

117TH CONGRESS
2D SESSION

H. R. 8450

To reauthorize child nutrition programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2022

Mr. SCOTT of Virginia (for himself and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To reauthorize child nutrition programs, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Healthy Meals, Healthy Kids Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—EXPANDING ACCESS TO SCHOOL MEALS

Sec. 101. Emergency waivers or modifications.

Sec. 102. Direct certification for children receiving Medicaid benefits.

Sec. 103. Expanding community eligibility.

TITLE II—ENSURING THE LONG-TERM VIABILITY OF SCHOOL
MEAL PROGRAMS

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

- Sec. 201. Increasing reimbursement rate of school meals.
- Sec. 202. Statewide technology solutions included as State administrative costs.
- Sec. 203. Annual reimbursement rate and commodity improvements.
- Sec. 204. Food service management.
- Sec. 205. Kitchen improvement and personnel training.

Subtitle B—Programs Under the Child Nutrition Act of 1966

- Sec. 211. Professional development and training.
- Sec. 212. Technology and infrastructure improvement.
- Sec. 213. State administrative expenses.

TITLE III—MODERNIZING THE SPECIAL SUPPLEMENTAL NUTRI-
TION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

- Sec. 301. Adjunctive eligibility.
- Sec. 302. WIC eligibility and certification periods.
- Sec. 303. Certification and recertification determinations and nutritional risk
evaluations.
- Sec. 304. Paperwork reduction.
- Sec. 305. Nutrition education materials related to food allergies.
- Sec. 306. Breastfeeding supply coverage.
- Sec. 307. Water benefits during disasters.
- Sec. 308. Infant formula procurement online source of information.
- Sec. 309. Breastfeeding peer counselor program.
- Sec. 310. Product pricing.
- Sec. 311. WIC A50 stores.
- Sec. 312. WIC EBT Modernization.
- Sec. 313. Spend forward authorities.
- Sec. 314. Administrative simplification.
- Sec. 315. Authorization of appropriations.
- Sec. 316. WIC farmers' market nutrition program.
- Sec. 317. Supporting Healthy Mothers and Infants.

TITLE IV—MODERNIZING THE CHILD AND ADULT CARE FOOD
PROGRAM

- Sec. 401. Eligibility certification criteria for proprietary child care centers.
- Sec. 402. Automatic eligibility for children in supplemental nutrition assistance
households.
- Sec. 403. Review of serious deficiency process.
- Sec. 404. Authorization of reimbursements for additional meal or snack.
- Sec. 405. Adjustments.
- Sec. 406. Age limits in homeless shelters and emergency shelters.
- Sec. 407. Advisory committee on paperwork reduction.

TITLE V—ADDRESSING CHILD FOOD INSECURITY DURING THE
SUMMER

- Sec. 501. Summer food service program for children.
- Sec. 502. Summer electronic benefits transfer for children program.

TITLE VI—IMPROVING CAPACITY AND PROMOTING
SUSTAINABILITY

- Sec. 601. Values-aligned procurement.
- Sec. 602. Procurement training.
- Sec. 603. Buy American.
- Sec. 604. Plant-based foods in schools.
- Sec. 605. Food waste and nutrition education.
- Sec. 606. Farm to school grant program.

TITLE VII—SUPPORTING TRIBES AND FREELY ASSOCIATED
STATES

- Sec. 701. Tribally operated meal and snack pilot project.
- Sec. 702. Island areas eligibility feasibility study under the Richard B. Russell National School Lunch Act.

TITLE VIII—ADDRESSING LUNCH SHAMING AND UNPAID MEAL
DEBT

- Sec. 801. Unpaid meal debt.
- Sec. 802. National advisory council on unpaid meal debt in child nutrition programs.

TITLE IX—STRENGTHENING EVIDENCE-BASED NUTRITION
STANDARDS

- Sec. 901. Updating nutrition standards for meal patterns.
- Sec. 902. Non-nutritive sweeteners, synthetic dyes, and other potentially harmful substances in school meals.

TITLE X—OTHER MATTERS

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

- Sec. 1001. Accommodating dietary requirements.
- Sec. 1002. Data protections for household applications.
- Sec. 1003. Eating disorder prevention.
- Sec. 1004. Compliance and accountability.
- Sec. 1005. National hunger hotline and clearinghouse.
- Sec. 1006. Ensuring adequate meal time.

Subtitle B—Programs Under the Child Nutrition Act of 1966

- Sec. 1011. Enhancing nutrition education.

Subtitle C—Improving Food Donations

- Sec. 1021. Food donation in schools.
- Sec. 1022. Bill Emerson Good Samaritan Food Donation Act.
- Sec. 1023. Regulations.

Subtitle D—Miscellaneous

- Sec. 1031. Technical amendments.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Agriculture.

4 **TITLE I—EXPANDING ACCESS TO**
5 **SCHOOL MEALS**

6 **SEC. 101. EMERGENCY WAIVERS OR MODIFICATIONS.**

7 Section 12 of the Richard B. Russell National School
8 Lunch Act (42 U.S.C. 1760) is amended—

9 (1) by inserting the following after subsection
10 (j):

11 “(k) EMERGENCY WAIVERS OR MODIFICATIONS.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (4), during an emergency period, the Sec-
14 retary may waive (including by modifying) any re-
15 quirement under this Act or the Child Nutrition Act
16 of 1966 (42 U.S.C. 1771 et seq.), or any regulation
17 issued under either such Act, for States or eligible
18 service providers on a multi-State, State, or eligible
19 service provider basis if—

20 “(A) the requirement cannot reasonably be
21 implemented under the conditions which
22 prompted the emergency period in the affected
23 area;

24 “(B) a State or eligible service provider re-
25 quests a waiver in a format prescribed by the
26 Secretary;

1 “(C) in the case of a request by an eligible
2 service provider under subparagraph (B), the
3 State in which such eligible service provider is
4 located includes a statement of support or oppo-
5 sition with respect to the request; and

6 “(D) the Secretary determines that the
7 waiver would—

8 “(i) facilitate the ability of such
9 States or eligible service providers to carry
10 out the purpose of such Acts; and

11 “(ii) not decrease access to, or eligi-
12 bility for, any program under such Acts.

13 “(2) NATIONWIDE, REGIONAL, AND STATEWIDE
14 BASIS.—Except as provided in paragraph (3), during
15 an emergency period, the Secretary may waive (in-
16 cluding by modifying) any requirement under this
17 Act or the Child Nutrition Act of 1966 (42 U.S.C.
18 1771 et seq.), or any regulation issued under either
19 such Act, on a nationwide, regional, or statewide
20 basis if the Secretary determines that the waiver
21 would—

22 “(A) facilitate the ability of States or eligi-
23 ble service providers to carry out the purpose of
24 such Acts.

1 “(3) DURATION.—A waiver established under
2 this subsection may be available for a period of not
3 greater than the emergency period and the 90 days
4 after the end of the emergency period.

5 “(4) LIMITATIONS.—A waiver under this sub-
6 section is subject to the limitations in subsection
7 (1)(4).

8 “(5) DEFINITIONS.—In this subsection:

9 “(A) ELIGIBLE SERVICE PROVIDER.—The
10 term ‘eligible service provider’ has the meaning
11 given the term in subsection (1).

12 “(B) EMERGENCY PERIOD.—The term
13 ‘emergency period’ means a period during which
14 there exists—

15 “(i) a major disaster declared by the
16 President under section 401 of the Robert
17 T. Stafford Disaster Relief and Emergency
18 Assistance Act (42 U.S.C. 5170);

19 “(ii) an emergency declared by the
20 President under section 501 of the Robert
21 T. Stafford Disaster Relief and Emergency
22 Assistance Act (42 U.S.C. 5191);

23 “(iii) a public health emergency de-
24 clared by the Secretary of Health and
25 Human Services under section 319 of the

1 Public Health Service Act (42 U.S.C.
2 247d); or

3 “(iv) any renewal of such a public
4 health emergency pursuant to such section
5 319.”; and

6 (2) in subsection (l)—

7 (A) in paragraph (1)(A)—

8 (i) by striking “Except as” and all
9 that follows through “requests a waiver”
10 and inserting “Except as provided in para-
11 graph (4), the Secretary may waive (in-
12 cluding by modifying) any requirement
13 under this Act or the Child Nutrition Act
14 of 1966 (42 U.S.C. 1771 et seq.), or any
15 regulation issued under either such Act, on
16 a nationwide, State, multi-State, or eligible
17 service provider basis”;

18 (ii) by redesignating clauses (i)
19 through (iii) as clauses (ii) through (iv),
20 respectively; and

21 (iii) by inserting the following new
22 clause (i):

23 “(i) a State or eligible service provider requests
24 the waiver;”;

1 (B) by striking paragraph (2)(B) and in-
2 serting the following:

3 “(B) An application described in subparagraph (A)
4 shall—

5 “(i) be submitted in a format prescribed by the
6 Secretary;

7 “(ii) be completed by the State or eligible serv-
8 ice provider;

9 “(iii) be submitted to the Secretary by—

10 “(I) the State; or

11 “(II) an eligible service provider through
12 the State; and

13 “(iv) if submitted as described in clause
14 (iii)(II), include a statement of support or opposition
15 from the State.”;

16 (C) in paragraph (4)(A), by striking “con-
17 tent of meals served” and inserting “stand-
18 ards”; and

19 (D) in paragraph (7), by striking subpara-
20 graphs (A) through (C) and inserting the fol-
21 lowing:

22 “(A) a local school food service authority, local
23 educational agency, or school;

24 “(B) a service institution or private nonprofit
25 organization described in section 13; or

1 “(C) institutions described in section 17.”.

2 **SEC. 102. DIRECT CERTIFICATION FOR CHILDREN RECEIV-**
3 **ING MEDICAID BENEFITS.**

4 Section 9 of the Richard B. Russell National School
5 Lunch Act (42 U.S.C. 1758(b)) is amended—

6 (1) in subsection (b)—

7 (A) by amending paragraph (5) to read as
8 follows:

9 “(5) DISCRETIONARY CERTIFICATION.—

10 “(A) FREE LUNCHESES OR BREAKFASTS.—

11 Subject to paragraph (6), any local educational
12 agency may certify any child as eligible for free
13 lunches or breakfasts, without further applica-
14 tion, by directly communicating with the appro-
15 priate State or local agency to obtain docu-
16 mentation of the status of the child as—

17 “(i) a member of a family that is re-
18 ceiving assistance under the temporary as-
19 sistance for needy families program funded
20 under part A of title IV of the Social Secu-
21 rity Act (42 U.S.C. 601 et seq.);

22 “(ii) a homeless child or youth (de-
23 fined as 1 of the individuals described in
24 section 725(2) of the McKinney-Vento

1 Homeless Assistance Act (42 U.S.C.
2 11434a(2));

3 “(iii) served by the runaway and
4 homeless youth grant program established
5 under the Runaway and Homeless Youth
6 Act (42 U.S.C. 5701 et seq.);

7 “(iv) a migratory child (as defined in
8 section 1309 of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C.
10 6399));

11 “(v) an eligible child (as defined in
12 paragraph (15)(A)); or

13 “(vi)(I) a foster child whose care and
14 placement is the responsibility of an agen-
15 cy that administers a State plan under
16 part B or E of title IV of the Social Secu-
17 rity Act (42 U.S.C. 621 et seq.); or

18 “(II) a foster child who a court has
19 placed with a caretaker household.

