



UNITED STATES SENATE COMMITTEE ON
**AGRICULTURE, NUTRITION,
& FORESTRY**

U.S. SENATOR DEBBIE STABENOW, CHAIRWOMAN

Access to Baby Formula Act

Almost half of all babies born in the U.S. receive nutritional support through Special Supplemental Nutrition Program for Women, Infants, and Children, or WIC, including access to formula. In light of the ongoing shortage, ensuring that WIC families can continue to access to baby formula is critical. USDA has provided a number of flexibilities to enable states to quickly respond and offer options to WIC families. USDA must have permanent authority to respond in the event of a future event, and it's equally important that baby formula manufacturers are better prepared to prevent and respond to future shortages.

Chairwoman Stabenow and Ranking Member Boozman's Access to Baby Formula Act would give USDA permanent authority to provide WIC flexibilities as needed to respond to an emergency, disaster, product recall or supply chain disruption, and require formula manufacturers to be accountable.

Specifically, the **Access to Baby Formula Act** would:

- Give USDA permanent authority to respond in the event of a product recall or supply chain disruptions and provide WIC flexibilities including:
 - Allowing vendors to exchange or substitute authorized supplemental foods;
 - Allowing flexibility so a doctor's note is not needed to access another brand of formula;
 - Flexibilities on the maximum monthly allowance for infant formula, and;
 - Allowing for additional flexibilities so long as they do not substantially weaken the nutrition quality of the products.
- Give USDA permanent authority to respond to an emergency or disaster and provide WIC flexibilities as needed.
- Require baby formula rebate contracts to include a plan to respond to a baby formula recall, including how the manufacturer would prevent shortages of baby formula and require manufacturers to follow these new requirements in the event of a recall.
- Ensure that FDA and USDA have a Memorandum of Understanding so that FDA is increasing communication with USDA. It is key that USDA has access to information so that the Department is prepared to respond to potential shortages within the WIC program.