

**Editorial Notes**

## AMENDMENTS

1976—Pub. L. 94-455 struck out “or his delegate” after “Secretary” wherever appearing.

1965—Pub. L. 89-44, § 808(c)(1), struck out “Refund or” and inserted in lieu thereof “Credit, refund, or” in section catchline.

Subsec. (a). Pub. L. 89-44, § 808(b)(1), substituted “Credit or refund” for “Refund” in heading and struck out “Refund of any tax imposed by this chapter shall be made”, replacing it with “Credit or refund of any tax imposed by this chapter or section 7652 shall be allowed or made”.

Subsec. (c). Pub. L. 89-44, § 808(b)(2), inserted “credit or” before “refund”.

1958—Subsec. (a). Pub. L. 85-859 authorized refunds to export warehouse proprietors, provided for refunds to be made without interest, and eliminated provisions which authorized refunds where the tax has been paid in error.

Subsec. (b). Pub. L. 85-859 permitted relief where a tax has not yet been paid on tobacco products and cigarette papers and tubes proved to have been withdrawn from the market.

Subsec. (c). Pub. L. 85-859 substituted “under this section shall be filed within 6 months after the date of the withdrawal from the market, loss, or destruction of the articles to which the claim relates” for “imposed by this chapter shall be filed within 3 years of the date of payment of tax”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1965 AMENDMENT

Pub. L. 89-44, title VIII, § 808(d)(2), June 21, 1965, 79 Stat. 165, provided that: “The amendments made by subsections (b)(1), (2), and (c) [amending this section] shall take effect on October 1, 1965.”

## EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-859 effective Sept. 3, 1958, see section 210(a)(1) of Pub. L. 85-859, set out as an Effective Date note under section 5001 of this title.

**§ 5706. Drawback of tax**

There shall be an allowance of drawback of tax paid on tobacco products and cigarette papers and tubes, when shipped from the United States, in accordance with such regulations and upon the filing of such bond as the Secretary shall prescribe.

(Aug. 16, 1954, ch. 736, 68A Stat. 709; Pub. L. 85-859, title II, § 202, Sept. 2, 1958, 72 Stat. 1419; Pub. L. 94-455, title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834.)

**Editorial Notes**

## AMENDMENTS

1976—Pub. L. 94-455 struck out “or his delegate” after “Secretary”.

1958—Pub. L. 85-859 substituted “tobacco products and cigarette papers and tubes” for “articles”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-859 effective Sept. 3, 1958, see section 210(a)(1) of Pub. L. 85-859, set out as an Effective Date note under section 5001 of this title.

**[§ 5707. Repealed. Pub. L. 89-44, title V, § 501(g), June 21, 1965, 79 Stat. 150]**

Section, acts Aug. 16, 1954, ch. 736, 68A Stat. 709; Mar. 30, 1955, ch. 18, § 3(b)(3), 69 Stat. 15; Mar. 29, 1956, ch. 115,

§ 3(b)(3), 70 Stat. 67; Mar. 29, 1957, Pub. L. 85-12, § 3(b)(3), 71 Stat. 10; June 30, 1958, Pub. L. 85-475, § 3(b)(3), 72 Stat. 259; Sept. 2, 1958, Pub. L. 85-859, title II, § 202, 72 Stat. 1419; June 30, 1959, Pub. L. 86-75, § 3(b)(2), 73 Stat. 158; June 30, 1960, Pub. L. 86-564, title II, § 202(b)(2), 74 Stat. 291; June 30, 1961, Pub. L. 87-72, § 3(b)(2), 75 Stat. 193; June 28, 1962, Pub. L. 87-508, § 3(b)(2), 76 Stat. 114; June 29, 1963, Pub. L. 88-52, § 3(b)(1)(B), 77 Stat. 72; June 30, 1964, Pub. L. 88-348, § 2(b)(1)(B), 78 Stat. 237, made provision for floor stocks refunds on cigarettes, set limitations on eligibility for credit or refunds, and made applicable existing penalty and administrative procedures.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF REPEAL

Repeal applicable on and after July 1, 1965, see section 701(d) of Pub. L. 89-44, set out as an Effective Date of 1965 Amendment note under section 5701 of this title.

**§ 5708. Losses caused by disaster****(a) Authorization**

Where the President has determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, that a “major disaster” as defined in such Act has occurred in any part of the United States, the Secretary shall pay (without interest) an amount equal to the amount of the internal revenue taxes paid or determined and customs duties paid on tobacco products and cigarette papers and tubes removed, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of such disaster occurring in such part of the United States on and after the effective date of this section, if such tobacco products or cigarette papers or tubes were held and intended for sale at the time of such disaster. The payments authorized by this section shall be made to the person holding such tobacco products or cigarette papers or tubes for sale at the time of the disaster.

**(b) Claims**

No claim shall be allowed under this section unless—

(1) filed within 6 months after the date on which the President makes the determination that the disaster referred to in subsection (a) has occurred; and

(2) the claimant furnishes proof to the satisfaction of the Secretary that—

(A) he was not indemnified by any valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the tobacco products or cigarette papers or tubes covered by the claim, and

(B) he is entitled to payment under this section.

Claims under this section shall be filed under such regulations as the Secretary shall prescribe.

**(c) Destruction of tobacco products or cigarette papers or tubes**

Before the Secretary makes payment under this section in respect of the tax, or tax and duty, on the tobacco products or cigarette papers or tubes condemned by a duly authorized official or rendered unmarketable, such tobacco products or cigarette papers or tubes shall be de-