20 “(B) REDUCED PRICE LUNCHES OR
21 BREAKFASTS.—Subject to paragraph (6), any
22 local educational agency may certify any child
23 who is not eligible for free lunches or breakfasts
24 as eligible for reduced price lunches or break-
25 fasts, without further application, by directly

1 communicating with the appropriate State or
2 local agency to obtain documentation of the sta-
3 tus of the child as a child eligible for reduced
4 price meals (as defined in paragraph
5 (15)(A)).”;

6 (B) in paragraph (6)(A), by striking “or
7 (5)” both places it appears and inserting “(5),
8 or (15)”; and

9 (C) in paragraph (15)—

10 (i) in subparagraph (A)—

11 (I) by amending clause (i) to
12 read as follows:

13 “(i) ELIGIBLE CHILD.—The term ‘eli-
14 gible child’ means a child—

15 “(I)(aa) who is eligible for and
16 receiving medical assistance under the
17 Medicaid program; and

18 “(bb) who is a member of a fam-
19 ily with an income as measured by the
20 Medicaid program that does not ex-
21 ceed 133 percent of the poverty line
22 (as determined under the poverty
23 guidelines updated periodically in the
24 Federal Register by the Department
25 of Health and Human Services under

1 the authority of section 673(2) of the
2 Community Services Block Grant Act
3 (42 U.S.C. 9902(2), including any re-
4 vision required by such section)) ap-
5 plicable to a family of the size used
6 for purposes of determining eligibility
7 for the Medicaid program;

8 “(II) who is eligible for the Med-
9 icaid program because such child re-
10 ceives supplemental security income
11 benefits under title XVI of the Social
12 Security Act (42 U.S.C. 1381–1385)
13 or State supplementary benefits of the
14 type referred to in section 1616(a) of
15 such Act (or payments of the type de-
16 scribed in section 212(a) of Public
17 Law 93–66);

18 “(III) who is eligible for the
19 Medicaid program because such child
20 receives an adoption assistance pay-
21 ment made under section 473(a) of
22 the Social Security Act (42 U.S.C.
23 673(a)) or under a similar State-fund-
24 ed or State-operated program, as de-
25 termined by the Secretary;

1 “(IV) who is eligible for the Med-
2 icaid program because such child re-
3 ceives a kinship guardianship assist-
4 ance payment made under section
5 473(d) of the Social Security Act (42
6 U.S.C. 673(d)) or under a similar
7 State-funded or State-operated pro-
8 gram, as determined by the Secretary,
9 without regard to whether such child
10 was previously in foster care; or

11 “(V) who is a member of a
12 household (as that term is defined in
13 section 245.2 of title 7, Code of Fed-
14 eral Regulations (or successor regula-
15 tions)) with a child described in sub-
16 clause (I), (II), (III), or (IV).”;

17 (II) by adding at the end the fol-
18 lowing:

19 “(iii) CHILD ELIGIBLE FOR REDUCED
20 PRICE MEALS.—The term ‘child eligible for
21 reduced price meals’ means a child—

22 “(I)(aa) who is eligible for and
23 receiving medical assistance under the
24 Medicaid program; and

1 “(bb) who is a member of a fam-
2 ily with an income as measured by the
3 Medicaid program that is greater than
4 133 percent but does not exceed 185
5 percent of the poverty line (as deter-
6 mined under the poverty guidelines
7 updated periodically in the Federal
8 Register by the Department of Health
9 and Human Services under the au-
10 thority of section 673(2) of the Com-
11 munity Services Block Grant Act (42
12 U.S.C. 9902(2), including any revision
13 required by such section)) applicable
14 to a family of the size used for pur-
15 poses of determining eligibility for the
16 Medicaid program; or

17 “(II) who is a member of a
18 household (as that term is defined in
19 section 245.2 of title 7, Code of Fed-
20 eral Regulations (or successor regula-
21 tions)) with a child described in sub-
22 clause (I).”;

23 (ii) by striking subparagraphs (B),
24 (C), (D), (E), (G), and (H);

25 (iii) in subparagraph (F)—

1 (I) in the enumerator, by striking
2 “(F)” and inserting “(D)”; and

3 (II) by striking “conducting the
4 demonstration project under this
5 paragraph” and inserting “carrying
6 out this paragraph”; and

7 (iv) by inserting after subparagraph
8 (A) the following:

9 “(B) AGREEMENTS TO CARRY OUT CER-
10 TIFICATION.—To certify a child under subpara-
11 graph (A)(v) or (B) of paragraph (5), a State
12 agency shall enter into an agreement with 1 or
13 more State agencies conducting eligibility deter-
14 minations for the Medicaid program.

15 “(C) PROCEDURES.—Subject to paragraph
16 (6), an agreement under subparagraph (B)
17 shall establish procedures under which—

18 “(i) an eligible child may be certified
19 for free lunches under this Act and free
20 breakfasts under section 4 of the Child
21 Nutrition Act of 1966 (42 U.S.C. 1773),
22 without further application (as defined in
23 paragraph (4)(G)); and

24 “(ii) a child eligible for reduced price
25 meals may be certified for reduced price

1 lunches under this Act and reduced price
2 breakfasts under section 4 of the Child
3 Nutrition Act of 1966 (42 U.S.C. 1773),
4 without further application (as defined in
5 paragraph (4)(G)).”; and

6 (2) in subsection (d)(2)(G), by inserting “or
7 child eligible for reduced price meals” after “eligible
8 child”.

9 **SEC. 103. EXPANDING COMMUNITY ELIGIBILITY.**

10 (a) **MULTIPLIER AND THRESHOLD ADJUSTED.**—

11 (1) **MULTIPLIER.**—Clause (vii) of section
12 11(a)(1)(F) of the Richard B. Russell National
13 School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
14 amended to read as follows:

15 “(vii) **MULTIPLIER.**—For each school
16 year beginning on or after July 1, 2023,
17 the Secretary shall use a multiplier of
18 2.5.”.

19 (2) **THRESHOLD.**—Clause (viii) of section
20 11(a)(1)(F) of the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
22 amended to read as follows:

23 “(viii) **THRESHOLD.**—For each school
24 year beginning on or after July 1, 2023,

1 the threshold shall be not more than 25
2 percent.”.

3 (3) APPLICABILITY.—The amendments made
4 by this subsection shall apply to a local educational
5 agency with respect to a school year beginning on or
6 after July 1, 2023, for which such local educational
7 agency elects to receive special assistance payments
8 under subparagraph (F) of section 11(a)(1) of the
9 Richard B. Russell National School Lunch Act (42
10 U.S.C. 1759a(a)(1)).

11 (b) STATEWIDE COMMUNITY ELIGIBILITY.—Section
12 11(a)(1)(F) of the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended by
14 adding at the end the following:

15 “(xiv) STATEWIDE COMMUNITY ELIGI-
16 BILITY.—For each school year beginning
17 on or after July 1, 2023, the Secretary
18 shall establish an option for States to uti-
19 lize a statewide community eligibility pro-
20 gram under which, in the case of a State
21 agency that agrees to provide funding from
22 sources other than Federal funds to ensure
23 that local educational agencies in the State
24 receive the free reimbursement rate for

1 100 percent of the meals served at applica-
2 ble schools—

3 “(I) the multiplier described in
4 clause (vii) shall apply;

5 “(II) the threshold described in
6 clause (viii) shall be applied by sub-
7 stituting ‘zero’ for ‘25’; and

8 “(III) the percentage of enrolled
9 students who were identified students
10 shall be calculated across all applica-
11 ble schools in the State regardless of
12 local educational agency.”.

13 **TITLE II—ENSURING THE LONG-**
14 **TERM VIABILITY OF SCHOOL**
15 **MEAL PROGRAMS**

16 **Subtitle A—Programs Under the**
17 **Richard B. Russell National**
18 **School Lunch Act**

19 **SEC. 201. INCREASING REIMBURSEMENT RATE OF SCHOOL**
20 **MEALS.**

21 Section 4(b)(2) of the Richard B. Russell National
22 School Lunch Act (42 U.S.C. 1753(b)(2)) is amended by
23 striking “10.5 cents” and inserting “20.5 cents”.

1 **SEC. 202. STATEWIDE TECHNOLOGY SOLUTIONS INCLUDED**
2 **AS STATE ADMINISTRATIVE COSTS.**

3 Section 4(b)(3)(F)(i) of the Richard B. Russell Na-
4 tional School Lunch Act (42 U.S.C. 1753(b)(3)(F)(i)) is
5 amended by inserting “statewide technology solutions,”
6 after “certification,”.

7 **SEC. 203. ANNUAL REIMBURSEMENT RATE AND COM-**
8 **MODITY IMPROVEMENTS.**

9 (a) **DIRECT FEDERAL EXPENDITURES.**—Section 6 of
10 the Richard B. Russell National School Lunch Act (42
11 U.S.C. 1755(c)(1)) is amended—

12 (1) by amending subsection (b) to read as fol-
13 lows:

14 “(b) The Secretary shall deliver, to each State par-
15 ticipating in the school lunch program under this Act and
16 the school breakfast program under section 4 of the Child
17 Nutrition Act of 1966 (42 U.S.C. 1773) commodities val-
18 ued at the total level of assistance authorized under sub-
19 sections (c) and (d) for each school year for the school
20 lunch and school breakfast programs in the State, not
21 later than September 30 of the following school year.”;

22 (2) in subsection (c), by amending paragraph
23 (1) to read as follows:

24 “**NATIONAL SCHOOL LUNCH COMMODITY AS-**
25 **SISTANCE.**—

1 “(1)(A) Not later than January 15 of each year
2 after the date of the enactment of the Healthy
3 Meals, Healthy Kids Act, the Secretary shall—

4 “(i) calculate the national average value of
5 donated foods, or cash payments in lieu thereof,
6 in accordance with subparagraph (B); and

7 “(ii) adjust the amount calculated under
8 clause (i) by the annual percentage change in
9 the 3-month average value of the Producer
10 Price Index for Foods Used in Schools and In-
11 stitutions—

12 “(I) for the preceding August, Sep-
13 tember, and October, computed to the
14 nearest $\frac{1}{4}$ cent;

15 “(II) using 5 major food components
16 in the Producer Price Index of the Bureau
17 of Labor Statistics, which are—

18 “(aa) cereal and bakery products;

19 “(bb) meats, poultry, and fish;

20 “(cc) dairy products;

21 “(dd) processed fruits and vege-
22 tables; and

23 “(ee) fats and oils; and

1 “(III) weighing each such component
2 using the same relative weight as deter-
3 mined by the Bureau of Labor Statistics.

4 “(B) The national average value of donated
5 foods, or cash payments in lieu thereof, shall be
6 equal to 12 percent of the quotient obtained by di-
7 viding—

8 “(i) the total assistance provided in the
9 preceding school year under section 4, this sec-
10 tion, and section 11; by

11 “(ii) the number of lunches served in the
12 preceding school year.

13 “(C) Not later than January 15 of each year
14 after the date of the enactment of the Healthy
15 Meals, Healthy Kids Act, the Secretary shall cal-
16 culate the total commodity assistance or cash pay-
17 ments in lieu thereof available to a State for the up-
18 coming school year by multiplying the number of
19 lunches served in the most recent school year for
20 which data are available by the rate established in
21 subparagraph (A). The Secretary shall also annually
22 reconcile the amount of commodity assistance or
23 cash payments in lieu thereof made available under
24 this subparagraph with the amount of assistance
25 used by each State and increase or reduce subse-

1 quent commodity assistance or cash payments in lieu
2 thereof based on such reconciliation.”;

3 (3) by amending subsection (d) to read as fol-
4 lows:

5 “(d) SCHOOL BREAKFAST LEVEL OF COMMODITY
6 ASSISTANCE.—

7 “(1) IN GENERAL.—The national average value
8 of donated foods for school breakfasts, or cash pay-
9 ments in lieu thereof, shall be 6 cents, adjusted in
10 the same manner as the amount calculated under
11 clause (i) of subparagraph (A) of subsection (c)(1)
12 is adjusted under clause (ii) of such subparagraph.

