

118TH CONGRESS
1ST SESSION

H. R. 2424

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2023

Mr. FITZPATRICK (for himself and Ms. BONAMICI) 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 permit video or telephone certifications in 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 2023” or the “MODERN WIC Act of 2023”.

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

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

4 (1) by striking subparagraphs (B) and (C);

5 (2) by inserting the following after subpara-
6 graph (A):

7 “(B) PRESENCE FOR CERTAIN DETER-
8 MINATIONS AND EVALUATIONS.—

9 “(i) IN GENERAL.—Each individual
10 seeking certification, recertification, or a
11 nutritional risk evaluation for participation
12 in the program authorized under this sec-
13 tion shall be provided an appointment that
14 is, at the option of the individual—

15 “(I) in-person, by telephone, or
16 through video technology that permits
17 2-way, real time interactive commu-
18 nications, as determined by the Sec-
19 retary; or

20 “(II) through other formats that
21 permit 2-way, real time interactive
22 communications, as determined by the
23 Secretary.

24 “(ii) ADA COMPLIANCE.—Any format
25 made available for an appointment under
26 clause (i) shall be accessible to an indi-

1 vidual in accordance with the Americans
2 with Disabilities Act of 1990 (42 U.S.C.
3 12101 et seq.) and section 504 of the Re-
4 habilitation Act of 1973 (29 U.S.C. 794).

5 “(iii) NUTRITIONAL RISK EVALUA-
6 TIONS FOR REMOTE CERTIFICATION.—If
7 an individual is certified for participation
8 in the program under clause (i) through a
9 format other than in-person, a State agen-
10 cy shall—

11 “(I) to the maximum extent prac-
12 ticable, collect anthropometric data
13 necessary to evaluate the nutritional
14 risk of that individual within 30 days
15 of the appointment; and

16 “(II) collect such data not later
17 than 90 days after the appointment.

18 “(iv) INTERIM ELIGIBILITY FOR NU-
19 TRITIONAL RISK.—

20 “(I) IN GENERAL.—A State
21 agency may consider an applicant who
22 meets the income eligibility standards
23 to be temporarily eligible on an in-
24 terim basis to participate in the pro-
25 gram and may certify any such indi-

1 vidual for participation immediately,
2 without delaying certification until a
3 nutritional risk evaluation is made.

4 “(II) NUTRITIONAL RISK EVAL-
5 UATION.—A nutritional risk evalua-
6 tion of such individual shall be com-
7 pleted not later than 90 days after the
8 individual is certified for participation
9 pursuant to subclause (I).

10 “(III) TERMINATION.—If a State
11 agency does not collect data in accord-
12 ance with clause (iii)(II) or the indi-
13 vidual is subsequently determined to
14 not meet nutritional risk criteria, the
15 certification of that individual shall
16 terminate on the date described in
17 such clause (iii)(II) or the date of
18 such determination, as applicable.”;
19 and

20 (3) by redesignating subparagraphs (D)
21 through (F) as subparagraphs (C) through (E), re-
22 spectively.

23 (b) TECHNICAL AMENDMENT.—Section 17(d)(3) of
24 the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3))

1 is amended by conforming the margin of subparagraph
2 (B) to the margin of subparagraph (C).

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

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

7 (1) in the third sentence—

8 (A) by striking “vouchers by mail” and in-
9 serting “food instruments by mail, remote
10 issuance, or other means”; and

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

13 “(iii) DISAPPROVAL OF STATE
14 PLAN.—The Secretary”;

15 (2) in the second sentence—

16 (A) by striking “vouchers by mail in its
17 plan” and inserting “food instruments by mail,
18 remote issuance, or other means in the State
19 plan”; and

20 (B) by striking “The State” and inserting
21 the following:

22 “(ii) STATE PLAN.—The State”; and

23 (3) by striking “(B) STATE AGENCIES” and all
24 that follows through “to obtain vouchers.” and in-
25 serting the following:

1 “(B) DELIVERY OF FOOD INSTRUMENTS.—

2 “(i) IN GENERAL.—State agencies may
3 provide for the delivery of food instruments, in-
4 cluding electronic benefit transfer cards, to any
5 participant through means that do not require
6 the participant to travel to the local agency to
7 obtain food instruments, such as through mail-
8 ing or remote issuance.”.

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

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

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

15 (1) in paragraph (2)(B)—

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

17 (B) by striking the subparagraph designa-
18 tion and all that follows through “clause (ii)
19 and” and inserting the following:

20 “(B) ALLOCATION FOR NUTRITION SERV-
21 ICES AND ADMINISTRATION.—Except as pro-
22 vided in”; and

23 (2) in paragraph (10)—

1 (A) in subparagraph (A), by striking
2 “2010 through 2015” and inserting “2024
3 through 2029”; and

4 (B) in subparagraph (B), by striking
5 clause (ii) and inserting the following:

6 “(ii) \$60,000,000 shall be used to es-
7 tablish, develop, improve, replace, or ad-
8 minister technology platforms, including
9 management information systems and sys-
10 tems that allow for secure communication
11 of information between health care pro-
12 viders and program clinics in order to fa-
13 cilitate sharing information necessary for
14 certification, establishing nutrition risk, or
15 for the provision of health care services,
16 that enhance program services, access to
17 the program, or redemption of benefits, of
18 which up to \$5,000,000 may be used for
19 Federal administrative cost;”.

20 **SEC. 5. REPORT TO CONGRESS.**

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

1 the use of remote technologies under the special supple-
2 mental nutrition program for women, infants, and children
3 established by section 17 of the Child Nutrition Act of
4 1966 (42 U.S.C. 1786) (referred to in this section as the
5 “program”).

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

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

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

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

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

19 (3) best practices to—

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

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

24 (C) integrate nutrition education and
25 breastfeeding support services for program par-

1 participants into remote technologies and plat-
2 forms; and

3 (D) securely manage program participant
4 data.

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