

Healthy Meals, Healthy Kids Act of 2022

Bill Summary – Updated 7-28-2022

The Feeding America Government Relations Team is providing a summary of the Healthy Meals, Healthy Kids Act of 2022, which would reauthorize federal child nutrition programs.

The bill was introduced in the House by Rep. Robert C. “Bobby” Scott (D-VA) and Rep. Suzanne Bonamici (D-OR). This bill passed the House Education and Labor Committee on July 27, 2022 along party lines. We commend the passage of this bill to strengthen child nutrition programs, but are disappointed the bill does not give summer meal programs the option to serve meals in a non-congregate setting.

Below are links to several helpful resources on the Healthy Meals, Healthy Kids Act and a summary of key nutrition program changes from the legislation.

- [Feeding America’s Press Statement](#)
- [Bill Text](#)
- [House Section-by-Section Summary](#)
- [House Fact Sheet](#)

Title I: Expanding Access to School Meals

- Provides the secretary of agriculture with the authority to waive some statutory or regulatory requirements under certain child nutrition programs on a state-by-state basis or at the national level in the event of a qualifying emergency.
- Makes permanent a program that allows schools to directly certify Medicaid-eligible children for free or reduced-price meals. The program includes children who are eligible for Medicaid by virtue of receiving other benefits, including adoption assistance, Social Security Income and guardianship assistance.
- Makes the following Community Eligibility Program (CEP) improvements:
 - Changes 1.6 multiplier to 2.5 multiplier
 - Changes threshold from 40% to 25%
 - Creates statewide CEP option



Title II: Long-Term Viability of School Meal Programs

- Increases the reimbursement rate for all school meals served in the National School Lunch Program (NSLP) by 10 cents.
- Allows state administrative expense (SAE) funds to be used for statewide technology solutions.
- Increases commodity assistance for the School Breakfast Program (SBP) by 6 cents per meal, adjusted for inflation. 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 Jan. 15 each year.
- Requires that the secretary issue a request for information on contracts between school food authorities and food service management companies.
- Authorizes \$35 million per year for 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.
 - Establishes a grant program to support scratch cooking by promoting training on preparing, procuring and serving scratch-cooked meals and by providing student engagement activities.
 - Authorizes a technical assistance center on scratch cooking to support grantees and reserves 10% of the funding for this purpose.
 - 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.
- Extends the authorization of appropriations for technology infrastructure grants through FY 2028.
- Extends the authorization of appropriations for state administrative expenses through FY 2028.

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

- Requires WIC to automatically certify infants born to a mother participating in WIC. 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).



- Extends eligibility for WIC through a child's 6th birthday or until kindergarten, whichever is earlier.
- 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 Oct. 1, 2026.
- Makes breastfeeding and (non-breastfeeding) postpartum women eligible for WIC for two years postpartum.
- Allows WIC agencies to adjust certification periods for members of the same household to align them.
- Requires states to develop policies on eligibility for children in kinship care, in alignment with the current statutory requirements for children in foster care.
- 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.
- Requires WIC clinics to offer applicants phone and video options for certification and recertification appointments, and for evaluation of nutritional risk.
- Allows state agencies to issue benefits remotely (for example, by uploading them to a benefit card).
- Authorizes \$90 million 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.
- Requires the secretary to collect data on the percentage of WIC-eligible SNAP recipients and the percentage of WIC-eligible Medicaid recipients who are certified in WIC and develop a plan across programs to increase these percentages.
- Allows for a single document that provides all information required for certification or recertification. This document can be an electronic form or provided electronically.
- Allows for the provision of nutrition education materials about food allergies to WIC-eligible individuals.
- Allows breastfeeding supplies to be purchased by participants with funds available for the provision of food benefits.
- 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.
- Requires the secretary of agriculture to create an online source of information on state agency infant formula bid solicitations.
- Permanently authorizes the breastfeeding peer counselor program. Increases the authorization of discretionary annual appropriations for breastfeeding peer counselors from \$90 million to \$180 million to be used for establishing and administering breastfeeding peer counselor 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.



- Makes a technical update to the way product prices are described, in alignment with modern retail systems.
- Allows stores that derive more than 50% 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% margin.
- Makes statutory updates needed to allow for online and mobile payments in WIC.
- Requires each state agency to approve at least three vendors for online WIC purchases by Oct. 1, 2025. Requires the secretary to send a report to Congress on the implementation of online and mobile payments in WIC.
 - Sets aside \$40 million in annual discretionary appropriations in FY 2023 through FY 2028 to support retailers, particularly small businesses, in payment modernization efforts.
- Increases the percentage of Nutrition Services and Administration (NSA) funding that can be spent in a subsequent fiscal year from 3% to 10%. Allows up to 3% of WIC state funding to be spent in a subsequent fiscal year, provided that the funds go toward activities related to food delivery.
- Streamlines the process for submitting state plans.
 - Eliminates the National Advisory Council on Maternal, Infant, and Fetal Nutrition, which is no longer in operation.
- Amends the authorization of appropriations for WIC from FY 2010 through FY 2015 to FY 2023 through FY 2028.
- Allows WIC Farmers' Market Nutrition Program (FMNP) participants to use benefits for Community Supported Agriculture programs.
 - 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 matching requirement for states and tribal state agencies for FMNP.
 - Increases the minimum FMNP benefit to \$20, eliminates the maximum benefit, and increases administrative funds for states.
- Requires the secretary of agriculture, 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.
 - Requires the secretary of agriculture to make available to state agencies an online clearinghouse with nutrition education and training materials for individuals impacted by a substance use disorder.
 - Authorizes \$1 million to be appropriated in FY 2024, which may be used until expended.



