

117TH CONGRESS
2D SESSION

H. R. 7781

To designate baby formula as a scarce and critical material under the Defense Production Act of 1950, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2022

Mr. BUCHANAN introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, 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 designate baby formula as a scarce and critical material under the Defense Production Act of 1950, 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 “Urgently Feeding
5 America’s Babies Act of 2022”.

1 **SEC. 2. DESIGNATION OF INFANT FORMULA AS CRITICAL**
2 **MATERIAL.**

3 Immediately upon the date of the enactment of this
4 Act, the President shall determine under subsection (b)
5 of section 101 of the Defense Production Act of 1950 (50
6 U.S.C. 4511) that—

7 (1) infant formula is scarce and a critical mate-
8 rial essential to the national defense; and

9 (2) the requirements of the national defense for
10 infant formula cannot be met without exercising the
11 authority provided by subsection (a) of that section.

12 **SEC. 3. WAIVER BY FOOD AND DRUG ADMINISTRATION.**

13 (a) IN GENERAL.—Not later than 15 days after the
14 date of the enactment of this Act, the Secretary of Health
15 and Human Services (referred to in this section as the
16 “Secretary”) shall implement a process under which the
17 Secretary may issue waivers, with respect to an infant for-
18 mula that is available for commercial use in the European
19 Union, of the requirements of sections 412 and 415 of
20 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
21 350a; 350d), and other applicable requirements of such
22 Act, as appropriate, in order to allow for the introduction
23 into interstate commerce of such infant formula in the
24 United States.

1 (b) PUBLICATION OF GUIDELINES.—The Secretary
2 shall publish safety guidelines for each infant formula for
3 which a waiver is issued under this section.

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