13 “(2) ALLOCATION.—Not later than January 15
14 of each year after the date of the enactment of the
15 Healthy Meals, Healthy Kids Act, the Secretary
16 shall—

17 “(A) calculate the total commodity assist-
18 ance or cash payments in lieu thereof available
19 to a State for the upcoming school year by mul-
20 tiplying the number of breakfasts served in the
21 most recent school year for which data are
22 available by the rate established in paragraph
23 (1); and

24 “(B) annually reconcile the amount of
25 commodity assistance or cash payments in lieu

1 thereof made available under this subparagraph
2 with the amount of assistance used by each
3 State and increase or reduce subsequent com-
4 modity assistance or cash payments in lieu
5 thereof based on such reconciliation.”;

6 (4) by striking subsection (e); and

7 (5) by redesignating subsection (f) as sub-
8 section (e).

9 (b) SPECIAL ASSISTANCE.—Section 11(a)(3)(B)) of
10 the Richard B. Russell National School Lunch Act (42
11 U.S.C. 1759a(a)(3)(B)) is amended—

12 (1) in clause (ii)—

13 (A) by striking “most recent”; and

14 (B) by inserting “ending on the preceding
15 April 30” after “12-month period”; and

16 (2) in clause (iii), by inserting “ending on April
17 30” after “12-month period”.

18 **SEC. 204. FOOD SERVICE MANAGEMENT.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary shall issue a request for
21 information and data collection from State agencies and
22 school food authorities regarding the role of food service
23 management companies in carrying out the programs
24 under the Richard B. National School Lunch Act (42

1 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966
2 (42 U.S.C. 1771 et seq.), including information on—

3 (1) participation of small, women- and minor-
4 ity-owned businesses as food service management
5 companies;

6 (2) food service management contract practices;
7 and

8 (3) use of funds by food service management
9 companies to assist, promote, or deter organizing by
10 a labor organization, including any action to enter
11 into contracts in order to avoid, undermine, or vio-
12 late any collective bargaining or a requirement to
13 meet and confer.

14 **SEC. 205. KITCHEN IMPROVEMENT AND PERSONNEL**
15 **TRAINING.**

16 (a) **SCRATCH COOKING DEFINED.**—Section 12(d) of
17 the Richard B. Russell National School Lunch Act (42
18 U.S.C. 1760(d)) is amended by—

19 (1) redesignating paragraphs (7) through (9) as
20 paragraphs (8) through (10), respectively; and

21 (2) by adding after paragraph (6) the following:

22 “(7) **SCRATCH COOKING.**—The term ‘scratch
23 cooking’ means the preparation of food using ingre-
24 dients that are unprocessed or minimally proc-
25 essed.”.

1 (b) TRAINING AND TECHNICAL ASSISTANCE FOR
2 SCHOOL FOOD SERVICE PERSONNEL.—The Richard B.
3 Russell National School Lunch Act is amended by insert-
4 ing after section 21 (42 U.S.C. 1769b–1) the following:

5 **“SEC. 21A. GRANTS TO SUPPORT SCRATCH COOKING.**

6 “(a) ESTABLISHMENT.—Not later than 180 days
7 after the date of the enactment of this section, the Sec-
8 retary shall establish a program to award grants, on a
9 competitive basis, to school food authorities to promote
10 scratch cooking.

11 “(b) APPLICATION.—To be eligible for a grant under
12 this section, a school food authority shall submit to the
13 Secretary an application at such time, in such manner,
14 and containing such information as the Secretary may re-
15 quire.

16 “(c) GRANT AMOUNTS AND DURATION.—

17 “(1) GRANT AMOUNT.—The Secretary shall
18 award a grant of not more than \$100,000 to each
19 school food authority with an application selected
20 under this subsection.

21 “(2) GRANT PERIOD.—A grant awarded under
22 this section shall be for a period of not more than
23 2 years.

1 “(d) GRANT USES.—A school food authority that re-
2 ceives a grant under this section shall use such grant
3 funds to promote scratch cooking, including by—

4 “(1) offering professional development and
5 training related to preparing, procuring, advertising,
6 serving, and creating menus of meals made with
7 scratch cooking;

8 “(2) investing in software and technology sys-
9 tems for procurement to support scratch cooking;

10 “(3) compensating employees for additional
11 food preparation required for scratch cooking;

12 “(4) providing technical assistance, student en-
13 gagement, and education with respect to scratch
14 cooking, including taste tests, recipe development,
15 and culinary education; or

16 “(5) carrying out any additional activities to
17 promote scratch cooking that will help school food
18 authorities meet or exceed the nutrition standards
19 for the school lunch program authorized under this
20 Act and the school breakfast program established by
21 section 4 of the Child Nutrition Act of 1966 (42
22 U.S.C. 1773).

23 “(e) PRIORITY.—In awarding grants under this sec-
24 tion, the Secretary shall give priority to school food au-
25 thorities—

1 “(1) that serve the greatest proportion of stu-
2 dents eligible for free or reduced price lunch under
3 this Act; and

4 “(2) that—

5 “(A) are self-operated; or

6 “(B) provide an assurance to the Secretary
7 that the school food authority will be self-oper-
8 ated on or before the date that is 1 year before
9 the last day of the grant period.

10 “(f) TECHNICAL ASSISTANCE CENTER.—

11 “(1) IN GENERAL.—The Secretary shall enter
12 into an agreement with one or more eligible third-
13 party institutions to establish and carry out a single
14 technical assistance and resource center to provide
15 technical assistance for school food service per-
16 sonnel.

17 “(2) COLLABORATION REQUIREMENT.—As soon
18 as practicable after receiving a grant under this sec-
19 tion, a school food authority shall collaborate with
20 the technical assistance and resource center estab-
21 lished under paragraph (1) to—

22 “(A) conduct a scratch cooking needs as-
23 sessment to evaluate, with respect to such
24 school food authority—

25 “(i) equipment needs;

1 “(ii) equipment utilization;

2 “(iii) procurement processes; and

3 “(iv) workforce capabilities; and

4 “(B) establish a strategic plan based on
5 such needs assessment to carry out the activi-
6 ties under subsection (d).

7 “(3) ELIGIBLE THIRD-PARTY INSTITUTIONS.—

8 “(A) ELIGIBLE THIRD-PARTY INSTITUTION
9 DEFINED.—For purposes of this subsection, the
10 term ‘eligible third-party institution’ means—

11 “(i) a nonprofit organization with
12 demonstrated experience in food or nutri-
13 tion services training and technical assist-
14 ance;

15 “(ii) an institution of higher education
16 as defined in section 101 or 102(a)(1)(B)
17 of the Higher Education Act of 1965 (20
18 U.S.C. 1001; 1002(a)(1)(B));

19 “(iii) an area career and technical
20 education school as defined in section 3 of
21 the Carl D. Perkins Career and Technical
22 Education Act of 2006 (20 U.S.C. 2302);
23 or

24 “(iv) a consortium of entities de-
25 scribed in subclauses (I) through (III).

1 “(B) CRITERIA FOR ELIGIBLE THIRD-
2 PARTY INSTITUTIONS.—The Secretary shall es-
3 tablish specific criteria that eligible third-party
4 training institutions must meet to qualify to
5 enter into an agreement under paragraph (1),
6 which shall include—

7 “(i) prior successful experience in pro-
8 viding or engaging in training and tech-
9 nical assistance programming or applied
10 research activities involving eligible enti-
11 ties, school food service administrators, or
12 school food service directors;

13 “(ii) prior successful experience in de-
14 veloping relevant educational training tools
15 or course materials or curricula on topics
16 addressing child and school nutrition or
17 the updated nutrition standards under sec-
18 tion 4(b)(3); and

19 “(iii) the ability to deliver effective
20 and cost-efficient training and technical as-
21 sistance programming to school food serv-
22 ice personnel—

23 “(I) at training sites that are lo-
24 cated within a proximate geographic

1 distance to schools, central kitchens,
2 or other worksites; or

3 “(II) through an online training
4 and assistance program on topics that
5 do not require in-person attendance.

6 “(4) FUNDING.—Of the amounts made avail-
7 able under subsection (h) to carry out this section,
8 not more than 10 percent may be used to carry out
9 this subsection.

10 “(g) REPORT.—Not later than 180 days after the
11 conclusion of the grant period described in subsection
12 (c)(2), each school food authority that receives a grant
13 under this section shall submit to the Secretary a report
14 that includes, with respect to such school food authority,
15 the change at the end of the grant period, as compared
16 with the school year immediately preceding the beginning
17 of the grant period, in—

18 “(1) the percentage of the 20 most expensive
19 procurement items that contain whole ingredients,
20 raw ingredients, or both;

21 “(2) the percentage of procured food items that
22 are locally procured;

23 “(3) the percentage of menu items prepared
24 with scratch cooking in a 4-week menu cycle;

1 “(4) the percentage of food packaging that is
2 single-serve packaging;

3 “(5) the percentage of students who participate
4 in the school lunch program under this Act; and

5 “(6) the culinary, fiscal, procurement, and man-
6 agement operations.

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated \$20,000,000 to carry
9 out this section for each of fiscal years 2024 through
10 2028.”.

11 (c) GRANTS TO FINANCE CERTAIN IMPROVEMENTS
12 TO SCHOOL LUNCH FACILITIES.—The Richard B. Russell
13 National School Lunch Act is amended by inserting after
14 section 26 (42 U.S.C. 1769g) the following:

15 **“SEC. 27. GRANTS TO FINANCE CERTAIN IMPROVEMENTS**
16 **TO SCHOOL LUNCH FACILITIES.**

17 “(a) EQUIPMENT GRANTS.—

18 “(1) IN GENERAL.—Beginning fiscal year 2024,
19 the Secretary shall award grants to State agencies
20 to carry out the activities described in paragraph
21 (2).

22 “(2) SUBGRANTS.—

23 “(A) IN GENERAL.—A State agency receiv-
24 ing a grant under this subsection shall use such

1 grant funds to award subgrants, on a competi-
2 tive basis, to school food authorities.

3 “(B) APPLICATION.—A school food author-
4 ity seeking a subgrant under this paragraph
5 shall submit to the State agency an application
6 at such time, in such manner, and containing
7 such information as the State agency may re-
8 quire.

9 “(C) PRIORITY.—In awarding a subgrant
10 under this subsection, the State agency shall
11 give priority to a school food authority that
12 serves, as determined by the State agency,
13 schools with substantial or disproportionate—

14 “(i) need for infrastructure improve-
15 ment; or

16 “(ii) durable equipment need or im-
17 pairment.

18 “(D) SUBGRANT USES.—A school food au-
19 thority receiving a subgrant under this para-
20 graph shall use such subgrant funds to—

21 “(i) purchase equipment, including
22 software and technology systems, needed to
23 serve healthy meals, improve food safety,
24 promote scratch cooking, facilitate the use
25 of salad bars; and

1 “(ii) support the establishment, main-
 2 tenance, and expansion of the school lunch
 3 program under this Act and the school
 4 breakfast program established by section 4
 5 of the Child Nutrition Act of 1966 (42
 6 U.S.C. 1773) at such schools.

7 “(3) AUTHORIZATION OF APPROPRIATIONS.—

8 “(A) IN GENERAL.—There are authorized
 9 to be appropriated \$35,000,000 for each of fis-
 10 cal years 2024 through 2028 to carry out this
 11 subsection.

12 “(B) TECHNICAL ASSISTANCE.—The Sec-
 13 retary may use not more than 5 percent of the
 14 amounts made available to carry out this sub-
 15 section for each fiscal year to provide technical
 16 assistance to applicants and prospective appli-
 17 cants in preparing applications.”.

