

117TH CONGRESS
2D SESSION

H. R. 8982

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Received

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bulk Infant Formula
3 to Retail Shelves Act”.

4 **SEC. 2. TEMPORARY DUTY SUSPENSIONS FOR INFANT FOR-**
5 **MULA BASE POWDER.**

6 (a) IN GENERAL.—Subchapter III of chapter 99 of
7 the Harmonized Tariff Schedule of the United States (in
8 the section referred to as the “HTS”) is amended by in-
9 serting the following new subheading in numerical se-
10 quence:

“		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	”.

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

14 “21.(a) For purposes of subheading
15 9903.19.23, the term ‘infant formula base powder’
16 means a dry mixture of protein, fat, and carbo-
17 hydrates that requires only the addition of vitamins
18 and minerals in order to meet the definition of the
19 term ‘infant formula’ in section 201(z) of the Fed-
20 eral Food, Drug, and Cosmetic Act (21 U.S.C.
21 321(z)).

1 “(b) The necessary proof that an import is a
2 qualifying infant formula base powder under sub-
3 heading 9903.19.23 shall be established by a written
4 notice from the Food and Drug Administration that
5 the base powder shipment qualifies for importation
6 under such subheading.

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

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14 entered, or withdrawn from warehouse for consumption,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

18 (d) WAIVER OF OTHER DUTIES OR SAFEGUARDS.—
19 Notwithstanding any other provision of law, during the pe-
20 riod described in subsection (c), articles of infant formula
21 base powder that are classifiable under subheading
22 9903.19.23 of the HTS, as added by the amendment made
23 by subsection (a), shall not be subject to any additional

- 1 safeguard duties that may be imposed under subchapter
- 2 IV of chapter 99 of the HTS.

Passed the House of Representatives September 29,
2022.

Attest: CHERYL L. JOHNSON,
Clerk.