

117TH CONGRESS
2D SESSION

S. 4226

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

IN THE SENATE OF THE UNITED STATES

MAY 16, 2022

Mr. RUBIO (for himself, Ms. HASSAN, Mr. SCOTT of Florida, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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”.

6 **SEC. 2. DESIGNATION OF INFANT FORMULA AS CRITICAL**
7 **MATERIAL.**

8 Immediately upon the date of the enactment of this
9 Act, the President shall determine under subsection (b)

1 of section 101 of the Defense Production Act of 1950 (50
2 U.S.C. 4511) that—

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

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

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

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

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

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