

One Hundred Seventeenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday,
the third day of January, two thousand and twenty-two*

An Act

To amend the Harmonized Tariff Schedule of the United States to suspend temporarily rates of duty on imports of certain infant formula base powder used in the manufacturing of infant formula in the United States, 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 “Bulk Infant Formula to Retail Shelves Act”.

SEC. 2. TEMPORARY DUTY SUSPENSIONS FOR INFANT FORMULA BASE POWDER.

(a) IN GENERAL.—Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (in the section referred to as the “HTS”) is amended by inserting the following new subheading in numerical sequence:

“		Infant formula base powder to be used in manufacturing infant formula in the United States, exported on or before November 14, 2022, by a party that has been determined by the Food and Drug Administration to be authorized to lawfully market infant formula in the United States or has received a letter of enforcement discretion from the Food and Drug Administration relating to the marketing of its infant formula in the United States:				
	9903.19.23	Provided for in subheading 1901.90.62	Free	No change	No change	”.

(b) DEFINITION AND APPLICABILITY.—The U.S. Notes to subchapter III of chapter 99 of the HTS are amended by adding at the end following:

“21.(a) For purposes of subheading 9903.19.23, the term ‘infant formula base powder’ means a dry mixture of protein, fat, and carbohydrates that requires only the addition of vitamins and minerals in order to meet the definition of the term ‘infant formula’ in section 201(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(z)).

“(b) The necessary proof that an import is a qualifying infant formula base powder under subheading 9903.19.23 shall be established by a written notice from the Food and Drug

Administration that the base powder shipment qualifies for importation under such subheading.

“(c) The duty-free treatment of infant formula base powder set forth in subheading 9903.19.23 shall apply only with respect to the importation of an aggregate quantity not exceeding 2,600 metric tons of such infant formula base powder.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, during the period beginning on the third day after the date of enactment of this Act and ending at the close of December 31, 2022.

(d) WAIVER OF OTHER DUTIES OR SAFEGUARDS.— Notwithstanding any other provision of law, during the period described in subsection (c), articles of infant formula base powder that are classifiable under subheading 9903.19.23 of the HTS, as added by the amendment made by subsection (a), shall not be subject to any additional safeguard duties that may be imposed under subchapter IV of chapter 99 of the HTS.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*