

119TH CONGRESS
1ST SESSION

H. R. 1464

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

FEBRUARY 21, 2025

Mr. FITZPATRICK (for himself and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Education and 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 2025” or the “MODERN WIC Act of 2025”.

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.—A State agency
10 shall ensure that appointments for individ-
11 uals seeking certification, recertification, or
12 a nutritional risk evaluation for participa-
13 tion in the program authorized under this
14 section are offered—

15 “(I) in-person; and

16 “(II) either—

17 “(aa) by telephone;

18 “(bb) through video tech-
19 nology that permits 2-way, real
20 time interactive communications;
21 or

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

1 “(ii) ADA COMPLIANCE.—Any format
2 made available for an appointment under
3 clause (i) shall be accessible to an indi-
4 vidual in accordance with the Americans
5 with Disabilities Act of 1990 (42 U.S.C.
6 12101 et seq.) and section 504 of the Re-
7 habilitation Act of 1973 (29 U.S.C. 794).

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

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

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

21 “(iv) INTERIM ELIGIBILITY FOR NU-
22 TRITIONAL RISK.—

23 “(I) IN GENERAL.—A State
24 agency may consider an applicant who
25 meets the income eligibility standards

1 to be temporarily eligible on an in-
2 terim basis to participate in the pro-
3 gram and may certify any such indi-
4 vidual for participation immediately,
5 without delaying certification until a
6 nutritional risk evaluation is made.

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

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

23 (3) by redesignating subparagraphs (D)
24 through (F) as subparagraphs (C) through (E), re-
25 spectively.

1 (b) **TECHNICAL AMENDMENT.**—Section 17(d)(3) of
2 the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3))
3 is amended by conforming the margin of subparagraph
4 (B) to the margin of subparagraph (C).

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

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

9 (1) in the third sentence—

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

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

15 “(iii) **DISAPPROVAL OF STATE**
16 **PLAN.**—The Secretary”;

17 (2) in the second sentence—

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

22 (B) by striking “The State” and inserting
23 the following:

24 “(ii) **STATE PLAN.**—The State”; and

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

4 “(B) DELIVERY OF FOOD INSTRUMENTS.—

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

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

15 **SEC. 4. REPORT TO CONGRESS.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Secretary shall submit
18 to the Committee on Agriculture, Nutrition, and Forestry
19 of the Senate and the Committee on Education and the
20 Workforce of the House of Representatives a report on
21 the use of remote technologies under the special supple-
22 mental nutrition program for women, infants, and children
23 established by section 17 of the Child Nutrition Act of
24 1966 (42 U.S.C. 1786) (referred to in this section as the
25 “program”).

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

3 (1) the use of remote technologies and other
4 digital tools, including video, telephone, and online
5 platforms—

6 (A) to certify eligible individuals for pro-
7 gram services; and

8 (B) to provide nutrition education and
9 breastfeeding support to program participants;

10 (2) the impact of remote technologies, including
11 video, telephone, and online platforms, on certifi-
12 cations, appointments, and participant satisfaction
13 under the program; and

14 (3) best practices to—

15 (A) certify program participants for pro-
16 gram services using remote technologies;

17 (B) incorporate the use of digital tools into
18 the program certification process;

19 (C) integrate nutrition education and
20 breastfeeding support services for program par-
21 ticipants into remote technologies and plat-
22 forms; and

23 (D) securely manage program participant
24 data.

○