117TH CONGRESS
1ST SESSION

H. R. ______

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

Ms. DeLauro introduced the following bill; which was referred to the Committee on ______________________

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 2021” or the “WIC Act of 2021”.

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SEC. 2. AGE OF ELIGIBILITY FOR CHILDREN UNDER THE
SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

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

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

“(2) CHILD.—The term ‘child’ means—

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

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

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

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


(1) by striking “A State” and inserting the following:

“(I) IN GENERAL.—A State”;

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

“(II) 5-YEAR-OLD CHILDREN.—

“(aa) IN GENERAL.—Subject to a waiver under clause (vi), beginning not later than October 1, 2026, a State shall certify a participant child who has had a fifth birthday but has not yet attained their sixth birthday, during the period that ends on the earlier of—

“(AA) the sixth birthday of the child; and

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

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

“(AA) ensure that the participant child receives required health and nutrition assessments; and

“(BB) establish a system to determine the first
date on which a participant child attends full day kindergarten.”.

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

SEC. 3. CERTIFICATION OF INFANTS.

(a) Definition of Infant.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by striking paragraph (5) and inserting the following:

“(5) Infant.—The term ‘infant’ means—

“(A) a person under 1 year of age; and

“(B) for purposes of subsection (d), a person under 2 years of age.”.

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

“(iv) Infants.—

“(I) In general.—Subject to a waiver under clause (vi), beginning not later than October 1, 2026, a State shall certify an infant for a period of not more than 2 years.
“(II) ASSESSMENTS.—In certifying an infant under subclause (I), a State shall ensure that the infant receives required health and nutrition assessments.”.

SEC. 4. EXTENSION OF POSTPARTUM PERIOD.

(a) BREASTFEEDING WOMEN.—

(1) DEFINITION OF BREASTFEEDING WOMAN.—

Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by striking paragraph (1) and inserting the following:

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

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

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

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

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

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

“(A) a woman up to 6 months after termination of pregnancy; and

“(B) for purposes of subsection (d), a woman up to 2 years after termination of pregnancy.”.

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

“(v) POSTPARTUM WOMEN.—Subject to a waiver under clause (vi), beginning not later than October 1, 2026, a State shall certify a postpartum woman for a period of up to 2 years after the termination of pregnancy of the postpartum woman.”.

SEC. 5. WAIVER FOR CERTIFICATION.

(1) in clause (i), by striking “clause (ii)” and inserting “this subparagraph”; and
(2) by adding at the end the following:

“(vi) Waiver.—

“(I) In general.—The Secretary may grant a waiver to a State agency, on request, that waives the certification deadline requirement described in clause (iii), (iv), or (v).

“(II) Specific date.—A State agency requesting a waiver under subclause (I) shall specify a date by which the State agency anticipates that it will implement the certification requirement under clause (iii), (iv), or (v) for which it seeks a waiver.

“(III) Eligibility for waiver.—To be eligible for a waiver under subclause (I), a State agency shall demonstrate to the satisfaction of the Secretary 1 or more of the following:

“(aa) There are unusual technological barriers to implementation.
“(bb) Operational costs are not affordable within the nutrition services and administration grant of the State agency.

“(cc) It is in the best interest of the program for the Secretary to grant the waiver.”.