

118TH CONGRESS
1ST SESSION

S. 1604

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 SENATE OF THE UNITED STATES

MAY 15, 2023

Mr. CASEY (for himself and Ms. COLLINS) 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 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 2023” or the “WIC Act of 2023”.

1 **SEC. 2. AGE OF ELIGIBILITY FOR CHILDREN UNDER THE**
 2 **SPECIAL SUPPLEMENTAL NUTRITION PRO-**
 3 **GRAM.**

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

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

8 “(2) CHILD.—The term ‘child’ means—

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

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

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

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

20 (b) CERTIFICATION.—Section 17(d)(3)(A)(iii) of the
 21 Child Nutrition Act of 1966 (42 U.S.C.
 22 1786(d)(3)(A)(iii)) is amended—

23 (1) by striking “A State” and inserting the fol-
 24 lowing:

25 “(I) IN GENERAL.—A State”;

26 and

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

2 “(II) 5-YEAR-OLD CHILDREN.—

3 “(aa) IN GENERAL.—Sub-
 4 ject to a waiver under clause (vi),
 5 not later than October 1, 2027, a
 6 State shall certify a participant
 7 child who has had a fifth birth-
 8 day but has not yet attained
 9 their sixth birthday, during the
 10 period that ends on the earlier
 11 of—

12 “(AA) the sixth birth-
 13 day of the child; and

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

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

20 “(AA) ensure that the
 21 participant child receives re-
 22 quired health and nutrition
 23 assessments; and

24 “(BB) establish a sys-
 25 tem to determine the first

1 date on which a participant
 2 child attends full day kin-
 3 dergarten.”.

4 (c) CONFORMING AMENDMENT.—Section
 5 1902(a)(53)(A) of the Social Security Act (42 U.S.C.
 6 1396a(a)(53)(A)) is amended by striking “below the age
 7 of 5” and inserting “(as defined in that section)”.

8 **SEC. 3. CERTIFICATION OF INFANTS.**

9 (a) DEFINITION OF INFANT.—Section 17(b) of the
 10 Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is
 11 amended by striking paragraph (5) and inserting the fol-
 12 lowing:

13 “(5) INFANT.—The term ‘infant’ means—
 14 “(A) a person under 1 year of age; and
 15 “(B) for purposes of subsection (d), a per-
 16 son under 2 years of age.”.

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

20 “(iv) INFANTS.—
 21 “(I) IN GENERAL.—Subject to a
 22 waiver under clause (vi), not later
 23 than October 1, 2027, a State shall
 24 certify an infant for a period of not
 25 more than 2 years.

1 “(II) ASSESSMENTS.—In certi-
 2 fying an infant under subclause (I), a
 3 State shall ensure that the infant re-
 4 ceives required health and nutrition
 5 assessments.”.

6 **SEC. 4. EXTENSION OF POSTPARTUM PERIOD.**

7 (a) BREASTFEEDING WOMEN.—

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

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

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

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

21 (2) CERTIFICATION.—Section 17(d)(3)(A)(ii) of
 22 the Child Nutrition Act of 1966 (42 U.S.C.
 23 1786(d)(3)(A)(ii)) is amended by striking “1 year”
 24 and all that follows through “earlier” and inserting
 25 “not more than 2 years postpartum”.

1 (b) POSTPARTUM WOMEN.—

2 (1) DEFINITION OF POSTPARTUM WOMAN.—

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

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

8 “(A) a woman up to 6 months after termi-
9 nation of pregnancy; and

10 “(B) for purposes of subsection (d), a
11 woman up to 2 years after termination of preg-
12 nancy.”.

13 (2) CERTIFICATION.—Section 17(d)(3)(A) of
14 the Child Nutrition Act of 1966 (42 U.S.C.
15 1786(d)(3)(A)) (as amended by section 3(b)) is
16 amended by adding at the end the following:

17 “(v) POSTPARTUM WOMEN.—Subject
18 to a waiver under clause (vi), not later
19 than October 1, 2027, a State shall certify
20 a postpartum woman for a period of up to
21 2 years after the termination of pregnancy
22 of the postpartum woman.”.

1 **SEC. 5. WAIVER FOR CERTIFICATION.**

2 Section 17(d)(3)(A) of the Child Nutrition Act of
 3 1966 (42 U.S.C. 1786(d)(3)(A)) (as amended by section
 4 4(b)(2)) is amended—

5 (1) in clause (i), by striking “clause (ii)” and
 6 inserting “this subparagraph”; and

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

8 “(vi) WAIVER.—

9 “(I) IN GENERAL.—The Sec-
 10 retary may grant a waiver to a State
 11 agency, on request, that waives the
 12 certification deadline requirement de-
 13 scribed in clause (iii), (iv), or (v).

14 “(II) SPECIFIC DATE.—A State
 15 agency requesting a waiver under sub-
 16 clause (I) shall specify a date by
 17 which the State agency anticipates
 18 that it will implement the certification
 19 requirement under clause (iii), (iv), or
 20 (v) for which it seeks a waiver.

21 “(III) ELIGIBILITY FOR WAIV-
 22 ER.—To be eligible for a waiver under
 23 subclause (I), a State agency shall
 24 demonstrate to the satisfaction of the
 25 Secretary 1 or more of the following:

1 “(aa) There are unusual
2 technological barriers to imple-
3 mentation.

4 “(bb) Operational costs are
5 not affordable within the nutri-
6 tion services and administration
7 grant of the State agency.

8 “(cc) It is in the best inter-
9 est of the program for the Sec-
10 retary to grant the waiver.”.

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