18 **Subtitle B—Programs Under the**
 19 **Child Nutrition Act of 1966**

20 **SEC. 211. PROFESSIONAL DEVELOPMENT AND TRAINING.**

21 Section 7(g)(2)(B) of the Child Nutrition Act of 1966
 22 (42 U.S.C. 1776(g)(2)(B)) is amended by adding at the
 23 end the following:

24 “(iv) AVAILABILITY AND APPRO-
 25 PRIATENESS OF TRAINING.—Training car-

1 ried out under this subparagraph shall
2 be—

3 “(I) scheduled primarily during
4 regular, paid working hours;

5 “(II) if such training is scheduled
6 outside of such regular, paid working
7 hours—

8 “(aa) efforts shall be made
9 to inform food service personnel
10 of the reasons requiring the
11 training to be scheduled outside
12 of such hours;

13 “(bb) time spent partici-
14 pating in such training shall be
15 considered compensable time and
16 each individual who participates
17 shall be paid no less than the in-
18 dividual’s regular rate of pay;
19 and

20 “(cc) food service personnel
21 shall not be discharged or in any
22 other manner discriminated
23 against for not being able to at-
24 tend such training; and

1 “(III) offered in-person and in-
2 corporate hands-on training tech-
3 niques, when appropriate.

4 “(v) RELATIONSHIP TO OTHER
5 LAWS.—Nothing in this subparagraph may
6 be construed to supersede or otherwise
7 modify any Federal, State, or local law or
8 legal obligation governing the relationship
9 between an employee and employer.”.

10 **SEC. 212. TECHNOLOGY AND INFRASTRUCTURE IMPROVE-**
11 **MENT.**

12 Section 7(i)(4) of the Child Nutrition Act of 1966
13 (42 U.S.C. 1776(i)(4)) is amended by striking “2010
14 through 2015” and inserting “2023 through 2028”.

15 **SEC. 213. STATE ADMINISTRATIVE EXPENSES.**

16 Section 7 of the Child Nutrition Act of 1966 (42
17 U.S.C. 1776) is amended—

18 (1) in subsection (a)(5)(A), by striking “or ex-
19 penditure”;

20 (2) in subsection (d), by striking “and expendi-
21 ture”; and

22 (3) in subsection (j), by striking “October 1,
23 2015” and inserting “October 1, 2028”.

1 **TITLE III—MODERNIZING THE**
2 **SPECIAL SUPPLEMENTAL NU-**
3 **TRITION PROGRAM FOR**
4 **WOMEN, INFANTS, AND CHIL-**
5 **DREN (WIC)**

6 **SEC. 301. ADJUNCTIVE ELIGIBILITY.**

7 (a) IN GENERAL.—Section 17(d)(2)(A) of the Child
8 Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(A)) is
9 amended—

10 (1) in clause (ii)—

11 (A) in subclause (I), by inserting “resides
12 in a household (as such term is defined in sec-
13 tion 3 of the Food and Nutrition Act of 2008
14 (7 U.S.C. 2012)) that includes an individual
15 who” before “receives”; and

16 (B) in subclause (II), by striking “; or”
17 and inserting a semicolon;

18 (2) by amending clause (iii) to read as follows:

19 “(iii)(I) receives medical assistance under title
20 XIX of the Social Security Act (42 U.S.C. 1396 et
21 seq.) or child health assistance under title XXI of
22 such Act (42 U.S.C. 1397aa et seq.); or

23 “(II) is a member of a family in which a preg-
24 nant woman, postpartum woman, infant, or child re-

1 ceives assistance or is enrolled as described in sub-
2 clause (I);” and

3 (3) by adding at the end the following:

4 “(iv) is enrolled as a participant in a Head
5 Start program authorized under the Head Start Act
6 (42 U.S.C. 9831 et seq.) or resides in a household
7 in which one or more children is enrolled as a partic-
8 ipant in such a Head Start program;

9 “(v) resides in a household that includes an in-
10 dividual who receives assistance under the food dis-
11 tribution program on Indian reservations established
12 under section 4(b) of the Food and Nutrition Act of
13 2008 (7 U.S.C. 2013(b)); or

14 “(vi) resides in a household that includes an in-
15 dividual who receives assistance from a nutrition as-
16 sistance program funded by the consolidated block
17 grants for Puerto Rico and the American Samoa
18 under section 19 of the Food and Nutrition Act of
19 2008 (7 U.S.C. 2028) or funded by a block grant
20 for the Commonwealth of the Northern Mariana Is-
21 lands pursuant to section 601 of Public Law 96–597
22 (48 U.S.C. 1469d(c)).”.

23 (b) ADJUNCT DOCUMENTATION.—Section
24 17(d)(3)(E) of the Child Nutrition Act of 1966 (42 U.S.C.
25 1786(d)(3)(E)) is amended to read as follows:

1 “(E) ADJUNCT DOCUMENTATION.—In
2 order to participate in the program under this
3 section pursuant to clause (ii) through (vi) of
4 paragraph (2)(A), not earlier than 90 days
5 prior to the date on which the certification or
6 recertification for participation in the program
7 is made—

8 “(i) an individual shall provide docu-
9 mentation of receipt of assistance de-
10 scribed in such clause; or

11 “(ii) a State agency shall use available
12 documentation to show receipt of such as-
13 sistance.”.

14 **SEC. 302. WIC ELIGIBILITY AND CERTIFICATION PERIODS.**

15 (a) PROCEDURES.—

16 (1) AGE OF ELIGIBILITY FOR CHILDREN UNDER
17 THE SPECIAL SUPPLEMENTAL NUTRITION PRO-
18 GRAM.—

19 (A) DEFINITION OF CHILD.—Section 17 of
20 the Child Nutrition Act of 1966 (42 U.S.C.
21 1786) is amended—

22 (i) in subsection (b), by amending
23 paragraph (2) to read as follows:

24 “(2) CHILD.—The term ‘child’ means—

1 “(A) before October 1, 2026, an individual
2 who—

3 “(i) has attained a first birthday but
4 has not yet attained a fifth birthday; or

5 “(ii)(I) has attained a fifth birthday
6 but has not yet attained a sixth birthday;

7 “(II) does not attend full-day kinder-
8 garten; and

9 “(III) is certified before such date by
10 a State agency under subsection
11 (d)(3)(A)(iii)(II); and

12 “(B) on and after October 1, 2026, an in-
13 dividual who—

14 “(i) has attained a first birthday but
15 has not yet attained a sixth birthday; and

16 “(ii) does not attend full day kinder-
17 garten.”;

18 (ii) in subsection (e)(4)(A), by strik-
19 ing “up to age 5”; and

20 (iii) in subsection (f)(7)(D)(i), by
21 striking “under the age of 5”.

22 (B) CERTIFICATION.—Section
23 17(d)(3)(A)(iii) of the Child Nutrition Act of
24 1966 (42 U.S.C. 1786(d)(3)(A)(iii)) is amended
25 to read as follows:

1 “(iii) CHILDREN.—

2 “(I) CHILDREN UNDER 5.—With
3 respect to a participant child who has
4 not had a fifth birthday—

5 “(aa) before October 1,
6 2026, a State may elect to certify
7 a participant child for a period of
8 2 years, if the State electing the
9 option provided under this clause
10 ensures that a participant child
11 receives the required health and
12 nutrition assessments; and

13 “(bb) on and after October
14 1, 2026 a State shall—

15 “(AA) certify a partici-
16 pant child for a period of 2
17 years; and

18 “(BB) ensure that a
19 participant child receives the
20 required health and nutri-
21 tion assessments, as deter-
22 mined by the Secretary
23 under clause (ix).

24 “(II) 5-YEAR-OLD CHILDREN.—

1 “(aa) IN GENERAL.—Begin-
2 ning not later than October 1,
3 2026, a State shall certify a par-
4 ticipant child who has had a fifth
5 birthday but has not yet attained
6 a sixth birthday, for the period
7 that ends on the earlier of—

8 “(AA) the sixth birth-
9 day of the participant child;
10 and

11 “(BB) the first date on
12 which the participant child
13 attends full-day kinder-
14 garten.

15 “(bb) REQUIREMENTS.—
16 Each State that certifies a par-
17 ticipant child under item (aa)
18 shall—

19 “(AA) ensure that such
20 participant child receives re-
21 quired health and nutrition
22 assessments, as determined
23 by the Secretary under
24 clause (ix); and

1 “(BB) establish a
2 method to determine the
3 first date on which such par-
4 ticipant child attends full-
5 day kindergarten.”.

6 (C) CONFORMING AMENDMENT.—Section
7 1902(a)(53)(A) of the Social Security Act (42
8 U.S.C. 1396a(a)(53)(A)) is amended by strik-
9 ing “below the age of 5” and inserting “(as de-
10 fined in such section)”.

11 (2) CERTIFICATION OF INFANTS.—Section
12 17(d)(3)(A) of the Child Nutrition Act of 1966 (42
13 U.S.C. 1786(d)(3)(A)) is amended by adding at the
14 end the following:

15 “(iv) INFANTS.—

16 “(I) IN GENERAL.—With respect
17 to an infant, a State—

18 “(aa) before October 1,
19 2026, may elect to certify an in-
20 fant for participation in the pro-
21 gram for a period of 2 years; and

22 “(bb) on and after October
23 1, 2026, shall certify an infant
24 for participation in the program
25 for a period of 2 years.

1 “(II) ASSESSMENTS.—In certi-
2 fying an infant under subclause (I), a
3 State shall ensure that the infant re-
4 ceives required health and nutrition
5 assessments, as determined by the
6 Secretary under clause (ix).

7 “(III) INFANTS BORN TO PARTIC-
8 IPANT MOTHERS.—For purposes of
9 subclause (I), an infant born to a
10 pregnant woman who is participating
11 in the program shall be certified for
12 participation without further applica-
13 tion.

14 “(IV) CLARIFICATION RELATING
15 TO AGE.—An infant may be certified
16 for participation in the program for a
17 period of 2 years, regardless of wheth-
18 er such infant will become a child dur-
19 ing such period.”.

20 (3) EXTENSION OF POSTPARTUM PERIOD.—

21 (A) BREASTFEEDING WOMEN.—

22 (i) DEFINITION OF BREASTFEEDING
23 WOMAN.—Paragraph (1) of section 17(b)
24 of the Child Nutrition Act of 1966 (42

1 U.S.C. 1786(b)) is amended to read as fol-
2 lows:

3 “(1) BREASTFEEDING WOMAN.—The term
4 ‘breastfeeding woman’ means—

5 “(A) before October 1, 2026, an individual
6 up to one year postpartum who is breastfeeding
7 the infant of the individual; and

8 “(B) on and after October 1, 2026, an in-
9 dividual who is not more than 2 years
10 postpartum and is breastfeeding the infant of
11 the individual.”.

12 (ii) CERTIFICATION.—Section
13 17(d)(3)(A)(ii) of the Child Nutrition Act
14 of 1966 (42 U.S.C. 1786(d)(3)(A)(ii)) is
15 amended to read as follows:

16 “(ii) BREASTFEEDING WOMEN.—With respect
17 to a breastfeeding woman, a State—

18 “(I) before October 1, 2026, may elect to
19 certify such breastfeeding woman for a period
20 of 2 years postpartum; and

21 “(II) on and after October 1, 2026, a
22 State shall certify a postpartum woman for a
23 period of 2 years postpartum.”.

24 (B) POSTPARTUM WOMEN.—

1 (i) DEFINITION OF POSTPARTUM
2 WOMAN.—Paragraph (10) of section 17(b)
3 of the Child Nutrition Act of 1966 (42
4 U.S.C. 1786(b)) is amended to read as fol-
5 lows:

6 “(10) POSTPARTUM WOMAN.—The term
7 ‘postpartum woman’ means—

8 “(A) before October 1, 2026, an individual
9 up to six months after termination of preg-
10 nancy; and

11 “(B) on and after October 1, 2026, an in-
12 dividual up to 2 years after termination of preg-
13 nancy.”.

