

119TH CONGRESS
1ST SESSION

H. R. 2393

To place a duty on imported Australian Wagyu beef and to establish a reciprocal trade agreement between the United States and Australia as it concerns wagyu beef.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2025

Mr. STUTZMAN introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To place a duty on imported Australian Wagyu beef and
to establish a reciprocal trade agreement between the
United States and Australia as it concerns wagyu beef.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SEC. 1. SHORT TITLE.**

4 This Act may be cited as the “Protect American Beef
5 Act.”

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Wagyu is a breed of cattle from Japan.

1 (2) Today over 20 countries around the world
2 raise Wagyu based upon these foundation animals
3 exported to the United States from Japan.

4 (3) The Wagyu industry is growing significantly
5 in the United States.

6 (4) The United States is the world's largest
7 consumer of beef and an estimated 10 percent of the
8 beef produced in the United States achieves the
9 highest USDA grade of Prime.

10 (5) The American Wagyu Association is the
11 breed society for Wagyu in the United States with
12 over 1,800 members who primarily raise Wagyu for
13 the United States market.

14 (6) There is a significant growth opportunity in
15 the United States to meet consumer demand for
16 Wagyu but unfortunately Australia has an unfair
17 competitive advantage and is a dangerous threat to
18 Wagyu producers in the United States.

19 (7) Based on the United States trade agree-
20 ment with Australia, Australia is able to export their
21 beef to the United States based on an annual quota
22 of 680,000 metric tons of which 63,000 metric tons
23 are Wagyu—this agreement does not allow the
24 United States to export to Australia.

1 (8) A reciprocal trade agreement needs to be
2 implemented.

3 (9) Based on the United States/Australia cur-
4 rency exchange rate, the Australian dollar is valued
5 at approximately 35 percent less than the United
6 States dollar and therefore Australia can export its
7 Wagyu to the United States at a 35 percent dis-
8 count. This 35 percent discount applies to Wagyu
9 meat, semen and embryo sales. This 35 percent dis-
10 count puts the American Wagyu producer at an ex-
11 tremely uncompetitive financial disadvantage.

12 (10) The United States Government should im-
13 plement a 70 percent tariff on Wagyu meat, semen
14 and conventional embryos imported from Australia.
15 This is necessary to create a competitive balance.
16 (IVF embryos cannot currently be exported to the
17 United States and despite Australia's recent request,
18 it should be kept that way.)

19 (11) Based on public information produced by
20 Australia, they are targeting the United States
21 Wagyu market aggressively as they realize they have
22 a one-sided trade agreement and a significant finan-
23 cial advantage. From January 2024 to January
24 2025 Australia exported 63,000 metric tons of
25 Wagyu (representing 250,000 head) to the United

1 States capturing 48 percent of the United States
2 Wagyu market and 70 percent of the Wagyu food
3 service (restaurant) market. Simply, every pound of
4 Australian Wagyu exported to America takes away
5 a pound of Wagyu which could be sold by an Amer-
6 ican Wagyu produce.

7 **SEC. 3. AUTHORITY TO TAKE CERTAIN ACTIONS RELATING**
8 **TO RECIPROCAL TRADE.**

9 (a) IN GENERAL.—If the President determines
10 that—

11 (1) the rate of duty imposed by Australia with
12 respect to wagyu beef, when imported from the
13 United States, is significantly higher than the rate
14 of duty imposed by the United States on that wagyu
15 beef products, when imported from that country, or

16 (2) the nontariff barriers applied by Australia
17 with respect to a wagyu, when imported from the
18 United States, impose significantly higher burdens,
19 alone or in combination with any tariffs imposed by
20 that country on that good, than the burdens of the
21 nontariff barriers applied by the United States with
22 respect to that wagyu beef product, alone or in com-
23 bination with any tariffs imposed by the United
24 States on that wagyu beef product, when imported
25 from that country,

1 the President may take one or more of the actions author-
2 ized under subsection (b).

3 (b) ACTIONS AUTHORIZED.—The actions authorized
4 under this subsection are the following:

5 (1) To negotiate and seek to enter into an
6 agreement with the Australia that commits the
7 country to reduce the rate of duty or reduce or
8 eliminate nontariff barriers on the wagyu beef that
9 is the subject of the determination under subsection
10 (a).

