

116TH CONGRESS
2D SESSION

S. 3357

To amend the Child Nutrition Act of 1966 to enhance State efforts to cross-enroll participants to improve nutritional outcomes for pregnant women, postpartum women, and young children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2020

Mr. BROWN 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 enhance State efforts to cross-enroll participants to improve nutritional outcomes for pregnant women, postpartum women, and young 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 “WIC Enrollment Col-
5 laboration Act of 2020”.

1 **SEC. 2. STATE EFFORTS TO ENHANCE CROSS-ENROLLMENT**
 2 **TO IMPROVE NUTRITIONAL OUTCOMES FOR**
 3 **PREGNANT AND POSTPARTUM WOMEN AND**
 4 **YOUNG CHILDREN.**

5 (a) IN GENERAL.—Section 17 of the Child Nutrition
 6 Act of 1966 (42 U.S.C. 1786) is amended by adding at
 7 the end the following:

8 “(r) STATE EFFORTS TO ENHANCE CROSS-ENROLL-
 9 MENT TO IMPROVE NUTRITIONAL OUTCOMES FOR PREG-
 10 NANT AND POSTPARTUM WOMEN AND YOUNG CHIL-
 11 DREN.—

12 “(1) DEFINITIONS.—In this subsection:

13 “(A) ELIGIBLE WOMAN AND CHILD.—The
 14 term ‘eligible woman and child’ means an indi-
 15 vidual that is any of the following:

16 “(i) A pregnant woman.

17 “(ii) A woman not more than 1 year
 18 postpartum.

19 “(iii) An infant.

20 “(iv) A child.

21 “(B) MEDICAID BENEFITS.—The term
 22 ‘Medicaid benefits’ means items and services
 23 provided under the Medicaid program.

24 “(C) MEDICAID PROGRAM.—The term
 25 ‘Medicaid program’ means the program of med-
 26 ical assistance under a State plan established

under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(D) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.—The term ‘special supplemental nutrition program’ means the special supplemental nutrition program for women, infants, and children established by this section.

“(E) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(2) REPORT ON CROSS-ENROLLMENT.—

“(A) IN GENERAL.—Not later than April 30, 2022, and April 30 of each year thereafter, the Secretary shall gather the data and conduct the analyses necessary to submit to the Committees on Agriculture, Nutrition, and Forestry and Finance of the Senate and the Committees on Agriculture, Education and Labor, and Energy and Commerce of the House of Representatives a report that measures and describes the extent to which eligible women and children receiving benefits under the supplemental nutri-

tion assistance program or Medicaid benefits are certified to participate in the special supplemental nutrition program.

“(B) SPECIFIC MEASURES.—Each report under subparagraph (A) shall include, for each State and each category of individual described in clauses (i) through (iv) of paragraph (1)(A)—

“(i) the average monthly number of eligible women and children that received benefits under the supplemental nutrition assistance program in the preceding year;

“(ii) the average monthly number of eligible women and children that received Medicaid benefits in the preceding year and the income of which was less than the limit described in subsection (d)(2)(A)(i); and

“(iii) the percentage of the eligible women and children—

“(I) described in clause (i) that were certified to receive benefits under the special supplemental nutrition program in the preceding year; and

1 “(II) described in clause (ii) that
2 were certified to receive benefits under
3 the special supplemental nutrition
4 program in the preceding year.

5 “(C) CROSS-ENROLLMENT GAINS.—Begin-
6 ning with the second report submitted under
7 subparagraph (A), each report submitted under
8 that subparagraph shall identify each State in
9 which a percentage described in subclause (I) or
10 (II) of subparagraph (B)(iii) increased by 5
11 percentage points from the previous year.

12 “(D) BEST PRACTICES.—Each report
13 under subparagraph (A) shall include a descrip-
14 tion of best practices to facilitate certification
15 under the special supplemental nutrition pro-
16 gram of eligible women and children that re-
17 ceive benefits under the supplemental nutrition
18 assistance program or Medicaid benefits.

