



SECTION BY SECTION

House Committee on Education and Labor
Chairman Robert C. "Bobby" Scott

Healthy Meals, Healthy Kids Act (H.R. 8450)

Section 1. Short Title; Table of Contents

Section 2. Definition of Secretary

Title I — Expanding Access to School Meals

Section 101. Emergency Waivers or Modifications

This section provides the Secretary of Agriculture (Secretary) with the authority to waive certain statutory or regulatory requirements under certain child nutrition programs on a state-by-state or national level in the event of a qualifying emergency.

Section 102. Direct Certification for Children Receiving Medicaid Benefits

This section converts the pilot program allowing for direct certification of children receiving Medicaid into a permanent program. The permanent program allows for direct certification of children for free or reduced price meals, and includes children who are eligible for Medicaid by virtue of receiving other benefits, including Adoption Assistance, Social Security Income, and Guardianship Assistance. This section also provides improvement grants and technical assistance to state agencies or Tribal organizations to carry out direct certification.

Section 103. Expanding Community Eligibility

This section changes the multiplier used to determine the rate of federal reimbursement to schools participating in the Community Eligibility Provision (CEP) from 1.6 to 2.5, lowers the participation threshold for schools to elect CEP from 40 percent to 25 percent of identified students, and allows for statewide election of CEP.

Title II — Ensuring the Long-Term Viability of School Meal Programs

Subtitle A—Programs Under the Richard B. Russell National School Lunch Act

Section 201. Increasing Reimbursement Rate of School Meals

This section increases the base reimbursement rate for meals served in the National School Lunch Program (NSLP) by 10 cents.

Section 202. Statewide Technology Solutions Included as State Administrative Costs

This section allows state administrative expense (SAE) funds to be used for statewide technology solutions.

Section 203. Annual Reimbursement Rate and Commodity Improvements

This section adds commodity assistance at a rate of 6 cents per meal, adjusted for inflation, to the School Breakfast Program (SBP). This section also changes the date on which the value of commodities is updated (based on the Price Index for Food Used in Schools and Institutions) to January 15 each year.

Section 204. Food Service Management

This section requires that the Secretary issue a request for information on contracts between school food authorities and food service management companies and requires the Secretary to issue regulations.

Section 205. Kitchen Improvement and Personnel Training

This section authorizes \$35,000,000 per year for Fiscal Year (FY) 2024 through FY 2028 in discretionary appropriations to purchase kitchen equipment, improve kitchen infrastructure, purchase software and technology systems needed to serve healthy meals and promote food safety, support scratch cooking, and facilitate the use of salad bars in school meal programs. This section also establishes a grant program to support scratch cooking by promoting professional development and training for preparing, procuring, and serving scratch cooked meals and by providing student engagement activities. This section authorizes a technical assistance center on scratch cooking to support grantees and reserves 10 percent of the funding for this purpose.

Subtitle B—Programs Under the Child Nutrition Act of 1966

Section 211. Professional Development and Training

This section requires that training for school food service personnel be scheduled during regular, paid working hours. If training is not done during paid working hours, then the time spent in training must be considered compensable at a rate not less than the individual's regular rate of pay. Any food service personnel who cannot attend such training may not be discharged.

Section 212. Technology and Infrastructure Improvement

This section extends the authorization of appropriations for Technology Infrastructure Grants through FY 2028.

Section 213. State Administrative Expenses

This section extends the authorization of appropriations for SAE through FY 2028.

Title III — Modernizing the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

Section 301. Adjunctive Eligibility

This section requires WIC to automatically certify infants born to a mother participating in WIC, and extends adjunctive eligibility to women, infants, or children under the age of 6 residing in a household in which a member participates in the Children's Health Insurance Program (CHIP), Head Start, Early Head Start, or the Food Distribution Program on Indian Reservations (FDPIR).

