

# The WIC Healthy Beginnings Act (S. 3216 / H.R. 7603)

*Supported by the National WIC Association, the Infant Nutrition Council of America, National Milk Producers Federation, and March of Dimes*

## Background

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides half of infants born in the U.S. with access to breastfeeding education and counseling and supplemental nutritious food.<sup>1, 2</sup> While WIC is primarily a breastfeeding promotion program, WIC does offer iron-fortified infant formula for partially breastfed and fully formula-fed infants. Leading health experts and federal agencies recommend iron-fortified infant formula as an appropriate substitute when breast milk is not an option.<sup>3, 4</sup> WIC participants obtain access to infant formula through the state WIC agency's competitive bidding process.

Since 1989, federal law has required State WIC Agencies to ensure efficient use of federal funds and contain infant formula costs by having an open solicitation for infant formula contracts. The competitive bidding process for purchasing infant formula is an essential effort for WIC state agencies and consortiums to maintain the program's overall cost-effectiveness.<sup>5</sup> Through competitive bidding, WIC is able to save approximately \$1.7 billion in spending, assuring that WIC can serve more eligible parent(s) and their infants, provide quality nutrition services to more families, and reduce federal costs through annual appropriations.

Competitive bidding for infant formula contracts could be more efficient and more savings could be achieved by streamlining information sharing. Since this process is managed through state procurement processes, infant formula manufacturers currently have to visit each state (or consortium) WIC agency's website and anticipate when a solicitation will be available. As a result of fragmented information, competitive submissions are not maximized, and manufacturers sometimes miss out on the opportunity to compete for a contract.

## Proposal

*The WIC Healthy Beginnings Act* aims to improve the WIC public-private partnership to more closely align with regular contracting norms to ensure transparency and access to high quality and safe products. Specifically, this bipartisan legislation will establish a federal public notice for all open WIC infant formula contracts that will increase competitive applications for state WIC agencies and level the playing field for infant formula manufacturers to compete.

The bipartisan legislation would require state WIC agencies – including consortiums – to submit to USDA open solicitations. The USDA maintains that list rather than allowing it to be on a state-by-state basis. The fully searchable database would include:

- the title of the bid solicitation and the state agency administering the bid solicitation,
- the website hyperlink and other information needed for the purpose of submitting a bid in response to the bid solicitation,
- the contact information and website hyperlink for the state agency administering the bid solicitation, for the purpose of gathering additional information relating to the bid solicitation, and
- the period during which bids are accepted or the due date for bids, as applicable, under the bid solicitation.

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<sup>1</sup> U.S. Department of Agriculture, Fact Sheet: The Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program), <https://www.fns.usda.gov/sites/default/files/wic/wic-fact-sheet.pdf>. See also <https://www.fns.usda.gov/pd/wic-program>.

<sup>2</sup> WIC also provides health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk.

<sup>3</sup> American Academy of Pediatrics, Choosing an Infant Formula, <https://www.healthychildren.org/English/ages-stages/baby/formula-feeding/Pages/Choosing-an-Infant-Formula.aspx>.

<sup>4</sup> U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans, 2020-2025, pp. 67, [https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary\\_Guidelines\\_for\\_Americans\\_2020-2025.pdf](https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf).

<sup>5</sup> Center on Budget and Policy Priorities, WIC's Competitive Bidding Process for Infant Formula Is Highly Cost-Effective, February 17, 2017, <https://www.cbpp.org/research/food-assistance/wics-competitive-bidding-process-for-infant-formula-is-highly-cost>.