

117TH CONGRESS
2D SESSION

H. R. 8587

To amend the Child Nutrition Act of 1966 to require that State agencies contract with more than one infant formula manufacturer under the special supplemental program for women, infants, and children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2022

Mr. TURNER introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To amend the Child Nutrition Act of 1966 to require that State agencies contract with more than one infant formula manufacturer under the special supplemental 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 “Improving Newborn
5 Formula Access for a Nutritious Tomorrow Act of 2022”
6 or the “INFANT Act of 2022”.

1 **SEC. 2. INCREASING INFANT FORMULA MANUFACTURER**
2 **CONTRACTS UNDER WIC PROGRAM.**

3 Section 17 of the Child Nutrition Act of 1966 (7
4 U.S.C. 1431) is amended—

5 (1) in subsection (b)(17), by striking “selects a
6 single source (a single infant formula manufacturer)
7 offering the lowest price, as determined by the sub-
8 mission of sealed bids, for a product for which bids
9 are sought for use in the program authorized by this
10 section” and inserting “selects, in accordance with
11 subsection (h)(8)(iii), infant formula manufacturers,
12 as determined by the submission of sealed bids, for
13 a product for which bids are sought for use in the
14 program authorized by this section”; and

15 (2) in subsection (h)(8)(A)—

16 (A) by amending clause (iii) to read as fol-
17 lows:

18 “(iii) COMPETITIVE BIDDING SYS-
19 TEM.—A State agency using a competitive
20 bidding system for infant formula shall
21 award contracts to—

22 “(I) at least 2 manufacturers,
23 under which no manufacturer may re-
24 ceive a contract for more than 70 per-
25 cent of the infant formula for which

1 the State agency contracts in a year;
2 and

3 “(II) bidders offering the lowest
4 net price for a specific infant formula
5 for which manufacturers submit a bid
6 unless the State agency demonstrates
7 to the satisfaction of the Secretary
8 that the weighted average retail price
9 for different brands of infant formula
10 in the State does not vary by more
11 than 5 percent.”; and

12 (B) by striking clauses (v) and (vi) and re-
13 designating clauses (vii) through (x) as (v)
14 through (viii), respectively.

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