Section 302. WIC Eligibility and Certification Periods

This section extends eligibility for WIC through a child's sixth birthday or the day they begin kindergarten, whichever is earlier. Additionally, this section requires WIC agencies to certify infants, children, breastfeeding women, and (non-breastfeeding) postpartum women for two-year periods. WIC providers must comply with these updates by October 1, 2026. This section also makes breastfeeding and (non-breastfeeding) post-partum

women eligible for two years post-partum. This section also allows for WIC agencies to adjust certification periods for members of the same household in order to establish alignment of household members' certification periods. This section allows for information provided by a health care provider to be used to establish nutrition risk for program eligibility. This section also provides a 90-day period of interim nutritional risk eligibility for all participants and allows for 30-day temporary eligibility for all participants based on a signed self-attestation of eligibility. This section also requires states to develop policies on eligibility for children in kinship care, in alignment with the current statutory requirements for children in foster care.

Section 303. Certification and Recertification Determinations and Nutritional Risk Evaluations

This section requires WIC clinics to offer applicants in-person, phone, and video options, as determined by the Secretary, for certification and recertification appointments, and for evaluation of nutritional risk. This section also allows state agencies to issue benefits remotely (such as by uploading them to a benefit card or by mail). This section authorizes \$90,000,000 in annual discretionary appropriations for investments in WIC technology, including the development of secure communication systems to share data between WIC clinics and other health care providers. This section requires the Secretary to collect data on the percentage of WIC-eligible SNAP recipients and the percentage of WIC-eligible Medicaid recipients certified in WIC and develop a plan across programs to increase these percentages.

Section 304. Paperwork Reduction

This section allows for a single document, including in an electronic form or provided electronically, that provides all information required for certification or recertification.

Section 305. Nutrition Education Materials Related to Food Allergies

This section allows for the provision of nutrition education materials for WIC-eligible individuals with food allergies.

Section 306. Breastfeeding Supply Coverage

This section allows breastfeeding supplies to be purchased as part of funds available for the provision of food benefits.

Section 307. Water Benefits During Disasters

This section allows for a state or local agency to purchase and distribute safe drinking water to WIC participants during an emergency period for preparation of infant formula.

Section 308. Infant Formula Procurement Online Source of Information

This section requires the Secretary of Agriculture to create an online source of information pertaining to state agency infant formula bid solicitations.

Section 309. Breastfeeding Peer Counselor Program

This section permanently authorizes the breastfeeding peer counselor program and increases the authorization of discretionary annual appropriations for breastfeeding peer counselors from \$90,000,000 to \$180,000,000 to be used for establishing and administering breastfeeding peer counselors programs and providing breastfeeding support in health care settings outside of the WIC clinic or in partnership with the Maternal, Infant, and Early Childhood Home Visiting program.

Section 310. Product Pricing

This section makes a technical update to the way product prices are described, in alignment with modern retail systems.

Section 311. WIC A50 Stores

This section allows stores that derive more than 50 percent of their food sales from WIC to receive a reimbursement rate that consists of the average reimbursement rate for the same food products at other stores within a 5 percent margin.

Section 312. WIC EBT Modernization

This section makes statutory updates needed to allow for online and mobile payments in WIC, and prohibits interchange and transaction fees from being imposed on WIC vendors. This section requires each state agency to approve at least three vendors for online WIC purchases by October 1, 2025 and requires a report to Congress on the implementation of online and mobile payments in WIC. This section also sets aside \$40,000,000 in annual discretionary appropriations in FY 2023 through FY 2028 to support retailers, particularly small businesses, in modernization efforts.

Section 313. Spend Forward Authorities

This section increases WIC state agency back spend authority for food funds in a preceding fiscal year from 1 percent to 10 percent, and increases WIC State agency back spend authority for Nutrition Services and Administration (NSA) funds in a preceding fiscal year from 1 percent to 10 percent. This section also increases the percentage of NSA funding that can be spent in a subsequent fiscal year from 3 percent to 10 percent and allows up to 3 percent of WIC state funding to be spent in a subsequent fiscal year, provided that the funds go toward activities related to food delivery.