14 (ii) CERTIFICATION.—Section
15 17(d)(3)(A) of the Child Nutrition Act of
16 1966 (42 U.S.C. 1786)(d)(3)(A)) is fur-
17 ther amended by adding at the end the fol-
18 lowing:

19 “(v) POSTPARTUM WOMEN.—With respect to a
20 postpartum woman, a State—

21 “(I) before October 1, 2026, may elect to
22 certify such postpartum woman for a period of
23 2 years after the termination of the pregnancy
24 of the postpartum woman; and

1 “(II) on and after October 1, 2026, a
2 State shall certify a postpartum woman for a
3 period of 2 years after the termination of preg-
4 nancy of the postpartum woman.”.

5 (4) PREGNANT WOMEN.—

6 (A) DEFINITION.—Section 17(b)(11) of
7 the Child Nutrition Act of 1966 (7 U.S.C.
8 1431(b)(11)) is amended to read as follows:

9 “(11) PREGNANT WOMEN.—The term ‘pregnant
10 woman’ means an individual determined to have one
11 or more fetuses in utero.”.

12 (B) CERTIFICATION.—Section 17(d)(3)(A)
13 of the Child Nutrition Act of 1966 (42 U.S.C.
14 1786)(d)(3)(A)) is further amended by adding
15 at the end the following:

16 “(vi) PREGNANT WOMEN.—With re-
17 spect to a pregnant woman, a State—

18 “(I) before October 1, 2026, may
19 elect to certify a pregnant woman for
20 the duration of the pregnancy and for
21 the 90 days after the termination of
22 pregnancy; and

23 “(II) on and after October 1,
24 2026, shall certify a pregnant woman
25 for the duration of the pregnancy and

1 for the 90 days after the termination
2 of pregnancy.”.

3 (5) CERTIFICATION WITHIN ONE HOUSEHOLD
4 FAMILY.—Section 17(d)(3)(A) of the Child Nutrition
5 Act of 1966 (42 U.S.C. 1786(d)(3)(A)) is further
6 amended—

7 (A) in clause (i)—

8 (i) by striking “clause (ii)” and in-
9 serting “clauses (ii) through (viii)”;

10 (ii) by inserting “or recertified” after
11 “certified”;

12 (B) by adding at the end the following:

13 “(vii) CERTIFICATION WITHIN ONE
14 HOUSEHOLD FAMILY.—In order to align
15 certification periods or recertification ap-
16 pointments, when a State or local agency
17 certifies an individual based on income
18 documentation under subparagraph (D) or
19 adjunct documentation under subpara-
20 graph (E), a new certification period that
21 otherwise meets the requirements of the
22 program may be initiated for eligible fam-
23 ily members of such individual.”.

24 (6) RECERTIFICATION.—Section 17(d)(3)(A) of
25 the Child Nutrition Act of 1966 (42 U.S.C.

1 1786)(d)(3)(A)) is further amended by adding at the
2 end the following:

3 “(viii) RECERTIFICATION.—Before re-
4 questing new income documentation for
5 purposes of recertifying an individual
6 under the program, a State shall—

7 “(I) determine whether such indi-
8 vidual is eligible for recertification
9 under subparagraph (E); and

10 “(II) if such individual is so eligi-
11 ble—

12 “(aa) recertify such indi-
13 vidual; and

14 “(bb) notify such individual
15 of such recertification.”.

16 (7) NUTRITION RISK.—Section 17(d)(3)(A) of
17 the Child Nutrition Act of 1966 (42 U.S.C.
18 1786)(d)(3)(A)) is further amended by adding at the
19 end the following:

20 “(ix) NUTRITION RISK.—

21 “(I) IN GENERAL.—The Sec-
22 retary may require nutrition risk eval-
23 uations within a single certification
24 period for the purposes of identifying

1 specific risk factors, consistent with
2 medical recommendations.

3 “(II) INFORMATION PROVIDED
4 BY A HEALTH CARE PROVIDER.—In-
5 formation provided by a health care
6 provider shall be sufficient to establish
7 nutrition risk under this section.

8 “(III) DETERMINATION.—In the
9 case of an individual for which a de-
10 termination is made that such indi-
11 vidual does not meet any nutritional
12 risk criteria, the certification of the
13 individual under the program shall
14 terminate on the date of such deter-
15 mination.”.

16 (b) INTERIM ELIGIBILITY.—Section 17(d)(3)(B) of
17 the Child Nutrition Act of 1966 (42 U.S.C.
18 1786)(d)(3)(B)) is amended to read as follows:

19 “(B) INTERIM ELIGIBILITY.—

20 “(i) TEMPORARY CERTIFICATION.—

21 “(I) IN GENERAL.—In the case
22 of a pregnant woman, breastfeeding
23 woman, postpartum woman, infant, or
24 child who is not otherwise determined
25 eligible under this section to partici-

1 pate in the program due to lack of
2 documentation at the time of applica-
3 tion, a State agency shall consider
4 such a pregnant woman, breastfeeding
5 woman, postpartum woman, infant, or
6 child to be temporarily eligible to par-
7 ticipate in the program based on a
8 signed statement by the applicant.

9 “(II) 30-DAY PERIOD.—With re-
10 spect to an individual that is tempo-
11 rarily eligible under subclause (I), the
12 State agency shall—

13 “(aa) provide food instru-
14 ments for a single 30-day period;
15 and

16 “(bb) require that docu-
17 mentation for purposes of certi-
18 fying such individual in accord-
19 ance with this paragraph be pro-
20 vided not later than 30 days
21 after the first day such individual
22 is deemed temporarily eligible
23 under subclause (I).

24 “(III) DOCUMENTATION DEM-
25 ONSTRATING ELIGIBILITY.—If an in-

1 individual provides documentation in ac-
2 cordance with subclause (II) that
3 demonstrates eligibility for the pro-
4 gram, the individual shall be certified
5 in accordance with this paragraph be-
6 ginning on the first day the individual
7 was deemed temporarily eligible under
8 subclause (I).

9 “(IV) DOCUMENTATION FAILING
10 TO DEMONSTRATE ELIGIBILITY.—If
11 an individual does not provide docu-
12 mentation in accordance with sub-
13 clause (II), or provides documentation
14 that does not demonstrate eligibility
15 for the program—

16 “(aa) the individual shall be
17 determined ineligible to partici-
18 pate in the program; and

19 “(bb) the temporary eligi-
20 bility with respect to such indi-
21 vidual shall terminate at the end
22 of the single 30-day period de-
23 scribed in subclause (II)(aa).

24 “(ii) NUTRITIONAL RISK.—A State
25 may consider a pregnant woman,

1 breastfeeding woman, postpartum woman,
2 infant, or child applicant who meets the in-
3 come eligibility standards to be temporarily
4 eligible on an interim basis to participate
5 in the program and may certify any such
6 individual for participation immediately,
7 without delaying certification until an eval-
8 uation is made concerning nutritional risk.
9 A nutritional risk evaluation of such an in-
10 dividual shall be completed not later than
11 90 days after the individual is certified for
12 participation. If it is subsequently deter-
13 mined that the individual does not meet
14 nutritional risk criteria, the certification of
15 the individual shall terminate on the date
16 of the determination.”.

17 (c) ELIGIBILITY FOR CHILDREN IN KINSHIP FAMI-
18 LIES.—Section 17(f)(1)(C)(ix) of the Child Nutrition Act
19 of 1966 (42 U.S.C. 1786(f)(1)(C)(ix)) is amended by in-
20 serting “a kinship family,” after “under the care of”.

21 **SEC. 303. CERTIFICATION AND RECERTIFICATION DETER-**
22 **MINATIONS AND NUTRITIONAL RISK EVALUA-**
23 **TIONS.**

24 (a) IN GENERAL.—

1 (1) PRESENCE WITH RESPECT TO CERTAIN DE-
2 TERMINATIONS AND EVALUATIONS.—Section
3 17(d)(3)(C) of the Child Nutrition Act of 1966 (42
4 U.S.C. 1786(d)(3)(C)) is amended to read as fol-
5 lows:

6 “(C) PRESENCE WITH RESPECT TO CER-
7 TAIN DETERMINATIONS AND EVALUATIONS.—

8 “(i) IN GENERAL.—Each individual
9 seeking certification, recertification, or a
10 nutritional risk evaluation for participation
11 in the program shall be offered an appoint-
12 ment—

13 “(I) in-person, through video
14 technology permitting 2-way, real-time
15 interactive communications, by tele-
16 phone, and in such other format as
17 the State agency determines appro-
18 priate in order to determine eligibility
19 under the program; and

20 “(II) that occurs in a format,
21 setting, or platform that is accessible
22 to the individual in accordance with
23 the Americans with Disabilities Act of
24 1990 (42 U.S.C. 12101 et seq.) and

1 section 504 of the Rehabilitation Act
2 of 1973 (29 U.S.C. 794).

3 “(ii) ANTHROPOMETRIC DATA FOR
4 REMOTE CERTIFICATION.—If an individual
5 meets the certification presence require-
6 ment through technology permitting 2-way,
7 real-time interactive communications or
8 other methods described in clause (i)(I),
9 the anthropometric data with respect to
10 such individual shall be obtained within 90
11 days.”.

12 (2) TECHNICAL AMENDMENT.—Section
13 17(d)(3) of the Child Nutrition Act of 1966 (42
14 U.S.C. 1786(d)(3)) is amended by conforming the
15 margin of subparagraph (B) to the margin of sub-
16 paragraph (C).

17 (b) REMOTE BENEFIT ISSUANCE.—Section
18 17(f)(6)(B) of the Child Nutrition Act of 1966 (42 U.S.C.
19 1786(f)(6)(B)) is amended—

20 (1) in the second sentence—

21 (A) by striking “vouchers by mail in its
22 plan” and inserting “food instruments by mail,
23 remote issuance, or other means in the State
24 plan”; and

1 (B) by striking “The State” and inserting
2 the following:

3 “(ii) STATE PLAN.—The State”;
4 (2) in the third sentence—

5 (A) by striking “vouchers by mail” and in-
6 serting “food instruments by mail, remote
7 issuance, or other means”; and

8 (B) by striking “The Secretary” and in-
9 serting the following:

10 “(iii) DISAPPROVAL OF STATE
11 PLAN.—The Secretary”; and

12 (3) by striking “(B) State agencies” and all
13 that follows through “to obtain vouchers.” and in-
14 serting the following:

15 “(B) DELIVERY OF FOOD INSTRU-
16 MENTS.—

17 “(i) IN GENERAL.—State agencies
18 may provide for the delivery of food instru-
19 ments, including electronic benefit transfer
20 cards, to any participant through means
21 that do not require the participant to trav-
22 el to the local agency to obtain food instru-
23 ments, such as through mailing or remote
24 issuance.”.

1 (c) ANNUAL INVESTMENT IN WIC TECHNOLOGIES.—
2 Section 17(h) of the Child Nutrition Act of 1966 (42
3 U.S.C. 1786(h)) is amended—

4 (1) in paragraph (2)(B)—

5 (A) by striking clause (ii); and

6 (B) by striking “(i) Except as provided in
7 clause (ii) and” and inserting “Except as pro-
8 vided in”;

9 (2) in paragraph (10)—

10 (A) in subparagraph (A), by striking
11 “2010 through 2015” and inserting “2023
12 through 2028”; and

13 (B) in subparagraph (B), by striking
14 clause (ii) and inserting the following:

15 “(ii)(I) \$90,000,000 shall be used
16 to—

17 “(aa) establish, develop, improve,
18 replace, or administer technology plat-
19 forms, including management infor-
20 mation systems, that enhance the
21 services of, access to, or redemption of
22 benefits under the program;

23 “(bb) establish, develop, improve,
24 replace, or administer a system that
25 allows for secure communication of in-

1 formation between health care pro-
2 viders and program clinics in order to
3 facilitate sharing of information nec-
4 essary for certification, establishing
5 nutrition risk, or for the provision of
6 health care services; and

7 ““(cc) carry out paragraph (15);
8 and

9 ““(II) of which up to \$8,000,000 may
10 be used for Federal administrative costs;
11 and””; and

12 (3) by adding at the end the following:

13 “(15) STATE EFFORTS TO ENHANCE CROSS-EN-
14 ROLLMENT WITH MEDICAID AND THE SUPPLE-
15 MENTAL NUTRITION ASSISTANCE PROGRAM.—

16 “(A) PARTICIPATION DATA.—The Sec-
17 retary shall annually collect data from State
18 agencies and make publicly available on the
19 website of the Department State-level estimates
20 of the percentage of pregnant women,
21 postpartum women, infants, and children under
22 age five—

23 “(i) who are enrolled in the program
24 under this section and the supplemental
25 nutrition assistance program under the

1 Food and Nutrition Act of 2008 (7 U.S.C.
2 2011 et seq.); and

3 “(ii) who are—

4 “(I) enrolled in the program
5 under this section and the Medicaid
6 program established under title XIX
7 of the Social Security Act (42 U.S.C.
8 1396 et seq.); and

9 “(II) a member of a family de-
10 scribed in subsection (d)(2)(A)(i).

