H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

Ms. DelBene introduced the following bill; which was referred to the Committee on

A BILL

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 Representa-

tives 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:

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9903.19.23 Provided for in subheading 1901.90.62 Free No change No change
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(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:

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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
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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.”.

(e) 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 Decem-
ber 31, 2022.

(d) WAIVER OF OTHER DUTIES OR SAFEGUARDS.—
Notwithstanding any other provision of law, during the pe-
riod 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.