Section 314. Administrative Simplification

This section streamlines the process for submitting state plans. This section also eliminates the National Advisory Council on Maternal, Infant, and Fetal Nutrition which is no longer in operation.

Section 315. Authorization of Appropriations

This section amends the authorization of appropriations for WIC from FY 2010 through FY 2015 to FY 2023 through FY 2028.

Section 316. WIC Farmers' Market Nutrition Program

This section allows for WIC Farmers' Market Nutrition Program (FMNP) benefits to be accepted by Community Supported Agriculture programs. This section also allows for WIC FMNP benefits to be redeemed at a central point of sale, making it easier to redeem benefits at a farmers' market. This section also eliminates the state matching requirement for states and tribal state agencies for FMNP. This section increases the minimum FMNP benefit level to \$20 and the maximum benefit level to \$100, and increases administrative funds for states.

Section 317. Supporting Healthy Mothers and Infants

This section requires the Secretary, in collaboration with the Secretary of Health and Human Services, to develop and disseminate evidence-based WIC nutrition education materials for individuals impacted by a substance use disorder. This section also requires the Secretary to make available to state agencies an online clearinghouse with nutrition education and training materials for individuals impacted by a substance use disorder. To carry out this section, \$1,000,000 is authorized to be appropriated in FY 2024 and may be used until expended.

Title IV — Modernizing the Child and Adult Care Food Program (CACFP)

Section 401. Eligibility Certification Criteria for Proprietary Child Care Centers

This section allows CACFP eligibility for proprietary child care centers to be determined on an annual basis, in alignment with other child care centers.

Section 402. Automatic Eligibility for Children in Supplemental Nutrition Assistance Households

This section allows a child to be automatically eligible for benefits if the child is a member of household that receives Supplemental Nutrition Assistance Program (SNAP) benefits.

Section 403. Review of Serious Deficiency Process

This section requires the Secretary to review and issue guidance on the regulations regarding the serious deficiency process for CACFP not later than 1 year after the date of enactment of the bill.

Section. 404. Authorization of Reimbursements for Additional Meal or Snack

This section allows for reimbursement of up to two meals and two snacks or three meals and one snack per child per day for children in care for at least eight hours per day.

Section 405. Adjustments

This section allows for annual adjustments to reflect the Consumer Price Index for food away from home to be used for reimbursements for food served in family or group day care homes.

Section 406. Age Limits in Homeless Shelters and Emergency Shelters

This section increases the age limit for reimbursement for meals and supplements served in homeless shelters and emergency shelters to individuals who have not yet attained the age of 25.

Section 407. Advisory Committee on Paperwork Reduction

This section establishes an advisory committee to examine the feasibility of reducing unnecessary or duplicative paperwork and provide recommendations to the Secretary to reduce paperwork. This section also requires the Secretary to issue guidance and, if appropriate, regulations, in response to these recommendations within two years.

Title V — Addressing Child Food Insecurity During the Summer

Section 501. Summer Food Service Program for Children

This section reduces the eligibility threshold for participation in the Summer Food Service Program (SFSP) from 50 to 40 percent of the children residing in the area who have been determined to be eligible for free or reduced-price meals. This section authorizes the Seamless Summer Option that allows schools operating the NSLP to continue under that program for summer meals. This section also creates an option for year-round meal service under SFSP for non-school meal providers. This section authorizes a competitive grant program to increase participation in SFSP at feeding sites through innovative approaches including transportation and mobile meal delivery and authorizes \$10,000,000 each fiscal year for these grants. This section allows meal service through SFSP during unanticipated closures for school sites. This section allows service institutions that participate in SFSP to serve up to three meals, or two meals and one snack per child per day. This section also requires updated nutrition standards for SFSP and specifies that outreach materials for SFSP be culturally and linguistically appropriate. The section authorizes the SFSP through FY 2028.