19 “(E) FUNDING.—Of the funds authorized
20 to be appropriated under subsection (g)(1)(A),
21 the Secretary shall use \$2,000,000 to carry out
22 this paragraph, to remain available until ex-
23 pended, of which not less than \$500,000 shall
24 be used to support State provision of data

under paragraph (7)(A), to remain available until expended.

“(3) CROSS-ENROLLMENT PLANS; GRANTS.—

“(A) CROSS-ENROLLMENT PLANS.—Not later than April 20, 2023, and April 30 of each year thereafter, each State shall submit to the Secretary, and implement on approval of the Secretary, an annual cross-enrollment plan that includes—

“(i) goals for increasing each percentage described in paragraph (2)(B)(iii);

“(ii) measures to be carried out by the State to achieve those goals, including by making improvements or modifications to information systems, data matching, or enhancing referrals; and

“(iii) a timeline for the State to implement the measures described in clause (ii).

“(B) CROSS-ENROLLMENT GRANTS.—

“(i) IN GENERAL.—The Secretary shall award competitive grants to States (including State agencies that administer the supplemental nutrition assistance program, the Medicaid program, or the special

1 supplemental nutrition program in the
2 State) to implement the cross-enrollment
3 plan described in subparagraph (A) of the
4 State or to increase any percentage de-
5 scribed in paragraph (2)(B)(iii).

6 “(ii) USE OF FUNDS.—A State shall
7 use grant funds awarded under clause (i)
8 to pay costs relating to implementing the
9 cross-enrollment plan of the State or in-
10 creasing any percentage described in para-
11 graph (2)(B)(iii), including the cost of—

12 “(I) making technology improve-
13 ments;

14 “(II) analyzing data relating to
15 cross-enrollment in the supplemental
16 nutrition assistance program, the
17 Medicaid program, and the special
18 supplemental nutrition program;

19 “(III) providing training or tech-
20 nical assistance to local agencies;

21 “(IV) sharing information among
22 State administrators of the supple-
23 mental nutrition assistance program,
24 the Medicaid program, and the special
25 supplemental nutrition program;

1 “(V) establishing more robust re-
2 ferrals; and

3 “(VI) conducting targeted out-
4 reach to potential recipients of bene-
5 fits under the special supplemental
6 nutrition program.

7 “(iii) REPORT.—Not later than De-
8 cember 31, 2024, the Secretary shall sub-
9 mit to the Committees on Agriculture, Nu-
10 trition, and Forestry and Finance of the
11 Senate and the Committees on Agriculture,
12 Education and Labor, and Energy and
13 Commerce of the House of Representatives
14 a report that describes the results of the
15 use of grant funds under this subpara-
16 graph.

17 “(iv) FUNDING.—Of the funds au-
18 thorized to be appropriated under sub-
19 section (g)(1)(A) for fiscal year 2021, the
20 Secretary shall use \$15,000,000 to carry
21 out this subparagraph, to remain available
22 until expended, of which not more than 10
23 percent shall be used for administrative
24 costs.

1 “(v) TECHNICAL ASSISTANCE.—The
2 Secretary shall provide, on request, tech-
3 nical assistance to a State or State agency
4 that seeks to apply for a grant described in
5 clause (i).

6 “(4) TECHNICAL AND OTHER ASSISTANCE.—

7 “(A) IN GENERAL.—The Secretary shall
8 provide technical or training assistance to a
9 State or State agency, as applicable, receiving a
10 grant under paragraph (3)(B), and other
11 States, as appropriate, to increase any percent-
12 age described in paragraph (2)(B)(iii).

13 “(B) OTHER ASSISTANCE.—The Secretary
14 may—

15 “(i) disseminate to States and rel-
16 evant State agencies the best practices de-
17 scribed in paragraph (2)(D);

18 “(ii) assess the effectiveness of the ef-
19 forts of the State or State agency to in-
20 crease the percentage described in sub-
21 paragraph (A);

22 “(iii) assist State agencies in devel-
23 oping a cross-enrollment plan described in
24 paragraph (3)(A); and

1 “(iv) conduct any other activity to fa-
 2 cilitate certification under the special sup-
 3 plemental nutrition program of eligible
 4 women and children that receive benefits
 5 under the supplemental nutrition assist-
 6 ance program or Medicaid benefits, as de-
 7 termined by the Secretary.

