

118TH CONGRESS
1ST SESSION

H. R. 3540

To amend the Child Nutrition Act of 1966 to change the competitive bidding process for infant formula manufacturers under the special supplemental nutrition program for women, infants, and children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Ms. STEFANIK (for herself and Mr. TURNER) 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 change the competitive bidding process for infant formula manufacturers 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 “Improving Newborn
5 Formula Access for a Nutritious Tomorrow Act of 2023”
6 or the “INFANT Act of 2023”.

1 **SEC. 2. WIC INFANT FORMULA CONTRACTING.**

2 Section 17 of the Child Nutrition Act of 1966 (7
3 U.S.C. 1431) is amended—

4 (1) in subsection (b)—

5 (A) by amending paragraph (17) to read
6 as follows:

7 “(17) COMPETITIVE BIDDING.—

8 “(A) IN GENERAL.—The term ‘competitive
9 bidding’ means a procurement process under
10 which the Secretary or a State agency selects 2
11 manufacturers offering the lowest price, as de-
12 termined by the submission of sealed bids, for
13 a product for which bids are sought for use in
14 the program authorized by this section.

15 “(B) DESIGNATION.—Of the manufactur-
16 ers described in subparagraph (A), 1 such man-
17 ufacturer may be designated as the primary
18 manufacturer and 1 such manufacturer may be
19 designated as the secondary manufacturer.”;
20 and

21 (B) in paragraph (22)—

22 (i) by striking “primary” in the head-
23 ing and each place it appears and inserting
24 “manufacturer”;

25 (ii) by striking “specific”; and

1 (iii) by striking “a contract is award-
2 ed” and inserting “contracts are awarded”;
3 and
4 (2) in subsection (h)(8)(A)—
5 (A) in clause (ii)(I), by striking “primary”
6 and inserting “manufacturer”; and
7 (B) in clause (v)—
8 (i) by striking “first” in the heading
9 and each place it appears; and
10 (ii) by striking “primary” in each
11 place it appears and inserting “manufac-
12 turer”.

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