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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To direct the Secretary of Health and Human Services to establish a pilot program under which the Secretary provides financial assistance to certain individuals to purchase infant formula, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. WASSERMAN SCHULTZ introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Secretary of Health and Human Services to establish a pilot program under which the Secretary provides financial assistance to certain individuals to purchase infant formula, 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 “Constance C. McDaniel
5 Medically Necessary Infant Formula and Donor Milk
6 Act”.

1 **SEC. 2. INFANT FORMULA ASSISTANCE.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act, the Secretary of Health
4 and Human Services (referred to in this section as the
5 “Secretary”) shall establish a 3-year pilot program (to be
6 known as the Medically Necessary Infant Formula Pilot
7 Program and referred to in this Act as the “Program”)
8 under which the Secretary will provide to eligible individ-
9 uals financial assistance for purposes of purchasing cov-
10 ered infant formula or donor milk.

11 (b) MANNER OF PROVISION OF FINANCIAL ASSIST-
12 ANCE.—The Secretary may provide financial assistance
13 through any means determined to be appropriate by the
14 Secretary, including through—

15 (1) establishing a voucher program;

16 (2) providing for reimbursement to eligible indi-
17 viduals for expenses incurred in purchasing covered
18 infant formula or donor milk; or

19 (3) providing a grant to governmental or non-
20 profit entities serving eligible individuals at the local
21 level.

22 (c) EDUCATION.—The Secretary shall, in consulta-
23 tion with health care providers, take such steps as may
24 be necessary to ensure information about the Program is
25 available to families.

26 (d) EVALUATION; REPORT.—

1 (1) EVALUATION.—The Secretary shall conduct
2 an annual evaluation of performance of the Program
3 with respect to delivery of assistance to parents and
4 infants in need, including how many individuals ben-
5 efitted from the Program and how much covered in-
6 fant formula or donor milk was provided through the
7 Program.

8 (2) REPORT.—Not later than 1 year after the
9 date on which the Program begins and annually
10 thereafter, the Secretary shall submit a report to
11 Congress on the findings of each evaluation con-
12 ducted under paragraph (1).

13 (e) DEFINITIONS.—In this section:

14 (1) The term “covered infant formula” means
15 infant formula lawfully sold in the United States in
16 compliance with section 412 of the Federal Food,
17 Drug, and Cosmetic Act (21 U.S.C. 350a).

18 (2) The term “donor milk” means human milk
19 that is collected, pasteurized, and dispensed by a
20 donor human milk bank without additives.

21 (3) The term “donor human milk bank” means
22 an organization that—

23 (A) meets standards established by the
24 Food and Drug Administration for purposes of

1 ensuring the safety of donor human milk and
2 human milk banks; and

3 (B) collects, tests, processes, pasteurizes,
4 and distributes donor human milk, in compli-
5 ance with applicable Federal and State law.

6 (4) The term “eligible individual” means an in-
7 dividual who—

8 (A) is not eligible to participate in the spe-
9 cial supplemental nutrition program for women,
10 infants, and children under section 17 of the
11 Child Nutrition Act of 1966 (42 U.S.C. 1786);

12 (B) is the parent or legal guardian of a
13 child who is less than one year of age (or such
14 older age as may be necessary due to a medical
15 issue diagnosed by a medical professional); and

16 (C)(i) is a postpartum woman who has an
17 inability to breastfeed, as diagnosed by a med-
18 ical professional, due to—

19 (I) a physical factor as a result of a
20 diagnosed medical condition;

21 (II) a chronic disease, such as cancer;

22 (III) a behavioral or mental health
23 issue; or

24 (IV) such other medical issue, as may
25 be determined by the Secretary;

- 1 (ii) has an inability to breastfeed due to—
2 (I) adoption;
3 (II) maternal mortality; or
4 (III) surrogacy following diagnosis of
5 a medical condition; or
6 (iii) has a child who has—
7 (I) feeding tubes;
8 (II) digestive issues;
9 (III) latching issues (including ana-
10 tomical issues, such as Ankyloglossia);
11 (IV) an allergy or intolerance; or
12 (V) such other medical issue, as may
13 be determined by the Secretary.

14 (5) The term “medical professional” includes a
15 pediatrician, an obstetrician-gynecologist, a general
16 practitioner, or a nurse practitioner.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$15,000,000 for each of fiscal years 2027 through 2031.

20 (g) SUNSET.—The authority of the Secretary to carry
21 out this section shall terminate on the date that is 3 years
22 after the date of the enactment of this Act.