Section 502. Summer Electronic Benefit Transfer for Children Program

This section authorizes a permanent nation-wide Summer Electronic Benefit Transfer (Summer EBT) program to provide benefits at a rate of \$75 per child per month during the summer. This section requires the Secretary to issue implementation grants to support Summer EBT.

Title VI — Improving Capacity and Promoting Sustainability

Section 601. Values-Aligned Procurement

This section expands the list of criteria institutions may purchase from that are considered sustainable and equitable such as unprocessed food products that were locally grown and locally raised, produced by a socially disadvantaged, veteran, or beginning farmer or rancher. This section also authorizes school districts to include certain values-aligned purchasing criteria as a specification in their competitive bids.

Section 602. Procurement Training

This section extends an annual authorization of \$1,000,000 for procurement training for FY 2023 through FY 2028.

Section 603. Buy American

This section clarifies requirements for school food authorities in assessing compliance with current Buy American requirements in the context of existing administrative review processes and enables the Secretary to receive information on the availability of domestically-produced products and where cost differentials between domestically-produced and foreign-produced goods are prohibitive. Additionally, the section requires the Secretary to assess compliance with Buy American policies annually.

Section 604. Plant-Based Foods in Schools

This section establishes a pilot grant program to support the provision of plant-based foods in schools participating in NSLP. Grant funds may be used for professional development training for food service personnel, technical assistance, student engagement and education, outreach, and procurement costs associated with purchasing plant-based foods. To carry out this section, \$10,000,000 is authorized for FY 2024, to remain available through 2028.

Section 605. Food Waste and Nutrition Education

This section establishes a grant program to carry out food waste measurement and reporting, prevention, education, and reduction projects in schools. Funds may be used to plan and carry out food waste measurement, prevention, and reduction projects; provide training; purchase equipment to support projects; and offer food waste education. To carry out this section, \$10,000,000 is authorized for FY 2024, to remain available through 2028

Section 606. Farm to School Grant Program

This section makes updates to the Farm to School Program and changes the mandatory authorization of funds from \$5,000,000 per year to \$15,000,000 per year. This section also increases the maximum Farm to School grant award to \$500,000 and removes the matching funds requirement.

Title VII — Supporting Tribes and Freely Associated States

Section 701. Tribally Operated Meal and Snack Pilot Project

This section creates a pilot project to allow for Indian tribes to assume responsibility for administering the School Breakfast Program, the National School Lunch Program, the Child and Adult Care Food Program, or the Summer Food Service Program in lieu of a state agency.

Section 702. Island Areas Eligibility Feasibility Study Under the Richard B. Russell National School Lunch Act

This section directs the Secretary to complete a feasibility study to assess the ability and preparedness of the freely associated states to operate child nutrition programs authorized under the *Richard B. Russell National School Lunch Act* and the *Child Nutrition Act of 1966*.

Title VIII — Addressing Lunch Shaming and Unpaid Meal Debt

Section 801. Unpaid Meal Debt

This section prohibits school districts from publicly identifying students who have unpaid meal debts or hiring debt collectors to recover unpaid meal debts. Additionally, this section requires schools to attempt to directly certify a child with unpaid meal debt and allows schools to be retroactively reimbursed for meals served to a child who was unable to pay for them and is later directly certified for free or reduced price meals.

Section 802. National Advisory Council on Unpaid Meal Debt in Child Nutrition Programs

This section establishes an advisory council to provide recommendations to the Secretary pertaining to addressing unpaid meal debt that ensures that no student is stigmatized and that school food authorities can maintain fiscal solvency. This section also requires the Secretary to issue guidance based on these recommendations. To carry out this section, \$1,500,000 is authorized to be appropriated to remain available until after the submission of the report.