8 “(C) FUNDING.—Of the funds authorized
 9 to be appropriated under subsection (g)(1)(A),
 10 the Secretary shall use \$2,000,000 to carry out
 11 this paragraph, to remain available until ex-
 12 pended.

13 “(5) REFERRALS OF ELIGIBLE WOMEN AND
 14 CHILDREN.—

15 “(A) IN GENERAL.—Each State that ad-
 16 ministers the supplemental nutrition assistance
 17 program or Medicaid program shall—

18 “(i) identify individuals who—

19 “(I)(aa) apply or reapply for ben-
 20 efits under the supplemental nutrition
 21 assistance program or Medicaid bene-
 22 fits, as applicable; and

23 “(bb) are certified to receive ben-
 24 efits under the special supplemental

1 nutrition program at the time of ap-
2 plication or reapplication; and

3 “(II)(aa) apply or reapply for
4 benefits under the supplemental nutri-
5 tion assistance program or Medicaid
6 benefits, as applicable; and

7 “(bb) are not certified to receive
8 benefits under the special supple-
9 mental nutrition program at the time
10 of application or reapplication under
11 subparagraph (A); and

12 “(ii) develop a policy to refer to the
13 special supplemental nutrition program all
14 eligible women and children identified
15 under clause (i)(II).

16 “(B) REPORT.—Not later than December
17 31, 2021, and each year thereafter, each State
18 described in subparagraph (A) shall report to
19 the Secretary—

20 “(i) the number of individuals identi-
21 fied under subclauses (I) and (II) of sub-
22 paragraph (A)(i); and

23 “(ii) the number and type of referrals
24 made to the special supplemental nutrition

1 program under a policy developed under
2 subparagraph (A)(ii).

3 “(6) STUDY ON THE IMPORTANCE OF MEETING
4 THE NUTRITIONAL NEEDS OF PREGNANT WOMEN
5 AND YOUNG CHILDREN.—

6 “(A) IN GENERAL.—Not later than De-
7 cember 31, 2021, the Secretary shall submit to
8 the Committee on Agriculture, Nutrition, and
9 Forestry of the Senate and the Committees on
10 Agriculture and Education and Labor of the
11 House of Representatives a report that de-
12 scribes—

13 “(i) the importance of adequate and
14 sound nutrition during pregnancy, the
15 postpartum period, and early childhood to
16 birth outcomes, child development, ongoing
17 health, and economic stability;

18 “(ii) the manner in which the special
19 supplemental nutrition program works in
20 combination with the supplemental nutri-
21 tion assistance program and the Medicaid
22 program to support adequate and sound
23 nutrition for eligible women and children
24 that receive benefits under those programs;

1 “(iii) research findings on the short-
2 and long-term outcomes associated with re-
3 ceiving benefits under the programs de-
4 scribed in clause (ii) during pregnancy and
5 early childhood years; and

6 “(iv) recommendations on how the
7 supplemental nutrition assistance program,
8 the Medicaid program, and the special sup-
9 plemental nutrition program can more ef-
10 fectively ensure that recipients of benefits
11 under the supplemental nutrition assist-
12 ance program or Medicaid benefits that are
13 also eligible for benefits under the special
14 supplemental nutrition program can be
15 certified more expeditiously during the crit-
16 ical developmental periods of pregnancy
17 and early childhood.

18 “(B) FUNDING.—Of the funds authorized
19 to be appropriated under subsection (g)(1)(A)
20 for fiscal year 2021, the Secretary shall use
21 \$2,000,000 to carry out this paragraph, to re-
22 main available until expended.

23 “(7) DATA FROM STATES.—

24 “(A) IN GENERAL.—Each State shall pro-
25 vide to the Secretary any data necessary to con-

1 duct the analyses for each report and study re-
2 quired under this subsection.