11 “(B) BEST PRACTICES.—The Secretary
12 shall—

13 “(i) in addition to the information
14 made available under subparagraph (A),
15 also publish on the website of the Depart-
16 ment best practices for increasing the per-
17 centages described in such subparagraph;
18 and

19 “(ii) evaluate the number and types of
20 referrals to the program under this section
21 made by—

22 “(I) administrators of the supple-
23 mental nutrition assistance program
24 under the Food and Nutrition Act of
25 2008 (7 U.S.C. 2011 et seq.); and

1 “(II) administrators of the Med-
2 icaid program established under title
3 XIX of the Social Security Act (42
4 U.S.C. 1396 et seq.).

5 “(C) CROSS-ENROLLMENT PLAN.—Not
6 later than 1 year after the date of the enact-
7 ment of this paragraph and annually thereafter,
8 each State shall—

9 “(i) submit to the Secretary an an-
10 nual cross-enrollment plan that—

11 “(I) is developed across the pro-
12 grams described in subparagraph (A)
13 that includes goals, specific measures,
14 and a timeline for increasing the per-
15 centages described in such subpara-
16 graph; and

17 “(II) includes policies to refer to
18 the program under this section par-
19 ticipants in the programs described in
20 such subparagraph who are not cer-
21 tified for the program under this sec-
22 tion; and

23 “(ii) if such plan is approved by the
24 Secretary, implement such plan.

1 “(D) GRANT PROGRAM.—The Secretary
2 shall provide technical assistance and award
3 competitive grants to State agencies to—

4 “(i) increase the percentages de-
5 scribed in subparagraph (A); and

6 “(ii) implement measures pursuant to
7 an annual cross-enrollment plan under
8 subparagraph (C), including—

9 “(I) improving technology;

10 “(II) establishing more robust re-
11 ferral systems;

12 “(III) conducting targeted out-
13 reach to potential participants in the
14 program under this section;

15 “(IV) enhancing State capacity
16 to share and analyze data across the
17 programs described in subparagraph
18 (A); and

19 “(V) providing training or tech-
20 nical assistance to local agencies.

21 “(E) LIMITATION ON DATA.—Any data
22 collected under this paragraph shall be—

23 “(i) used only for the purposes of cer-
24 tifying eligible persons for the program
25 under this section; and

1 “(ii) subject to the confidentiality pro-
2 visions described in section 246.26(d) of
3 title 7, Code of Federal Regulations (or
4 successor regulations).”.

5 (d) REPORT TO CONGRESS.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary
8 shall submit to the Committee on Agriculture, Nutri-
9 tion, and Forestry of the Senate and the Committee
10 on Education and Labor of the House of Represent-
11 atives a report on the use of remote technologies
12 under the special supplemental nutrition program
13 for women, infants, and children established by sec-
14 tion 17 of the Child Nutrition Act of 1966 (42
15 U.S.C. 1786) (referred to in this section as the
16 “program”).

17 (2) CONTENT OF REPORT.—The report sub-
18 mitted under paragraph (1) shall include a descrip-
19 tion of—

20 (A) the use of remote technologies and
21 other digital tools, including video, telephone,
22 and online platforms—

23 (i) to certify and recertify eligible in-
24 dividuals for program services; and

1 (ii) to provide nutrition education and
2 breastfeeding support to program partici-
3 pants;

4 (B) the impact of remote technologies, in-
5 cluding video, telephone, and online platforms,
6 on certifications, recertifications, appointments,
7 and participant satisfaction under the program;
8 and

9 (C) best practices to—

10 (i) certify and recertify program par-
11 ticipants for program services using remote
12 technologies;

13 (ii) incorporate the use of digital tools
14 into the program certification process;

15 (iii) integrate nutrition education and
16 breastfeeding support services for program
17 participants into remote technologies and
18 platforms; and

19 (iv) securely manage program partici-
20 pant data.

21 **SEC. 304. PAPERWORK REDUCTION.**

22 Section 17(d)(3) of the Child Nutrition Act of 1966
23 (42 U.S.C. 1786(d)(3)) is amended by adding at the end
24 the following:

25 “(G) PAPERWORK REDUCTION.—

1 “(i) IN GENERAL.—A State agency
2 shall accept a single document that pro-
3 vides some or all of the information re-
4 quired under this paragraph unless the
5 State agency determines there is a suffi-
6 cient reason to doubt the authenticity of
7 such document.

8 “(ii) ELECTRONIC FORM.—A State
9 agency shall accept documentation under
10 this paragraph in electronic form or pro-
11 vided electronically unless the State agency
12 determines there is a sufficient reason to
13 doubt the authenticity of such electroni-
14 cally provided document.”.

15 **SEC. 305. NUTRITION EDUCATION MATERIALS RELATED TO**
16 **FOOD ALLERGIES.**

17 Section 17(e)(3) of the Child Nutrition Act of 1966
18 (7 U.S.C. 1431(e)(3)) is amended by adding at the end
19 the following:

20 “(C) NUTRITION EDUCATION MATERIALS
21 RELATED TO FOOD ALLERGIES.—The nutrition
22 education materials issued under subparagraph
23 (A) shall include nutrition education materials
24 with respect to—

1 “(i) individuals with food allergies
2 during pregnancy and in the postpartum
3 period;

4 “(ii) infants impacted by prenatal
5 food allergy exposure;

6 “(iii) introducing potential food aller-
7 gens to infants; and

8 “(iv) children with food allergies.”.

9 **SEC. 306. BREASTFEEDING SUPPLY COVERAGE.**

10 Section 17(h)(1)(C)(ii) of the Child Nutrition Act of
11 1966 (42 U.S.C. 1786(h)(1)(C)(ii)) is amended—

12 (1) in the heading, by inserting “AND
13 BREASTFEEDING SUPPLIES” after “BREAST
14 PUMPS”; and

15 (2) by inserting “and additional breastfeeding
16 supplies” before the period at the end.

17 **SEC. 307. WATER BENEFITS DURING DISASTERS.**

18 Section 17(h)(1)(C) of the Child Nutrition Act of
19 1966 (42 U.S.C. 1786(h)(1)(C)) is amended by adding at
20 the end the following:

21 “(iii) WATER BENEFITS DURING DIS-
22 ASTERS.—

23 “(I) IN GENERAL.—During an
24 emergency period for which the Sec-
25 retary determines that, with respect to

1 a State, access to safe drinking water
2 is impacted and provision of safe
3 drinking water is reasonably necessary
4 to ensure safe preparation of infant
5 formula, a State or local agency may
6 use amounts made available under
7 clause (i) to purchase and distribute
8 safe drinking water to program par-
9 ticipants.

10 “(II) EMERGENCY PERIOD DE-
11 FINED.—In this clause, the term
12 ‘emergency period’ means a period
13 during which there exists—

14 “(aa) a major disaster de-
15 clared by the President under
16 section 401 of the Robert T.
17 Stafford Disaster Relief and
18 Emergency Assistance Act (42
19 U.S.C. 5170);

20 “(bb) an emergency declared
21 by the President under section
22 501 of the Robert T. Stafford
23 Disaster Relief and Emergency
24 Assistance Act (42 U.S.C. 5191);

1 “(cc) a public health emer-
2 gency declared by the Secretary
3 of Health and Human Services
4 pursuant to section 319 of the
5 Public Health Service Act (42
6 U.S.C. 247d); or

7 “(dd) any renewal of such a
8 public health emergency pursuant
9 to such section 319.”.

10 **SEC. 308. INFANT FORMULA PROCUREMENT ONLINE**
11 **SOURCE OF INFORMATION.**

12 Section 17(h)(8)(A) of the Child Nutrition Act of
13 1966 (42 U.S.C. 1786(h)(8)(A)) is amended by adding at
14 the end the following:

15 “(xi) INFANT FORMULA PROCURE-
16 MENT ONLINE SOURCE OF INFORMA-
17 TION.—

18 “(I) IN GENERAL.—Not later
19 than 180 days after the date of enact-
20 ment of this clause, the Secretary
21 shall make available to the public on
22 a website of the Department of Agri-
23 culture the information described in
24 items (aa) through (dd) of subclause
25 (II) relating to bid solicitations of

1 State agencies for infant formula
2 under the program.

3 “(II) STATE AGENCIES.—In so-
4 liciting bids for infant formula under
5 the program, a State agency shall
6 submit to the Secretary, not later
7 than 5 business days after the date of
8 the bid solicitation, a description of
9 the bid solicitation, including—

10 “(aa) the title of the bid so-
11 licitation and the State agency
12 administering the bid solicitation;

13 “(bb) the website hyperlink
14 and other information needed for
15 the purpose of submitting a bid
16 in response to the bid solicitation;

17 “(cc) the contact informa-
18 tion and website hyperlink for
19 the State agency administering
20 the bid solicitation, for the pur-
21 pose of gathering additional in-
22 formation relating to the bid so-
23 licitation; and

24 “(dd) the period during
25 which bids are accepted or the

1 due date for bids, as applicable,
2 under the bid solicitation.

3 “(III) PUBLICATION.—Not later
4 than 5 business days after receiving a
5 description of a bid solicitation under
6 subclause (II), the Secretary shall
7 publish the information described in
8 subclause (I).”.

9 **SEC. 309. BREASTFEEDING PEER COUNSELOR PROGRAM.**

10 (a) DEFINITION OF BREASTFEEDING PEER COUN-
11 SELOR.—Section 17(b) of the Child Nutrition Act of 1966
12 (42 U.S.C. 1786(b)) is amended by adding at the end the
13 following:

14 “(25) BREASTFEEDING PEER COUNSELOR.—
15 The term ‘breastfeeding peer counselor’ means an
16 individual who is recruited and hired from the adult
17 population described in subsection (d)(1) who has—

18 “(A) previous experience with
19 breastfeeding, including experience having
20 breastfed at least one infant; and

21 “(B) provides mother-to-mother support to
22 prenatal and postpartum women under the pro-
23 gram.”.

1 (b) SPECIAL NUTRITION EDUCATION.—Section
2 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C.
3 1786(h)(10)) is amended—

4 (1) in subparagraph (A), by striking
5 “\$139,000,000” and inserting “\$324,000,000”; and

6 (2) by amending subparagraph (B)(iii) to read
7 as follows:

8 “(iii) \$180,000,000 shall be used to—

9 “(I) establish State agency
10 Breastfeeding Peer Counseling pro-
11 grams, which shall be administered as
12 determined by the Secretary;

13 “(II) provide performance bonus
14 payments under paragraph (4)(C);
15 and

16 “(III) establish State and local
17 partnerships to provide such edu-
18 cation at locations—

19 “(aa) outside of the clinic,
20 such as hospitals or physicians’
21 offices; or

22 “(bb) in partnership with el-
23 igible entities that deliver services
24 under early childhood home visi-
25 tation programs pursuant to a

1 grant under section 511 of the
2 Social Security Act (42 U.S.C.
3 711).”.