11 (2) To impose a rate of duty on imports of the
12 wagyu beef that is equal to—

13 (A) the rate of duty imposed by the foreign
14 country with respect to the wagyu beef product,
15 in the case of a determination described in sub-
16 section (a)(1); or

17 (B) the effective rate of duty of the non-
18 tariff barriers applied by Australia with respect
19 to the good, alone or in combination with any
20 tariffs imposed by that country on that wagyu
21 beef product, in the case of a determination de-
22 scribed in subsection (a)(2).

23 (c) FACTORS.—In taking an action authorized under
24 subsection (b), the President shall consider the following
25 factors:

1 (1) The tariff classification of the wagyu beef
2 products by the United States and the tariff classi-
3 fication of wagyu beef by the Australia.

4 (2) The rate of duty applied by the United
5 States with respect to the wagyu beef product and
6 the rate of duty applied by Australia with respect to
7 the Wagyu beef.

8 (3) The physical characteristics of the wagyu
9 beef.

10 (4) The end uses and existence of a competitive
11 relationship between the wagyu beef import—

12 (A) as exported from the United States to
13 the foreign country; and

14 (B) as imported from the country to the
15 United States.

16 (5) The level of exports of the wagyu by the
17 country to the United States and to Australia.

18 (6) In the case of a determination described in
19 subsection (a)(1), the extent to which the rate of
20 duty applied by Australia with respect to wagyu beef
21 products is impeding or distorting trade.

22 (7) In the case of a determination described in
23 subsection (a)(2)—

24 (A) the extent of the nontariff barriers ap-
25 plied by the Australia with respect to wagyu

1 beef, and the extent of the nontariff barriers
2 applied by the United States with respect to the
3 wagyu beef products;

4 (B) the extent to which the nontariff bar-
5 riers applied by Australia with respect to the
6 wagyu beef, alone or in combination with any
7 tariffs imposed by that country on that good,
8 are impeding or distorting trade;

9 (C) the identified purpose of the nontariff
10 barriers applied by Australia with respect to the
11 wagyu beef, if any, and the extent to which the
12 nontariff barriers are more restrictive than nec-
13 essary to meet that purpose; and

14 (D) the degree of transparency of the proc-
15 ess by which Australia adopted the nontariff
16 barriers.

17 (8) Other factors, as the President determines
18 appropriate.

19 (d) ROLE OF USTR.—The United States Trade Rep-
20 resentative, in consultation with the Secretary of Treas-
21 ury, the Secretary of Commerce, and the heads of other
22 relevant Federal agencies, shall advise the President in de-
23 termining the effective rate of duty imposed by the non-
24 tariff barriers applied by Australia with respect to wagyu

1 beef, in the case of a determination described in subsection
2 (a)(2).

3 (e) LOWER RATE OF DUTY.—The President may im-
4 pose a rate of duty on imports of a wagyu beef products
5 from Australia that is lower than the rate of duty de-
6 scribed in subsection (b)(2)(A) or lower than the effective
7 rate of duty described in subsection (b)(2)(B), as the case
8 may be, if the President determines that application of
9 such lower rate of duty is necessary and appropriate.

10 (f) HIGHER RATE OF DUTY.—If the President im-
11 poses a rate of duty on imports of wagyu beef products
12 from Australia under subsection (b)(2), and Australia fur-
13 ther increases its rate of duty on imports of the wagyu
14 from the United States, the President may further in-
15 crease the rate of duty on imports of the wagyu beef from
16 Australia to a rate that is equal to the rate of duty applied
17 by that Australia.

18 (g) TERMINATION.—The President shall terminate
19 the imposition of any increase in the rate of duty on im-
20 ports of wagyu beef products from a Australia under sub-
21 section (b)(2) effective on the date on which the President
22 determines that—

23 (1) Australia is no longer—

1 (A) imposing a rate of duty with respect to
2 the wagyu beef products, as described in sub-
3 section (a)(1); or

4 (B) applying nontariff barriers with re-
5 spect to the wagyu beef products, as described
6 in subsection (a)(2); or

7 (2) continued imposition of the increased rate
8 of duty on imports of the wagyu beef products from
9 the foreign country is not in the economic or public
10 interest of the United States.

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