

105TH CONGRESS
2^D SESSION

H. R. 3422

To amend the Tariff Act of 1930 with respect to drawback for finished petroleum derivatives.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1998

Mr. SAM JOHNSON of Texas introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Tariff Act of 1930 with respect to drawback for finished petroleum derivatives.

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. SUBSTITUTION OF FINISHED PETROLEUM DE-**
4 **RIVATIVES.**

5 (a) IN GENERAL.—Section 313(p)(1) of the Tariff
6 Act of 1930 (19 U.S.C. 1313(p)(1)) is amended in the
7 matter following subparagraph (C) by striking “of the du-
8 ties paid on, or attributable to,” and inserting “described
9 in subparagraph (A) or (B) of paragraph (4) that is at-
10 tributable to”.

1 (b) REQUIREMENTS.—Section 313(p)(2)(A)(iv) of
2 such Act (19 U.S.C. 1313(p)(2)(A)(iv)) is amended by
3 striking “an imported” and inserting “the”.

4 (c) QUALIFIED ARTICLE DEFINED, ETC.—Section
5 313(p)(3) of such Act (19 U.S.C. 1313(p)(3)) is amend-
6 ed—

7 (1) in subparagraph (A)—

8 (A) in clause (i)(II), by striking “liquids,
9 pastes, powders, granules, and flakes” and in-
10 sserting “the primary forms provided under
11 Note 6 to chapter 39 of the Harmonized Tariff
12 Schedule of the United States; and

13 (B) in clause (ii)—

14 (i) in subclause (I) by striking “or” at
15 the end;

16 (ii) in subclause (II) by striking the
17 period and inserting “, or”; and

18 (iii) by adding after subclause (II) the
19 following:

20 “(III) a manufactured qualified
21 article described in subclause (I) or
22 (II), an article of the same kind and
23 quality as the qualified article as de-
24 scribed in subparagraph (B), or any
25 combination thereof, that is trans-

1 ferred, as so certified in a certificate
2 of delivery or certificate of manufac-
3 ture and delivery in a quantity not
4 greater than the quantity of articles
5 purchased or exchanged.

6 The transferred merchandise described in
7 subclause (III), regardless of its origin, so
8 designated on the certificate of delivery or
9 certificate of manufacture and delivery
10 shall be the qualified article for purposes
11 of this section. A party who issues such a
12 certificate of delivery, or certificate of
13 manufacture and delivery, shall also certify
14 to the Commissioner of Customs that it
15 has not, and will not, issue such certifi-
16 cates for a quantity greater than the
17 amount eligible for drawback and that ap-
18 propriate records will be maintained to
19 demonstrate that fact.”;

20 (3) in subparagraph (B), by striking “exported
21 article” and inserting “article, including an im-
22 ported, a manufactured, or an exported article,”;
23 and

1 (4) in the first sentence of subparagraph (C),
2 by striking “such article.” and inserting “either the
3 qualified article or the exported article.”.

4 (d) LIMITATION ON DRAWBACK.—Section
5 1313(p)(4)(B) of such Act (19 U.S.C. 1313(p)(4)(B)) is
6 amended by inserting before the period at the end the fol-
7 lowing: “had the claim qualified for drawback under sub-
8 section (j)”.

9 (e) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect as if included in the amend-
11 ment made by section 632(a)(6) of the North American
12 Free Trade Agreement Implementation Act. For purposes
13 of section 632(b) of that Act, the 3-year requirement set
14 forth in section 313(r) of the Tariff Act of 1930 shall not
15 apply to any drawback claim filed within 6 months after
16 the date of the enactment of this Act for which that 3-
17 year period would have expired.

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