4 **SEC. 310. PRODUCT PRICING.**

5 Section 17(h)(11)(B)(i)(II)(aa) of the Child Nutri-
6 tion Act of 1966 (42 U.S.C. 1786(h)(11)(B)(i)(II)(aa)) is
7 amended by striking “the shelf prices of the vendor for
8 all buyers” and inserting “the prices the vendor charges
9 other customers”.

10 **SEC. 311. WIC A50 STORES.**

11 Section 17(h) of the Child Nutrition Act of 1966 (42
12 U.S.C. 1786(h)) is amended—

13 (1) in paragraph (11)(E), by inserting “more
14 than 5 percent” before “higher than average”; and

15 (2) in paragraph (14), by inserting “and deliv-
16 ery of foods” after “(as determined by the Sec-
17 retary)”.

18 **SEC. 312. WIC EBT MODERNIZATION.**

19 (a) ONLINE PAYMENT AND MOBILE PAYMENT OP-
20 TIONS.—

21 (1) DATE OF COMPLETION.—Section 17(h)(12)
22 of the Child Nutrition Act of 1966 (42 U.S.C.
23 1786(h)(12)) is amended—

24 (A) in subparagraph (A)(i), by striking
25 “food delivery system that provides benefits

1 using a card or other access device” and insert-
2 ing “benefit delivery method”;

3 (B) in subparagraph (B)—

4 (i) in clause (i), by striking “subpara-
5 graph (C)” and inserting “subparagraph
6 (C)(i)”; and

7 (ii) by adding at the end the fol-
8 lowing:

9 “(iii) VENDOR REQUIREMENTS.—Ex-
10 cept in the case of an exemption granted
11 with respect to a State agency under sub-
12 paragraph (C)(iii), not later than October
13 1, 2025, each State agency shall authorize
14 at least three vendors to process online
15 payments under the electronic benefit sys-
16 tems in the State.”; and

17 (C) in subparagraph (C), by adding at the
18 end the following:

19 “(iii) VENDOR REQUIREMENTS EX-
20 EMPTION.—To be eligible for an exemption
21 from the vendor requirements of subpara-
22 graph (B)(iii), a State agency shall dem-
23 onstrate to the satisfaction of the Sec-
24 retary that the State agency is facing un-
25 usual barriers to implementing additional

1 changes to the electronic benefit transfer
2 system.”.

3 (2) REPORT TO CONGRESS.—Not later than
4 January 1, 2026, the Secretary shall submit a re-
5 port to the Committee on Agriculture, Nutrition,
6 and Forestry of the Senate and the Committee on
7 Education and Labor of the House of Representa-
8 tives that—

9 (A) details the steps taken to establish and
10 implement online payment models through au-
11 thorized vendors participating in the special
12 supplemental nutrition program for women, in-
13 fants, and children under section 17 of the
14 Child Nutrition Act of 1966 (42 U.S.C. 1786);

15 (B) identifies measures to ensure that ad-
16 ditional authorized vendors may establish and
17 implement such online payment models;

18 (C) outlines steps to implement additional
19 modern transaction models, including mobile
20 payments, through such authorized vendors;

21 (D) provides an explanation for each ex-
22emption provided to a State agency under
23 clause (iii) of section 17(h)(12)(C) of the Child
24 Nutrition Act of 1966 (42 U.S.C.
25 1786(h)(12)(C));

1 (E) includes a description of State and
2 local agency efforts to enhance collaboration
3 with such vendors, including the use of shopper
4 helpers or vendor liaison programs; and

5 (F) includes an analysis of measures that
6 could be taken at the Federal and State levels
7 to streamline the authorization process of such
8 vendors under such program and coordinate
9 vendor authorizations with the supplemental
10 nutrition assistance program.

11 (b) SMALLER VENDORS.—Section 17(h)(10)(B) of
12 the Child Nutrition Act of 1966 (42 U.S.C.
13 1786(h)(10)(B)) is amended by adding at the end the fol-
14 lowing:

15 “(iv) \$40,000,000 shall be used by
16 State or local agencies to enhance vendor
17 partnerships and streamline the shopping
18 experience of participants, including by es-
19 tablishing and administering vendor liaison
20 programs to support participants and ven-
21 dor staff at retail grocery locations.”.

22 (c) EQUITABLE ACCESS FOR WIC SHOPPERS.—Sec-
23 tion 17(h)(12) of the Child Nutrition Act of 1966 (42
24 U.S.C. 1786(h)(12)) is further amended by adding at the
25 end the following:

1 “(H) **EQUITABLE ACCESS FOR WIC SHOP-**
2 **PERS.**—To facilitate the use of online payments
3 under an electronic benefit transfer system, a
4 State agency shall—

5 “(i) with respect to such electronic
6 benefit transfer system, allow—

7 “(I) transactions to be conducted
8 without the presence of a cashier;

9 “(II) additional methods of au-
10 thentication other than signature or
11 entry of a personal identification num-
12 ber to be used; and

13 “(III) participants to receive sup-
14 plemental foods after an electronic
15 benefit transfer transaction has been
16 processed;

17 “(ii) issue program benefits remotely
18 without receiving a participant signature;

19 “(iii) authorize vendors that do not
20 have a single, fixed location; and

21 “(iv) authorize vendors for a period
22 not to exceed 5 years.”.

23 (d) **REPEAL.**—Paragraph (13) of section 17(h) of the
24 Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is re-
25 pealed.

1 **SEC. 313. SPEND FORWARD AUTHORITIES.**

2 Section 17(i)(3)(A)(ii) of the Child Nutrition Act of
3 1966 (7 U.S.C. 1431(i)(3)(A)(ii)) is amended—

4 (1) in subclause (I)—

5 (A) by striking “3 percent” and inserting
6 “10 percent”; and

7 (B) by inserting “for nutrition services and
8 administration” before “under this section”;
9 and

10 (2) in subclause (II)—

11 (A) by striking “for nutrition services and
12 administration” and inserting “to carry out this
13 section”;

14 (B) by striking “not more than ½ of 1
15 percent” and inserting “not more than 3 per-
16 cent”; and

17 (C) by striking “the development of a man-
18 agement information system, including an elec-
19 tronic benefit transfer system” and inserting
20 “purposes related to food delivery, including
21 breastfeeding services and supplies, electronic
22 benefit transfer systems, and other tech-
23 nologies”.

24 **SEC. 314. ADMINISTRATIVE SIMPLIFICATION.**

25 Section 17 of the Child Nutrition Act (7 U.S.C.
26 1431) is amended—

1 (1) in subsection (f)(1), by amending subpara-
2 graph (A) to read as follows:

3 “(A) Each State agency shall submit to
4 the Secretary a plan of operation and adminis-
5 tration. A State shall be required to submit to
6 the Secretary for approval any substantive
7 change in the plan and annual requirements as
8 specified by the Secretary.”; and

9 (2) by repealing subsection (k).

10 **SEC. 315. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 17(g)(1)(A) of the Child Nutrition Act of
12 1966 (7 U.S.C. 1431(g)(1)(A)) is amended by striking
13 “2010 through 2015” and inserting “2023 through
14 2028”.

15 **SEC. 316. WIC FARMERS’ MARKET NUTRITION PROGRAM.**

16 Section 17(m) of the Child Nutrition Act of 1966 (7
17 U.S.C. 1431) is amended—

18 (1) in paragraph (1), by inserting “and commu-
19 nity supported agriculture programs” after “road-
20 side stands”;

21 (2) by striking paragraph (3) and redesignating
22 paragraphs (4) through (10) as paragraphs (3)
23 through (9), respectively;

1 (3) in paragraph (3), as so redesignated, by
2 striking “paragraph (6)” both places it appears and
3 inserting “paragraph (5)”;

4 (4) in paragraph (4), as so redesignated—

5 (A) in subparagraph (B), by striking
6 “using funds” and all the follows through
7 “paragraph (3).” and inserting “using funds
8 provided under the grant.”;

9 (B) in subparagraph (C), by striking “may
10 not be” and all that follows through “per year.”
11 and inserting “may not be less than \$20 per
12 year.”;

13 (C) by amending subparagraph (E) to read
14 as follows:

15 “(E) The coupon redemption process under the
16 program shall be designed to ensure that the cou-
17 pons may be redeemed—

18 “(i) either—

19 “(I) by producers authorized by the
20 State to participate in the program; or

21 “(II) through a central point of sale
22 at a farmers’ market authorized by the
23 State to participate in the program; and

24 “(ii) only to purchase fresh nutritious un-
25 prepared food for human consumption.”; and

1 (D) in subparagraph (F)—

2 (i) in clause (i), by striking “clauses
3 (ii) and (iii)” and inserting “clause (ii)”;

4 (ii) in clause (ii)—

5 (I) by striking “2 percent” and
6 inserting “3 percent”; and

7 (II) by inserting “such market
8 development or technical assistance
9 will advance State efforts to develop
10 efficient and appropriate electronic
11 benefits systems or” before “the State
12 intends”; and

13 (iii) by striking clause (iii);

14 (5) in paragraph (5), as so redesignated—

15 (A) in subparagraph (A), by striking “sub-
16 paragraph (G)” and inserting “paragraph (8)”;

17 (B) in subparagraph (B)—

18 (i) in clause (i), by striking “if a
19 State provides the amount of matching
20 funds required under paragraph (3),”; and

21 (ii) in clause (ii)—

22 (I) by striking “paragraph (10)”
23 and inserting “paragraph (8)”;

24 (II) by striking “paragraph (6)”
25 and inserting “paragraph (5)”;

1 (C) in subparagraph (C), by striking “sub-
2 paragraph (G)(i)” both places it appears and
3 inserting “paragraph (8)”;

4 (D) in subparagraph (D)(ii)(II), by strik-
5 ing “paragraph (5)” and inserting “paragraph
6 (4)”;

7 (E) in subparagraph (F)(iii), by striking
8 “paragraph (10)(B)(ii)” and inserting “para-
9 graph (8)(B)(ii)”;

10 (6) in paragraph (7), as so redesignated—

11 (A) by striking subparagraph (D); and

12 (B) by redesignating subparagraphs (E)
13 and (F) as subparagraphs (D) and (E), respec-
14 tively;

15 (7) in paragraph (8), as so redesignated, by
16 striking “2010 through 2015” and inserting “2023
17 through 2028”;

18 (8) in paragraph (9), as so redesignated, by in-
19 serting “token,” after “voucher,”.

20 **SEC. 317. SUPPORTING HEALTHY MOTHERS AND INFANTS.**

21 Section 17 of the Child Nutrition Act of 1966 (42
22 U.S.C. 1786) is amended—

23 (1) in subsection (a), by striking “drug abuse”
24 and inserting “substance use disorder”;

25 (2) in subsection (b)—

1 (A) in paragraph (8), by striking “drug
2 abuse” and inserting “substance use disorder”;
3 and

4 (B) in paragraph (16)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “Drug abuse edu-
7 cation” and inserting “Substance use dis-
8 order education”;

9 (ii) in subparagraph (A), by striking
10 “dangers of drug abuse” and inserting
11 “harm of substance use on pregnancy and
12 lactation”; and

13 (iii) in subparagraph (B)—

14 (I) by striking “are suspected
15 drug abusers” and inserting “may
16 have a substance use disorder”;

17 (II) by striking “drug abuse clin-
18 ics,”; and

19 (III) by striking “drug abuse
20 professionals” and inserting “re-
21 sources”;

22 (3) in subsection (e)—

23 (A) in paragraph (1)—

1 (i) by striking “drug abuse” each
2 place it appears and inserting “substance
3 use disorder”; and

4 (ii) by striking “effects of drug and
5 alcohol use by” and inserting “effects of a
6 substance use disorder of”; and

7 (B) in paragraph (5), by striking “sub-
8 stance abuse” and inserting “substance use dis-
9 order”;

10 (4) in subsection (f)—

11 (A) in paragraph (1)(C)(ix), by striking
12 “drugs” and inserting “illicit or other harmful
13 substances”; and

14 (B) in paragraph (13), by striking “drug
15 abuse education” and inserting “substance use
16 disorder education”;

17 (5) in subsection (k)(1)—

18 (A) by striking “1 member” and inserting
19 “one member”; and

20 (B) by striking “drug abuse” and inserting
21 “substance use disorder”; and

22 (6) by adding at the end the following:

23 “(r) ACTIVITIES TO SUPPORT WIC-ELIGIBLE INDI-
24 VIDUALS IMPACTED BY SUBSTANCE USE DISORDER.—

25 “(1) IN GENERAL.—The Secretary shall—

1 “(A) develop and disseminate nutrition
2 education materials for individuals eligible for
3 the program; and

4 “(B) conduct outreach to individuals who
5 are potentially eligible for the program and who
6 are impacted by a substance use disorder.

