

118TH CONGRESS
1ST SESSION

H. R. 3364

To amend the Child Nutrition Act of 1966 to increase the age of eligibility for children to receive benefits under the special supplemental nutrition program for women, infants, and children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2023

Ms. DELAURO (for herself, Ms. SÁNCHEZ, Mrs. GONZÁLEZ-COLÓN, Ms. SCHRIER, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Child Nutrition Act of 1966 to increase the age of eligibility for children to receive benefits under the special supplemental nutrition program for women, infants, and children, 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 “Wise Investment in
5 Children Act of 2023” or the “WIC Act of 2023”.

1 **SEC. 2. AGE OF ELIGIBILITY FOR CHILDREN UNDER THE**
2 **SPECIAL SUPPLEMENTAL NUTRITION PRO-**
3 **GRAM.**

4 (a) DEFINITION OF CHILD.—Section 17 of the Child
5 Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

6 (1) in subsection (b), by striking paragraph (2)
7 and inserting the following:

8 “(2) CHILD.—The term ‘child’ means—

9 “(A) a person who has attained their first
10 birthday but has not yet attained their fifth
11 birthday; and

12 “(B) for purposes of subsection
13 (d)(3)(A)(iii)(II), a person who has attained
14 their first birthday but has not yet attained
15 their sixth birthday.”;

16 (2) in subsection (e)(4)(A), by striking “up to
17 age 5”; and

18 (3) in subsection (f)(7)(D)(i), by striking
19 “under the age of 5”.

20 (b) CERTIFICATION.—Section 17(d)(3)(A)(iii) of the
21 Child Nutrition Act of 1966 (42 U.S.C.
22 1786(d)(3)(A)(iii)) is amended—

23 (1) by striking “A State” and inserting the fol-
24 lowing:

25 “(I) IN GENERAL.—A State”;

26 and

1 (2) by adding at the end the following:

2 “(II) 5-YEAR-OLD CHILDREN.—

3 “(aa) IN GENERAL.—Sub-
4 ject to a waiver under clause (vi),
5 beginning not later than October
6 1, 2028, a State shall certify a
7 participant child who has had a
8 fifth birthday but has not yet at-
9 tained their sixth birthday, dur-
10 ing the period that ends on the
11 earlier of—

12 “(AA) the sixth birth-
13 day of the child; and

14 “(BB) the first date on
15 which the child attends full
16 day kindergarten.

17 “(bb) REQUIREMENTS.—
18 Each State that certifies a child
19 under item (aa) shall—

20 “(AA) ensure that the
21 participant child receives re-
22 quired health and nutrition
23 assessments; and

24 “(BB) establish a sys-
25 tem to determine the first

1 date on which a participant
2 child attends full day kin-
3 dergarten.”.

4 (c) CONFORMING AMENDMENT.—Section
5 1902(a)(53)(A) of the Social Security Act (42 U.S.C.
6 1396a(a)(53)(A)) is amended by striking “below the age
7 of 5” and inserting “(as defined in that section)”.

8 **SEC. 3. CERTIFICATION OF INFANTS.**

9 (a) DEFINITION OF INFANT.—Section 17(b) of the
10 Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is
11 amended by striking paragraph (5) and inserting the fol-
12 lowing:

13 “(5) INFANT.—The term ‘infant’ means—
14 “(A) a person under 1 year of age; and
15 “(B) for purposes of subsection (d), a per-
16 son under 2 years of age.”.

17 (b) CERTIFICATION.—Section 17(d)(3)(A) of the
18 Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(A))
19 is amended by adding at the end the following:

20 “(iv) INFANTS.—
21 “(I) IN GENERAL.—Subject to a
22 waiver under clause (vi), beginning
23 not later than October 1, 2028, a
24 State shall certify an infant for a pe-
25 riod of not more than 2 years.

1 “(II) ASSESSMENTS.—In certi-
2 fying an infant under subclause (I), a
3 State shall ensure that the infant re-
4 ceives required health and nutrition
5 assessments.”.

6 **SEC. 4. EXTENSION OF POSTPARTUM PERIOD.**

7 (a) BREASTFEEDING WOMEN.—

8 (1) DEFINITION OF BREASTFEEDING WOMAN.—
9 Section 17(b) of the Child Nutrition Act of 1966 (42
10 U.S.C. 1786(b)) is amended by striking paragraph
11 (1) and inserting the following:

12 “(1) BREASTFEEDING WOMAN.—The term
13 ‘breastfeeding woman’ means—

14 “(A) a woman who is not more than 1 year
15 postpartum and is breastfeeding the infant of
16 the woman; and

17 “(B) for purposes of subsection (d), a
18 woman who is not more than 2 years
19 postpartum and is breastfeeding the infant of
20 the woman.”.

21 (2) CERTIFICATION.—Section 17(d)(3)(A)(ii) of
22 the Child Nutrition Act of 1966 (42 U.S.C.
23 1786(d)(3)(A)(ii)) is amended by striking “1 year”
24 and all that follows through “earlier” and inserting
25 “not more than 2 years postpartum”.

1 (b) POSTPARTUM WOMEN.—

2 (1) DEFINITION OF POSTPARTUM WOMAN.—

3 Section 17(b) of the Child Nutrition Act of 1966 (42
4 U.S.C. 1786(b)) is amended by striking paragraph
5 (10) and inserting the following:

6 “(10) POSTPARTUM WOMAN.—The term
7 ‘postpartum woman’ means—

8 “(A) a woman up to 6 months after termi-
9 nation of pregnancy; and

10 “(B) for purposes of subsection (d), a
11 woman up to 2 years after termination of preg-
12 nancy.”.

13 (2) CERTIFICATION.—Section 17(d)(3)(A) of
14 the Child Nutrition Act of 1966 (42 U.S.C.
15 1786(d)(3)(A)) (as amended by section 3(b)) is
16 amended by adding at the end the following:

17 “(v) POSTPARTUM WOMEN.—Subject
18 to a waiver under clause (vi), beginning
19 not later than October 1, 2028, a State
20 shall certify a postpartum woman for a pe-
21 riod of up to 2 years after the termination
22 of pregnancy of the postpartum woman.”.

1 **SEC. 5. WAIVER FOR CERTIFICATION.**

2 Section 17(d)(3)(A) of the Child Nutrition Act of
3 1966 (42 U.S.C. 1786(d)(3)(A)) (as amended by section
4 4(b)(2)) is amended—

5 (1) in clause (i), by striking “clause (ii)” and
6 inserting “this subparagraph”; and

7 (2) by adding at the end the following:

8 “(vi) WAIVER.—

9 “(I) IN GENERAL.—The Sec-
10 retary may grant a waiver to a State
11 agency, on request, that waives the
12 certification deadline requirement de-
13 scribed in clause (iii), (iv), or (v).

14 “(II) SPECIFIC DATE.—A State
15 agency requesting a waiver under sub-
16 clause (I) shall specify a date by
17 which the State agency anticipates
18 that it will implement the certification
19 requirement under clause (iii), (iv), or
20 (v) for which it seeks a waiver.

21 “(III) ELIGIBILITY FOR WAIV-
22 ER.—To be eligible for a waiver under
23 subclause (I), a State agency shall
24 demonstrate to the satisfaction of the
25 Secretary 1 or more of the following:

1 “(aa) There are unusual
2 technological barriers to imple-
3 mentation.

4 “(bb) Operational costs are
5 not affordable within the nutri-
6 tion services and administration
7 grant of the State agency.

8 “(cc) It is in the best inter-
9 est of the program for the Sec-
10 retary to grant the waiver.”.

○