3 “(B) CONFIDENTIALITY.—All data pro-
4 vided to the Secretary under subparagraph (A)
5 shall be—

6 “(i) used only to enroll individuals in
7 the special supplemental nutrition pro-
8 gram; and

9 “(ii) subject to the confidentiality pro-
10 visions described in section 246.26(d) of
11 title 7, Code of Federal Regulations (or
12 successor regulations).

13 “(C) TECHNICAL ASSISTANCE.—The Sec-
14 retary shall provide, on request, technical or
15 training assistance to a State relating to data
16 governance of information required to be pro-
17 vided to the Secretary under subparagraph
18 (A).”.

19 (b) FOOD AND NUTRITION ACT.—Section 11 of the
20 Food and Nutrition Act of 2008 (7 U.S.C. 2020) is
21 amended by adding at the end the following:

22 “(y) STATE EFFORTS TO ENHANCE CROSS-ENROLL-
23 MENT TO IMPROVE THE NUTRITIONAL STATUS OF PREG-
24 NANT AND POSTPARTUM WOMEN AND YOUNG CHIL-
25 DREN.—A State agency shall—

1 “(1)(A) identify women and children applying
2 or reapplying for benefits under the supplemental
3 nutrition assistance program under this Act who are
4 certified to receive benefits under the special supple-
5 mental nutrition program for women, infants, and
6 children established by section 17 of the Child Nu-
7 trition Act of 1966 (42 U.S.C. 1786);

8 “(B) develop a policy to refer to the special
9 supplemental nutrition program described in sub-
10 paragraph (A) women and children applying or re-
11 applying for benefits under the supplemental nutri-
12 tion assistance program under this Act who are eli-
13 gible but not certified to receive benefits under that
14 special supplemental nutrition program; and

15 “(C) not later than December 31, 2021, and
16 each year thereafter, report to the Secretary the
17 number and type of referrals made under the policy
18 developed under subparagraph (B);

19 “(2) coordinate with a State agency that ad-
20 ministers the special supplemental nutrition program
21 for women, infants, and children established by sec-
22 tion 17 of the Child Nutrition Act of 1966 (42
23 U.S.C. 1786) to obtain cross-enrollment grants
24 under subsection (r)(3)(B) of that section; and

1 “(3) provide to the Secretary the data nec-
 2 essary to conduct the analyses for each report and
 3 study required under subsection (r) of section 17 of
 4 the Child Nutrition Act of 1966 (42 U.S.C. 1786).”.

5 (c) SOCIAL SECURITY ACT.—Section 1902(a)(11)(C)
 6 of the Social Security Act (42 U.S.C. 1396a(a)(11)(C))
 7 is amended—

8 (1) by striking “title” and all that follows
 9 through “with” and inserting “title with”; and

10 (2) by inserting after “1966” the following: “,
 11 including—

12 “(i) providing information and edu-
 13 cation on pediatric vaccinations and the
 14 delivery of immunization services;

15 “(ii)(I) identifying women and chil-
 16 dren applying or reapplying for benefits
 17 under this title who are certified to receive
 18 benefits under the special supplemental nu-
 19 trition program for women, infants, and
 20 children established by section 17 of the
 21 Child Nutrition Act of 1966 (42 U.S.C.
 22 1786);

23 “(II) developing a policy to refer to
 24 the special supplemental nutrition program
 25 described in subclause (I) women and chil-

1 dren applying or reapplying for benefits
2 under this title who are eligible but not
3 certified to receive benefits under that spe-
4 cial supplemental nutrition program; and

5 “(III) not later than December 31,
6 2021, and each year thereafter, reporting
7 to the Secretary the number and type of
8 referrals made under the policy developed
9 under subclause (II);

10 “(iii) obtaining cross-enrollment
11 grants under subsection (r)(3)(B) of sec-
12 tion 17 of that Act; and

13 “(iv) providing to the Secretary of Ag-
14 riculture the data necessary to conduct the
15 analyses for each report and study re-
16 quired under subsection (r) of that sec-
17 tion”.

○