

117TH CONGRESS
1ST SESSION

S. 3226

To amend the Child Nutrition Act of 1966 to permit video or telephone certifications under the special supplemental nutrition program for women, infants, and children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2021

Mrs. GILLIBRAND (for herself and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Child Nutrition Act of 1966 to permit video or telephone certifications 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 “More Options to De-
5 velop and Enhance Remote Nutrition in WIC Act of
6 2021” or the “MODERN WIC Act of 2021”.

1 **SEC. 2. PRESENCE AT CERTIFICATION.**

2 (a) IN GENERAL.—Section 17(d)(3)(C) of the Child
3 Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(C)) is
4 amended—

5 (1) in the subparagraph heading, by striking
6 “PHYSICAL PRESENCE” and inserting “PRESENCE”;

7 (2) in clause (i), by striking “physically present
8 at each certification or recertification determination”
9 and inserting “present at each certification or recer-
10 tification, either in person or through video tech-
11 nology permitting 2-way, real-time interactive com-
12 munications,”; and

13 (3) in clause (ii)—

14 (A) in subclause (I), in the matter pre-
15 ceding item (aa), by striking “an infant or
16 child” and inserting “any eligible individual”;

17 (B) by redesignating subclauses (I)
18 through (III) as subclauses (II) through (IV),
19 respectively; and

20 (C) by inserting before subclause (II) (as
21 so redesignated) the following:

22 “(I) any eligible individual—

23 “(aa) who completes the cer-
24 tification process through a tele-
25 phone appointment or other re-
26 mote technology; and

1 “(bb) for whom all necessary
2 certification information is ob-
3 tained not more than 90 days be-
4 fore or after the certification ap-
5 pointment;”.

6 (b) TECHNICAL AMENDMENT.—Section 17(d)(3) of
7 the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3))
8 is amended by conforming the margin of subparagraph
9 (B) to the margin of subparagraph (C).

10 **SEC. 3. REMOTE BENEFIT ISSUANCE.**

11 (a) IN GENERAL.—Section 17(f)(6)(B) of the Child
12 Nutrition Act of 1966 (42 U.S.C. 1786(f)(6)(B)) is
13 amended—

14 (1) in the third sentence—

15 (A) by striking “vouchers by mail” and in-
16 serting “food instruments”; and

17 (B) by striking “The Secretary” and in-
18 serting the following:

19 “(iii) DISAPPROVAL OF STATE
20 PLAN.—The Secretary”;

21 (2) in the second sentence—

22 (A) by striking “vouchers by mail in its
23 plan” and inserting “food instruments by mail,
24 remote issuance, or other means in the State
25 plan”; and

1 (B) by striking “The State” and inserting
 2 the following:

3 “(ii) STATE PLAN.—The State”; and

4 (3) by striking “(B) State agencies” and all
 5 that follows through “to obtain vouchers.” and in-
 6 serting the following:

7 “(B) DELIVERY OF VOUCHERS.—

8 “(i) IN GENERAL.—State agencies
 9 may provide for the delivery of food instru-
 10 ments, including electronic benefit transfer
 11 cards, to any participant through means
 12 that do not require the participant to trav-
 13 el to the local agency to obtain food instru-
 14 ments, such as through mailing or remote
 15 issuance.”.

16 (b) REGULATIONS.—The Secretary shall revise sec-
 17 tion 246.12(r) of title 7, Code of Federal Regulations, by
 18 striking paragraph (4).

19 **SEC. 4. ANNUAL INVESTMENT IN WIC TECHNOLOGIES.**

20 Section 17(h) of the Child Nutrition Act of 1966 (42
 21 U.S.C. 1786(h)) is amended—

22 (1) in paragraph (2)(B)—

23 (A) by striking clause (ii); and

1 (B) by striking the subparagraph designa-
2 tion and all that follows through “clause (ii)
3 and” and inserting the following:

4 “(B) ALLOCATION FOR NUTRITION SERV-
5 ICES AND ADMINISTRATION.—Except as pro-
6 vided in”; and

7 (2) in paragraph (10)—

8 (A) in subparagraph (A), by striking
9 “2010 through 2015” and inserting “2023
10 through 2028”; and

11 (B) in subparagraph (B), by striking
12 clause (ii) and inserting the following:

13 “(ii) \$60,000,000 shall be used to es-
14 tablish, develop, improve, replace, or ad-
15 minister technology platforms, including
16 management information systems, that en-
17 hance program services, access to the pro-
18 gram, or redemption of benefits, of which
19 up to \$5,000,000 may be used for Federal
20 administrative costs; and”.

21 **SEC. 5. REPORT TO CONGRESS.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary shall submit
24 to the Committee on Agriculture, Nutrition, and Forestry
25 of the Senate and the Committee on Education and Labor

1 of the House of Representatives a report on the use of
2 remote technologies under the special supplemental nutri-
3 tion program for women, infants, and children established
4 by section 17 of the Child Nutrition Act of 1966 (42
5 U.S.C. 1786) (referred to in this section as the “pro-
6 gram”).

7 (b) CONTENT OF REPORT.—The report submitted
8 under subsection (a) shall include a description of—

9 (1) the use of remote technologies and other
10 digital tools, including video, telephone, and online
11 platforms—

12 (A) to certify eligible individuals for pro-
13 gram services; and

14 (B) to provide nutrition education and
15 breastfeeding support to program participants;

16 (2) the impact of remote technologies, including
17 video, telephone, and online platforms, on certifi-
18 cations, appointments, and participant satisfaction
19 under the program; and

20 (3) best practices—

21 (A) to certify program participants for pro-
22 gram services using remote technologies;

23 (B) to incorporate the use of digital tools
24 into the program certification process;

1 (C) to integrate nutrition education and
2 breastfeeding support services for program par-
3 ticipants into remote technologies and plat-
4 forms; and

5 (D) to securely manage program partici-
6 pant data.

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