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H. R. 5790

To provide for the establishment of a task force to identify trade barriers to United States agricultural exports and carry out other related duties.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2023

Mr. CRAWFORD (for himself, Mr. HIGGINS of Louisiana, Mr. CARTER of Louisiana, Mr. LUCAS, Mr. AUSTIN SCOTT of Georgia, Mr. KELLY of Mississippi, Mr. MANN, Mr. ALFORD, Ms. LETLOW, and Mr. FEENSTRA) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To provide for the establishment of a task force to identify trade barriers to United States agricultural exports and carry out other related duties.

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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

7 (3) When foreign governments erect trade bar-
8 riers this makes it difficult for United States agri-
9 cultural exporters to compete in the global market-
10 place while undermining the rules-based trading sys-
11 tem.

12 (4) These trade barriers can harm United
13 States farmers, ranchers, workers, and businesses,
14 and they 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 through
18 trade agreements with 163 other countries and there
19 are protectionist trade barriers to United States ag-
20 ricultural exports in many of these countries.

21 (6) Many of these barriers are systemically im-
22 portant. For example, India's unrestrained use of
23 price support programs violates its commitments
24 under the World Trade Organization (WTO).

1 (7) India recognizes that its price support pro-
2 grams violate its WTO commitments, so instead of
3 reforming its programs, it has repeatedly demanded
4 a permanent exemption from disputes for these pro-
5 grams. Moreover, India has tried to prevent discus-
6 sions at the WTO of any other significant agricul-
7 tural trade issue unless it receives such a permanent
8 exemption.

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

18 (9) The United States Trade Representative
19 submitted a counter notification at the World Trade
20 Organization in 2023 showing that price supports by
21 the Government of India for rice increased from
22 78.6 percent of the value of production in marketing
23 year 2014 through 2015 to 93.9 percent of the value
24 of production in marketing year 2020 through 2021,
25 compared to the limit at the World Trade Organiza-

1 tion on increased price supports of 10 percent of the
2 value of production. That counter notification also
3 showed price supports by the Government of India
4 for wheat increasing from 77.7 percent to 81.3 per-
5 cent during the same period. Previous counter notifi-
6 cations have shown similar violations by the govern-
7 ment of India for other commodities. For example,
8 in the 2016/17 marketing year, the support level was
9 67.9 percent for cotton, 31.7 percent for chickpeas,
10 41 percent for lentils, and 47.4 percent for pulses
11 overall.

12 (10) Minor attempts to reform the Indian agri-
13 culture subsidy system in the marketing year 2020/
14 2021 failed to produce results. The enacted reforms
15 would not have changed the policies that violate
16 WTO commitments but would have merely provided
17 farmers with opportunities to sell their products out-
18 side of the government-run “mandi” system, but
19 those were ultimately repealed.

20 (11) Dispute settlement is an effective way to
21 provide a neutral assessment of compliance with
22 trade agreement terms and empower internal re-
23 formers who recognize a problem but have not been
24 able to overcome entrenched resistance.

1 (12) Global agriculture is uniquely susceptible
2 to trade barriers and requires special attention to re-
3 solve myriad systemic and economically significant
4 trade violations that impede the development of a re-
5 silient, sustainable, and rules-based agricultural
6 trading system.

7 **SEC. 3. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) the United States should accelerate efforts
10 to address foreign trade barriers that harm United
11 States agricultural exports;

12 (2) the Office of the United States Trade Rep-
13 resentative and the Department of Agriculture both
14 have a critical role in developing agricultural trade
15 disputes;

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

19 (4) in the case of India’s minimum price sup-
20 ports, the United States has exhausted other options
21 available through the World Trade Organization
22 short of requesting consultations under the Dispute
23 Settlement Understanding (DSU);

1 (5) there should be a plan and definitive dead-
 2 lines in place for a request for consultations and es-
 3 tablishment of a panel under the DSU;

4 (6) the Office of the United States Trade Rep-
 5 resentative and the Department of Agriculture
 6 should jointly develop a proactive enforcement strat-
 7 egy for addressing systemic and economically signifi-
 8 cant trade barriers in the agriculture sector, in con-
 9 sultation with Congress and the private sector; and

10 (7) the Office of the United States Trade Rep-
 11 resentative is the lead agency for United States
 12 trade policy.

