117TH CONGRESS
2D SESSION

H. R. _____

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

Mr. Green of Tennessee introduced the following bill; which was referred to the Committee on __________________

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Baby Formula Emergency Act”.

SEC. 2. REMOVAL OF LIMITATIONS ON IMPORTATION.

(a) IN GENERAL.—Upon a determination by the President that there is a shortage or potential shortage
of the supply of infant formula (as defined in section 201(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(z))) in the United States, the President may, notwithstanding any provision of Federal law, suspend any duty imposed with respect to the importation of any article of infant formula that meets the criteria specified in subsection (b) on or before the date on which the President submits the notification described in the second sentence of subsection (c).

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

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

(B) the infant formula is lawfully marketed as infant formula in its country of origin;
(2) the United States has not imposed sanctions with respect to the actions of the government of the country of origin of such infant formula, including a ban on the importation of some or all products of such country as a result of such actions;

(3) the United States has not imposed any sanctions with respect to the manufacturer of such infant formula (including by listing such manufacturer on the List of Specially Designated Nationals and Blocked Persons maintained by the Office of Foreign Assets Control of the Department of the Treasury); and

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

(c) CONGRESSIONAL NOTIFICATION.—Upon a determination referred to in subsection (a) with respect to a shortage or potential shortage of the supply of infant formula, the President shall notify the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor and Pensions and the Committee on Finance of the Senate of such determination. The President shall notify such committees upon any determination that the shortage referred to in such subsection no longer exists.