and the private sector have key
23 roles to play in the development of disputes and ag-
24 ricultural trade enforcement strategy;

1 (4) in the case of price supports by the Govern-
2 ment of India, the President has exhausted other op-
3 tions available through the World Trade Organiza-
4 tion short of requesting consultations under the Dis-
5 pute Settlement Understanding of the World Trade
6 Organization;

7 (5) there should be a plan and definitive dead-
8 lines in place for a request for consultations and es-
9 tablishment of a panel under the Dispute Settlement
10 Understanding;

11 (6) the United States Trade Representative and
12 the Secretary of Agriculture, in consultation with
13 Congress and the private sector, should jointly de-
14 velop a proactive enforcement strategy for address-
15 ing systemic and economically significant trade bar-
16 riers in the agriculture sector; and

17 (7) the Office of the United States Trade Rep-
18 resentative is the lead agency for trade policy of the
19 United States.

20 **SEC. 4. AGRICULTURAL TRADE ENFORCEMENT TASK**
21 **FORCE.**

22 (a) ESTABLISHMENT.—Not later than 30 days after
23 the date of the enactment of this Act, the President shall
24 establish a joint task force to be known as the “Agricul-

1 tural Trade Enforcement Task Force” (in this section re-
2 ferred to as the “Task Force”).

3 (b) MEMBERSHIP.—The Task Force shall be com-
4 prised of the following members:

5 (1) Employees of the Foreign Agricultural Serv-
6 ice of the Department of Agriculture, who shall be
7 appointed by the Under Secretary of Agriculture for
8 Trade and Foreign Agricultural Affairs.

9 (2) Employees of the Office of the United
10 States Trade Representative, who shall—

11 (A) be appointed by the General Counsel
12 and the Chief Agricultural Negotiator; and

13 (B) have appropriate expertise in agricul-
14 tural trade policy and trade enforcement.

15 (3) Employees from other Federal agencies as
16 determined by the United States Trade Representa-
17 tive or the Secretary of Agriculture.

18 (c) DUTIES.—

19 (1) IN GENERAL.—The Task Force shall—

20 (A) identify trade barriers to agriculture
21 exports of the United States that are vulnerable
22 to dispute settlement under the World Trade
23 Organization or other trade agreements to
24 which the United States is a party;

1 (B) develop and implement a strategy for
2 enforcing violations of trade agreements related
3 to those trade barriers;

4 (C) identify like-minded trading partners
5 that could act as co-complainants or primary
6 complainants on disputes relating to specific
7 trade barriers that are systemically or economi-
8 cally important to the United States; and

9 (D) report to Congress pursuant to sub-
10 section (d).

11 (2) CONSULTATION.—In carrying out the duties
12 under paragraph (1), the Task Force shall regularly
13 consult, to the extent necessary and appropriate,
14 with the following:

15 (A) Relevant stakeholders in the private
16 sector, including the agricultural trade advisory
17 committees.

18 (B) Federal agencies that are not rep-
19 resented on the Task Force.

20 (C) Like-minded trading partners that are
21 similarly concerned with trade barriers and are
22 potential participants in a dispute settlement
23 process.

24 (d) REPORTS.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, and not less
3 frequently than quarterly thereafter, the Task Force
4 shall submit to Congress a report on the progress of
5 the Task Force in identifying and addressing trade
6 barriers to agriculture exports of the United States.

7 (2) ELEMENTS.—Each report submitted under
8 paragraph (1) shall include the following:

9 (A) The systemic and economically signifi-
10 cant trade barriers that have been identified by
11 the Task Force.

12 (B) A justification for including those
13 trade barriers in the report.

14 (C) The progress that has been made in
15 developing dispute settlement cases and an as-
16 sessment of whether further information is re-
17 quired.

18 (D) The current status of ongoing disputes
19 and the implementation of panel decisions, arbi-
20 tration decisions, or decisions by the Appellate
21 Body of the World Trade Organization.

22 (3) CONFIDENTIAL INFORMATION.—

23 (A) IN GENERAL.—The Task Force shall
24 remove from each report submitted under para-

1 graph (1) any information determined by the
2 Task Force to be confidential.

3 (B) BRIEFING.—For each report required
4 to be submitted under paragraph (1), the
5 United States Trade Representative and the
6 Secretary of Agriculture shall provide to mem-
7 bers of Congress, congressional staff, and
8 cleared advisors a briefing on the information
9 determined by the Task Force to be confidential
10 and removed from the report pursuant to sub-
11 paragraph (A).

12 (e) CONSULTATIONS WITH INDIA.—

13 (1) IN GENERAL.—The Task Force shall in-
14 clude as part of the first report required under sub-
15 section (d)(1) a plan for filing a request for con-
16 sultations under the World Trade Organization with
17 respect to the price supports implemented by the
18 Government of India with respect to agricultural
19 products, which shall include other members of the
20 World Trade Organization that have been identified
21 and approached as potential co-complainants.

22 (2) ELEMENTS.—The plan required under
23 paragraph (1) shall include—

24 (A) specific claims that the United States
25 Trade Representative intends to make during

1 the consultations requested pursuant to the
2 plan; and

3 (B) a timeline for—

4 (i) requesting those consultations; and

5 (ii) requesting the establishment of a
6 panel under the World Trade Organization
7 in the event that the Government of India
8 fails to provide a satisfactory path to com-
9 pliance by the date that is 60 days after
10 the date of receipt of the request for con-
11 sultations.

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