

117TH CONGRESS
2D SESSION

H. R. 6854

To clarify the treatment of drawback on distilled spirits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2022

Mr. YARMUTH (for himself and Mr. WOMACK) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To clarify the treatment of drawback on distilled spirits,
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 “Duty Drawback Clari-
5 fication Act”.

6 **SEC. 2. CLARIFICATION OF TREATMENT OF DRAWBACK ON**
7 **DISTILLED SPIRITS.**

8 (a) TAX TREATMENT OF DESTROYED SPIRITS.—Sec-
9 tion 5008(b) of the Internal Revenue Code of 1986 is
10 amended—

1 (1) by striking “The proprietor” and inserting
2 the following:

3 “(1) IN GENERAL.—The proprietor”; and

4 (2) by adding at the end the following:

5 “(2) PROHIBITION ON DUTY DRAWBACK.—The
6 destruction of distilled spirits under paragraph (1)
7 may not be used as the basis for a claim for draw-
8 back under section 313 of the Tariff Act of 1930
9 (19 U.S.C. 1313).”.

10 (b) SUBSTITUTION DRAWBACK FOR WHISKEY.—Sec-
11 tion 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j))
12 is amended by adding at the end the following:

13 “(7) In the case of whiskey classifiable under
14 subheading 2208.30 of the HTS, this subsection
15 shall be applied and administered—

16 “(A) by substituting ‘6-digit HTS sub-
17 heading number’ for ‘8-digit HTS subheading
18 number’ each place it appears; and

19 “(B) in paragraph (6)(A), by substituting
20 ‘6 digits’ for ‘8 digits’.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect and apply to drawback claims
23 filed upon or after the date of enactment of this Act.

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