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

- Allows CACFP eligibility for proprietary child care centers to be determined on an annual basis, in alignment with other child care centers.
- Allows a child to be automatically eligible for benefits if the child is a member of a household that receives SNAP.
- Requires the secretary to review and issue guidance on the regulations regarding the serious deficiency process for CACFP not later than one year after the date of enactment of the bill.
- 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.
- 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.
- Expands the age range for reimbursement for meals and supplements served in homeless shelters and emergency shelters to include individuals under the age of 25.
- Establishes an advisory committee to provide recommendations to the secretary on reducing unnecessary or duplicative paperwork. 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

- Authorizes a permanent nationwide Summer Electronic Benefit Transfer (Summer EBT) Program to provide benefits at a rate of \$75 per child per month during the summer.
 - Provides \$50 million annually for FY 2023 through FY 2028 for implementation grants.
- Reduces the eligibility threshold for participation in the Summer Food Service Program (SFSP) from 50% to 40% of the children residing in the area who are eligible for free or reduced-price school meals.
- Creates an option for year-round meal service under SFSP for non-school meal providers.
- Continues the Seamless Summer Option that allows schools operating the NSLP to continue under that program for summer meals.
- Authorizes \$10 million each fiscal year for a competitive grant program to support innovative approaches to increase SFSP participation, including transportation and mobile meal delivery.
- Allows SFSP service institutions to serve up to three meals, or two meals and one snack per child per day.
- Requires updated nutrition standards for SFSP and specifies that outreach materials for SFSP be culturally and linguistically appropriate.
- Authorizes the SFSP through FY 2028.



Title VI: Improving Capacity and Promoting Sustainability

- Expands the list of products institutions may purchase that are considered sustainable and equitable, such as unprocessed foods that were locally produced by a socially disadvantaged, veteran, or beginning farmer or rancher.
- Authorizes school districts to include certain values-aligned purchasing criteria in their competitive bids.
- Extends an annual authorization of \$1 million for procurement training for FY 2023 through FY 2028.
- Clarifies requirements for school food authorities in assessing compliance with current Buy American requirements in the context of existing administrative review processes. Enables the secretary to receive information on 1) the availability of domestically produced products and 2) instances where cost differentials between domestically produced and foreign-produced goods are prohibitive.
- Requires certain questions to be added to the Food and Nutrition Service's assessments.
- 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 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 million is authorized for FY 2024, to remain available through 2028.
- Establishes a grant program to carry out food-waste-related 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 million is authorized for FY 2024, to remain available through 2028.
- Makes updates to the Farm to School Program and changes the mandatory authorization of funds from \$5 million per year to \$15 million per year.

Title VII: Supporting Tribes and Freely Associated States

- This section creates a pilot project to allow Native American tribes to assume responsibility for administering SBP, the NSLP, the CACFP or the SFSP in lieu of a state agency.
- Directs the secretary to complete a feasibility study to assess the ability and preparedness of the freely associated states to operate authorized child nutrition programs.



Title VIII: Addressing Lunch Shaming and Unpaid Meal Debt

- Prohibits school districts from publicly identifying students who have unpaid meal debts or hiring debt collectors to recover unpaid meal debts.
- Requires schools to attempt to directly certify a child with unpaid meal debt. 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.
- Establishes an advisory council to provide recommendations to the secretary on addressing unpaid meal debt, ensuring no student is stigmatized and making sure 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, \$1.5 million is authorized to be appropriated, to remain available until after the submission of the report.

Title IV: Strengthening Evidence-Based Nutrition Standards

- Requires the secretary to promulgate regulations to update the nutrition standards for schools that participate in the NSLP or SBP to be consistent with the goals of the most recent Dietary Guidelines for Americans, not less than once every 10 years or not later than one year after two consecutive publications of the Dietary Guidelines for Americans.
- Allows the secretary to assist schools with improving school health environments and providing 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 million in grants for FY 2023, and \$3 million for each following year to be adjusted for inflation.
- 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: Miscellaneous

- Requires schools to provide a nondairy fluid milk substitute to children with special dietary needs if a parent or guardian makes a written request to the school district.
- Allows schools to provide a nondairy fluid milk substitute to any student as part of a reimbursable meal without a note. All nondairy fluid milk substitutes must meet the



nutrition standards established by the secretary and be consistent with the most recent Dietary Guidelines for Americans.

- Provides \$2 million in grants for the purchase of nondairy fluid milk for FY 2024, to remain available for three years after the enactment of the section.
- Requires the secretary to establish requirements for the protection of school meal applicant data.
- Incorporates mental health promotion and education, including awareness of eating disorders, into local school wellness policies. Increases the authorization for these activities from \$3 million to \$5 million for FY 2024, to remain available until expended.
- Reauthorizes funding to support compliance and accountability activities through FY 2028.
- Increases the authorization for appropriations for the National Hunger Hotline and Clearinghouse from \$250,000 to \$500,000 for each of the fiscal years 2023 through 2028.
- 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, the time recess is offered, and the duration of lunch periods.
 - 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.
 - Requires the secretary to issue guidance on best practices developed by the task force.
 - \$1 million is authorized for FY 2024 and allows those funds to be available until expended.
- Adds scratch cooking training as part of the Team Nutrition Program to promote nutritional health.
 - 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.
- Updates terminology around food donation and permits school campuses to receive, store and distribute donated food.
- 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.
- Requires the secretary to issue regulations regarding food donation.
- Makes technical and confirming amendments to the Child Nutrition Act and the National School Lunch Act.