Title IX — Strengthening Evidence-Based Nutrition Standards

Section 901. Updating Nutrition Standards for Meal Patterns

This section requires the Secretary to promulgate regulations to update the nutrition standards for schools who participate in the NSLP or SBP to align with the most recent Dietary Guidelines for Americans, not less than once every 10 years or not later than 1 year after two consecutive publications of the Dietary Guidelines for Americans. This section allows the Secretary to provide assistance to schools to improve school health environments and provide healthy meals. Assistance can include grants and monetary incentives to schools and entities working with schools to carry out NSLP and SBP. This section provides \$3,000,000 in grants for FY 2023, and \$3,000,000 for each following year to be adjusted for inflation. This section also requires the Secretary to annually publish a list of schools in compliance with the updated nutrition standards on the Department's website.

Section 902. Non-Nutritive Sweeteners, Synthetic Dyes, and Other Potentially Harmful Substances in School Meals

Establishes an agreement between the Secretary and the National Academy of Sciences under which the National Academy will create and publish a report that includes recommendations on nutrition standards including the use of non-nutritive sweeteners, synthetic dyes, and other potentially harmful substances in school meals. Based on the recommendations, the Secretary may promulgate proposed regulations.

Title X — Other Matters

Subtitle A—Programs Under the Richard B. Russell National School Lunch Act

Section 1001. Accommodating Dietary Requirements

This section requires schools to provide a non-dairy fluid milk substitute to children with special dietary needs provision if a parent or guardian makes a written request to the school district. This section also allows schools to provide a non-dairy fluid milk substitute to any student as part of a reimbursable meal without a note. All non-dairy fluid milk substitutes must meet the nutrition standards established by the Secretary and be consistent with the most recent Dietary Guidelines for Americans. This section provides \$2,000,000 in grants for FY 2024 to remain available for three years after the enactment of the section.

Section 1002. Data Protections for Household Applications

This section requires the Secretary to establish requirements for the protection of school meal applicant data.

Section 1003. Eating Disorder Prevention

This section incorporates mental health promotion and education, including awareness of eating disorders, into local school wellness policies. This section increases the authorization for these activities from \$3,000,000 to \$5,000,000 for FY 2024 and allows those funds to remain available until expended.

Section 1004. Compliance and Accountability

This section reauthorizes funding to support compliance and accountability activities through FY 2028.

Section 1005. National Hunger Hotline and Clearinghouse

This section increases the authorization for appropriations for the National Hunger Hotline and Clearinghouse from \$250,000 to \$500,000 for each fiscal year 2023 through 2028.

Section 1006. Ensuring Adequate Meal Time

This section requires the Secretary to enter into an agreement with an independent, nonpartisan, science-based research organization to carry out a study on the time lunches are served, recess is offered, and the duration of lunch periods. This section also directs the Secretary to establish a task force in coordination with the Secretary of Education to review the study and other pertinent research and to develop best practices. This section also requires the Secretary to issue guidance on best practices developed by the task force. To carry out this section, \$1,000,000 is authorized for FY 2024 and allows those funds to be available until expended.

Subtitle B—Programs Under the Child Nutrition Act of 1966

Section 1011. Enhancing Nutrition Education

This section adds scratch cooking training as part of the Team Nutrition program to promote nutritional health. This section also allows for Team Nutrition funds to be used for hiring qualified, full-time food and nutrition educators to carry out nutrition education programs in schools.

Subtitle C— Improving Food Donations

Section 1021. Food Donation in Schools

This section updates terminology around food donation and permits school campuses to receive, store, and distribute donated food.

Section 1022. Bill Emerson Good Samaritan Food Donation Act

This section updates the *Bill Emerson Good Samaritan Food Donation Act* by: expanding liability protections for food that is apparently wholesome and sold at a price that is an amount not greater than the cost of handling, administering, and distributing the food; extending protections to food and supplies donated for pets; and providing liability protections for direct donations.

Section 1023. Regulations

This section requires the Secretary to issue regulations regarding food donation.

Subtitle D— Miscellaneous

Section 1031. Technical Amendments

This section makes technical and conforming amendments to the *Child Nutrition Act* and the *National School Lunch Act*.