

106TH CONGRESS
2D SESSION

H. R. 4478

To exempt certain small businesses from the increased tariffs and other retaliatory measures imposed against products of the European Union in response to the banana regime of the European Union and its treatment of imported bovine meat, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2000

Mr. MENENDEZ (for himself, Mr. SANFORD, Mr. DAVIS of Illinois, Ms. WATERS, Mrs. CHRISTENSEN, Mr. WYNN, and Mr. DELAHUNT) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To exempt certain small businesses from the increased tariffs and other retaliatory measures imposed against products of the European Union in response to the banana regime of the European Union and its treatment of imported bovine meat, 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 “Small Business Trade
5 Protection Act”.

1 **SEC. 2. EXEMPTION OF CERTAIN SMALL BUSINESS FROM**
2 **INCREASED TARIFFS ON CERTAIN PROD-**
3 **UCTS.**

4 Notwithstanding any other provision of law, an
5 importer—

6 (1) of goods of the European Union that are
7 subject to increased tariffs pursuant to the an-
8 nouncements of the United States Trade
9 Representative—

10 (A) on March 3, 1999, in response to the
11 banana regime of the European Union, and

12 (B) on March 22, 1999, in response to the
13 ban by the European Union on imports of beef
14 from the United States that has been treated
15 with scientifically proven safe hormones, or

16 (2) of goods that are subject to any other in-
17 creased tariffs or other import restrictions imposed
18 by the United States against a country or countries
19 pursuant to a decision of the World Trade Organiza-
20 tion in favor of the United States in a dispute
21 against another country or other countries,

22 shall be exempt, to the extent provided in section 3, from
23 such increases or import restrictions if the importer had
24 fewer than 100 employees during the 2 calendar quarters
25 preceding the beginning of the calendar year in which the
26 exemption applies.

1 **SEC. 3. LIMITATION ON EXEMPTION.**

2 The exemption under section 2 shall apply to an im-
3 porter in a calendar year for that quantity of an article
4 which does not exceed 125 percent of the quantity of the
5 same article that is a product of—

6 (1) the European Union, in the case of tariffs
7 described in paragraph (1) of section 2, or

8 (2) the country or countries concerned, in a
9 case to which paragraph (2) of section 2 applies,
10 and was imported by that importer during the preceding
11 calendar year.

12 **SEC. 4. REBATES TO SMALL BUSINESSES OF ADDITIONAL**
13 **TARIFFS.**

14 (a) **ELIGIBLE SMALL BUSINESS OWNERS.**—Any im-
15 porter who—

16 (1) before the enactment of this Act, incurred
17 losses amounting to 50 percent or more of their rev-
18 enues as a result of paying increased tariffs pursu-
19 ant to the announcements of the United States
20 Trade Representative described in subparagraphs
21 (A) and (B) of section 2(1), and

22 (2) had fewer than 100 employees in any cal-
23 endar quarter in which such increased tariffs were
24 paid,

25 shall be eligible for the rebate described in subsection (b).

1 (b) REBATE.—An importer eligible for a rebate under
2 this subsection shall be paid an amount equal to the in-
3 crease in tariffs the importer paid pursuant to the an-
4 nouncements of the United States Trade Representative
5 described in subparagraphs (A) and (B) of section 2(1).

6 (c) ADMINISTRATION BY SECRETARY OF THE TREAS-
7 URY.—

8 (1) DETERMINATION OF ELIGIBILITY.—The
9 Secretary of the Treasury shall determine the eligi-
10 bility of importers for the rebate under this section.

11 (2) REGULATIONS.—The Secretary of the
12 Treasury shall issue regulations setting forth the
13 procedures for applying for a rebate under this sec-
14 tion.

15 (3) STANDARD.—The Secretary of the Treasury
16 shall determine that an importer is eligible for a re-
17 bate under this section if the importer presents a
18 reasonable basis for a determination that losses in-
19 curred are as a result of the increased tariffs.

20 (4) PAYMENT.—The Secretary of the Treasury
21 shall pay to eligible importers the amount of the re-
22 bate for which they are eligible.

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