

117TH CONGRESS
2D SESSION

H. R. 7822

To allow for duty-free importation and sale of infant formula that is lawfully marketed as such in its country of origin, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2022

Mr. GREEN of Tennessee (for himself, Mr. DAVIDSON, Mr. CALVERT, and Mr. HILL) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To allow for duty-free importation and sale of infant formula that is lawfully marketed as such in its country of origin, 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 “Baby Formula Emer-
5 gency Act”.

6 **SEC. 2. REMOVAL OF LIMITATIONS ON IMPORTATION.**

7 (a) IN GENERAL.—Upon a determination by the
8 President that there is a shortage or potential shortage

1 of the supply of infant formula (as defined in section
2 201(z) of the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 321(z))) in the United States, the President may,
4 notwithstanding any provision of Federal law, suspend any
5 duty imposed with respect to the importation of any article
6 of infant formula that meets the criteria specified in sub-
7 section (b) on or before the date on which the President
8 submits the notification described in the second sentence
9 of subsection (c).

10 (b) CRITERIA FOR IMPORTATION.—Notwithstanding
11 any provision of the Federal Food, Drug, and Cosmetic
12 Act (21 U.S.C. 301 et seq.), or any other provision of Fed-
13 eral law, the President may allow, without restrictions, the
14 production, manufacture, distribution, marketing, pre-
15 scribing, sale, or dispensing of any infant formula during
16 the period in which a shortage or potential shortage, as
17 determined under subsection (a) exists, if—

18 (1)(A) the manufacturer of such infant formula
19 certifies to the Commissioner of Food and Drugs
20 that the infant formula meets the nutrition require-
21 ments under section 412(i) of the Federal Food,
22 Drug, and Cosmetic Act (21 U.S.C. 350a(i)); or

23 (B) the infant formula is lawfully marketed as
24 infant formula in its country of origin;

1 (2) the United States has not imposed sanc-
2 tions with respect to the actions of the government
3 of the country of origin of such infant formula, in-
4 cluding a ban on the importation of some or all
5 products of such country as a result of such actions;

6 (3) the United States has not imposed any
7 sanctions with respect to the manufacturer of such
8 infant formula (including by listing such manufac-
9 turer on the List of Specially Designated Nationals
10 and Blocked Persons maintained by the Office of
11 Foreign Assets Control of the Department of the
12 Treasury); and

13 (4) the Commissioner of Food and Drugs has
14 not determined that such infant formula is unsafe.

15 (c) CONGRESSIONAL NOTIFICATION.—Upon a deter-
16 mination referred to in subsection (a) with respect to a
17 shortage or potential shortage of the supply of infant for-
18 mula, the President shall notify the Committee on Energy
19 and Commerce and the Committee on Ways and Means
20 of the House of Representatives and the Committee on
21 Health, Education, Labor and Pensions and the Com-
22 mittee on Finance of the Senate of such determination.
23 The President shall notify such committees upon any de-

- 1 termination that the shortage referred to in such sub-
- 2 section no longer exists.

○