13 **SEC. 4. AGRICULTURAL TRADE ENFORCEMENT TASK**
 14 **FORCE.**

15 (a) ESTABLISHMENT.—Not later than 30 days after
 16 the date of the enactment of this Act, the President shall
 17 establish a joint task force to be known as the “Agricul-
 18 tural Trade Enforcement Task Force” (referred to in this
 19 section as the “Task Force”).

20 (b) DUTIES.—

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

22 (A) identify trade barriers to United States
 23 agricultural exports that are vulnerable to dis-
 24 pute settlement under the World Trade Organi-
 25 zation (WTO) or other trade agreements;

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

4 (C) identify like-minded trading partners
5 for specific trade barriers that could act as co-
6 complainants or primary complainants on dis-
7 putes that are systemically or economically im-
8 portant to the United States; and

9 (D) report quarterly to Congress on
10 progress towards resolving cases or filing dis-
11 putes.

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

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

19 (B) Federal departments and agencies that
20 are not represented on the Task Force.

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

25 (c) MEMBERSHIP.—

1 (1) IN GENERAL.—The Task Force shall be
2 comprised of the following members:

3 (A) One or more employees of the Foreign
4 Agricultural Service, who shall be appointed by
5 the Under Secretary for Trade and Foreign Ag-
6 ricultural Affairs.

7 (B) One of more employees of the Office of
8 the United States Trade Representative, who
9 shall be appointed jointly by the General Coun-
10 sel for the Office of the United States Trade
11 Representative and the Chief Agricultural Ne-
12 gotiator.

13 (C) One or more employees of other Fed-
14 eral agencies as needed, who shall be appointed
15 jointly by the officials specified in subpara-
16 graphs (A) and (B).

17 (2) QUALIFICATION.—Employees of the Federal
18 agencies specified in subparagraphs (A), (B), and
19 (C) of paragraph (1) may be appointed as members
20 of the Task Force only if such employees have ap-
21 propriate expertise in agricultural trade policy and
22 trade enforcement.

23 (d) REPORT.—

24 (1) IN GENERAL.—Not later than 90 days after
25 the date of the enactment of this Act, and on a

1 quarterly basis thereafter, the Task Force shall sub-
2 mit to Congress a report on its progress in identi-
3 fying and addressing trade barriers to United States
4 agricultural exports.

5 (2) MATTERS TO BE INCLUDED.—The report
6 required by this subsection shall include the fol-
7 lowing:

8 (A) A description of the systemic and eco-
9 nomically significant trade barriers that have
10 been identified.

11 (B) A justification for including the identi-
12 fied trade barriers.

13 (C) A description of the progress that has
14 been made in developing dispute settlement
15 cases and further information that is required.

16 (D) The current status of ongoing disputes
17 at the WTO and implementation of panel, arbi-
18 tration, or Appellate Body decisions.

19 (3) ADDITIONAL MATTERS TO BE INCLUDED IN
20 INITIAL REPORT.—The initial report required by this
21 subsection shall, in addition to the matters described
22 in subparagraph (A), (B), (C), and (D) of paragraph
23 (2), include a plan to file a request under the WTO
24 dispute settlement process for consultations to ad-

1 dress India's minimum price supports. The plan
2 shall include—

3 (A) an identification of like-minded trading
4 partners that could act as co-complainants or
5 primary complainants with respect to the re-
6 quest;

7 (B) a description of specific claims the
8 United States intends to make with respect to
9 the request; and

10 (C) a timeline to—

11 (i) request consultations; and

12 (ii) request the establishment of a
13 panel not later than 60 days after the date
14 of the request for consultations if India
15 does not provide assurances that it will ad-
16 dress its minimum price supports.

17 (e) CONGRESSIONAL BRIEFINGS.—The United States
18 Trade Representative and the Secretary of Agriculture
19 shall provide briefings on the Task Force to appropriate
20 Members of Congress and congressional staff.

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