7 “(2) PURPOSE.—The purpose of this subsection
8 is to ensure that individuals participating in the pro-
9 gram who are impacted by a substance use disorder
10 receive accurate nutrition education from trained
11 staff in an effective and unbiased manner.

12 “(3) NUTRITION EDUCATION MATERIALS.—The
13 Secretary shall collaborate with the Secretary of
14 Health and Human Services to develop appropriate
15 evidence-based nutrition education materials for in-
16 dividuals impacted by a substance use disorder, in-
17 cluding—

18 “(A) nutrition education materials for indi-
19 viduals with substance use disorder during
20 pregnancy and in the postpartum period; and

21 “(B) nutrition education materials for in-
22 fants impacted by prenatal substance exposure
23 and neonatal abstinence syndrome.

24 “(4) NUTRITION EDUCATION CLEARING-
25 HOUSE.—The Secretary shall make available to all

1 State agencies through an online clearinghouse any
2 nutrition education and training materials related to
3 nutrition for individuals impacted by a substance use
4 disorder or neonatal abstinence syndrome that have
5 been produced by the Secretary or the Secretary of
6 Health and Human Services (or produced by a State
7 agency and approved by the Secretary), including
8 educational materials developed under paragraph
9 (15) of section 515(b) of the Public Health Service
10 Act (42 U.S.C. 290bb–21(b)) and guidance issued
11 under section 1005 of the SUPPORT for Patients
12 and Communities Act (42 U.S.C. 1396a note).

13 “(5) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to carry out
15 this subsection \$1,000,000 for fiscal year 2024, to
16 remain available until expended.”.

17 **TITLE IV—MODERNIZING THE**
18 **CHILD AND ADULT CARE**
19 **FOOD PROGRAM**

20 **SEC. 401. ELIGIBILITY CERTIFICATION CRITERIA FOR PRO-**
21 **PRIETARY CHILD CARE CENTERS.**

22 Section 17(a)(6) of the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1766(a)(6)) is amended—

24 (1) in the matter preceding subparagraph (A),
25 by striking “criteria:” and inserting “criteria—”;

1 (2) in subparagraph (E), by striking “and” at
2 the end;

3 (3) in subparagraph (F), by striking the period
4 at the end and inserting “; and”; and

5 (4) by adding at the end the following:

6 “(G) in the case of an institution described
7 in paragraph (2)(B), the eligibility of such in-
8 stitution shall be determined on an annual basis
9 in accordance with this section.”.

10 **SEC. 402. AUTOMATIC ELIGIBILITY FOR CHILDREN IN SUP-**
11 **PLEMENTAL NUTRITION ASSISTANCE HOUSE-**
12 **HOLDS.**

13 Section 17(c) of the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1766(c)) is amended by add-
15 ing at the end the following:

16 “(7) AUTOMATIC ELIGIBILITY FOR CHILDREN
17 IN SUPPLEMENTAL NUTRITION ASSISTANCE HOUSE-
18 HOLDS.—A child shall be considered automatically
19 eligible for benefits under this section without fur-
20 ther application or eligibility determination if the
21 child is a member of a household receiving assist-
22 ance under the supplemental nutrition assistance
23 program established under the Food and Nutrition
24 Act of 2008 (7 U.S.C. 2011 et seq.)”.

1 **SEC. 403. REVIEW OF SERIOUS DEFICIENCY PROCESS.**

2 Section 17(d)(5) of the Richard B. Russell National
3 School Lunch Act (42 U.S.C. 1766(d)(5)) is amended by
4 adding at the end the following:

5 “(F) SERIOUS DEFICIENCY PROCESS.—

6 “(i) IN GENERAL.—Not later than 1
7 year after the date of the enactment of this
8 subparagraph, the Secretary shall review
9 and issue guidance and, as appropriate,
10 regulations regarding the serious deficiency
11 process for the program under this section.

12 “(ii) REVIEW.—In carrying out clause
13 (i), the Secretary shall review, at a min-
14 imum, the processes involved in—

15 “(I) determining when there is a
16 serious deficiency with respect to an
17 institution or a family or group day
18 care home by a State agency, includ-
19 ing—

20 “(aa) what measures auto-
21 matically result in a finding of
22 serious deficiency; and

23 “(bb) how to differentiate
24 between—

25 “(AA) a reasonable
26 margin of human error and

1 systematic or intentional
2 noncompliance; and

3 “(BB) State-specific re-
4 quirements and Federal reg-
5 ulations;

6 “(II) appealing and mediating a
7 finding of serious deficiency with re-
8 spect to an institution or a family or
9 group day care home, including—

10 “(aa) findings related to
11 State-specific requirements and
12 Federal regulations; and

13 “(bb) processes for ensuring
14 officials involved in appeals and
15 mediation are fair and impartial;

16 “(III) determining the cir-
17 cumstances under which a corrective
18 action plan is acceptable;

19 “(IV) termination and disquali-
20 fication, including maintenance of the
21 list under subparagraph (E); and

22 “(V) determining opportunities
23 for strengthening the processes in-
24 tended to reduce additional State
25 agency program requirements on in-

stitutions or family or group day care homes that are in addition to those required under Federal law, including—

“(aa) State evaluation of practices used at the time of review;

“(bb) regional approval of such additional State agency requirements; and

“(cc) oversight through the management evaluation process.

“(iii) STATE-SPECIFIC REQUIREMENTS.—The Secretary may not consider State-specific requirements in determining non-compliance or serious deficiency.

“(iv) GUIDANCE AND REGULATIONS.—

“(I) IN GENERAL.—Not later than 1 year after conducting the review under clause (ii), the Secretary shall make findings from the information collected and issue guidance and, as appropriate, regulations from such findings that will—

1 “(aa) streamline and mod-
2 ernize the program;

3 “(bb) reduce the paperwork
4 burden on parents; and

5 “(cc) assist sponsoring orga-
6 nizations, State agencies, and the
7 Food and Nutrition Service in
8 ensuring a fair, uniform, and ef-
9 fective administration of the seri-
10 ous deficiency process, while re-
11 taining program integrity.

12 “(II) SCOPE.—The guidance or,
13 as appropriate, regulations made or
14 issued under subclause (I) shall in-
15 clude—

16 “(aa) clarity on the required
17 measures for noncompliance, in-
18 cluding—

19 “(AA) an allowance for
20 a reasonable margin of
21 human error; and

22 “(BB) a distinction be-
23 tween a reasonable margin
24 of human error and system-

1 atic or intentional non-
2 compliance;

3 “(bb) a formal appeals and
4 mediation process that—

5 “(AA) is conducted by
6 a trained official who is
7 independent from and not
8 affiliated with any person or
9 agency involved in the deter-
10 mination being appealed or
11 mediated;

12 “(BB) provides an op-
13 portunity for a fair hearing
14 for any institution or family
15 or group day care home de-
16 termined to have a serious
17 deficiency finding or inad-
18 equate corrective action
19 plan; and

20 “(CC) provides for the
21 evaluation and resolution of
22 disputes over State agency
23 program requirements on in-
24 stitutions or family or group
25 day care homes that are in

1 addition to those required
2 under Federal law;

3 “(cc) timeframes for accept-
4 able corrective action plans for
5 group or family day care homes
6 that are consistent with correc-
7 tive action timeframes for child
8 care centers; and

9 “(dd) a process to dismiss a
10 serious deficiency upon correction
11 of such deficiency.”.

12 **SEC. 404. AUTHORIZATION OF REIMBURSEMENTS FOR AD-**
13 **DITIONAL MEAL OR SNACK.**

14 Section 17(f)(2) of the Richard B. Russell National
15 School Lunch Act (42 U.S.C. 1766(f)(2)) is amended—

16 (1) by striking “(2)(A) Subject to subparagraph
17 (B) of this paragraph” and inserting the following:

18 “(2) DISBURSEMENTS.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B)”;

21 (2) by amending subparagraph (B) to read as
22 follows:

23 “(B) LIMITATION.—No reimbursement
24 may be made to any institution under this para-
25 graph, or to family or group day care home

1 sponsoring organizations under paragraph (3),
2 for more than—

3 “(i) 2 meals and 1 supplement or 1
4 meal and 2 supplements per day per child;
5 or

6 “(ii) 3 meals and 1 supplement or 2
7 meals and 2 supplements per day per
8 child, in the case of child care during
9 which there are 8 or more hours between
10 the beginning of the first meal service pe-
11 riod and the beginning of the fourth meal
12 service period.”.

13 **SEC. 405. ADJUSTMENTS.**

14 Section 17(f)(3) of the Richard B. Russell National
15 School Lunch Act (42 U.S.C. 1766(f)(3)) is amended—

16 (1) in subparagraph (A)—

17 (A) by amending clause (ii)(IV) to read as
18 follows:

19 “(IV) ADJUSTMENTS.—The re-
20 imbursement factors under this sub-
21 paragraph shall be adjusted on July
22 1, 1997, and each July 1 thereafter,
23 to reflect changes in the Consumer
24 Price Index for food away from home
25 for the 12-month period ending on the

1 preceding April 30. The reimburse-
2 ment factors under this subparagraph
3 shall be rounded to the nearest lower
4 cent increment and based on the
5 unrounded adjustment in effect on
6 April 30 of the preceding school
7 year.”; and

8 (B) by amending clause (iii)(I)(bb) to read
9 as follows:

10 “(bb) ADJUSTMENTS.—The fac-
11 tors shall be adjusted on July 1,
12 1997, and each July 1 thereafter, to
13 reflect changes in the Consumer Price
14 Index for food away from home for
15 the 12-month period ending on the
16 preceding April 30. The reimburse-
17 ment factors under this item shall be
18 rounded down to the nearest lower
19 cent increment and based on the
20 unrounded adjustment in effect on
21 April 30 of the preceding 12- month
22 period.”; and

23 (2) by amending subparagraph (B)(ii) to read
24 as follows:

1 “(ii) ANNUAL ADJUSTMENT.—The ad-
2 ministrative reimbursement levels specified
3 in clause (i) shall be adjusted July 1 of
4 each year to reflect changes in the 12-
5 month period ending on the preceding
6 April 30 in the Consumer Price Index for
7 All Urban Consumers published by the Bu-
8 reau of Labor Statistics of the Department
9 of Labor.”.

10 **SEC. 406. AGE LIMITS IN HOMELESS SHELTERS AND EMER-**
11 **GENCY SHELTERS.**

12 Section 17(t)(5)(A)(i) of the Richard B. Russell Na-
13 tional School Lunch Act (42 U.S.C. 1766(t)(5)(A)(i)) is
14 amended—

15 (1) in the matter before subclause (I), by in-
16 sserting “or individuals” after “children” both places
17 it appears; and

18 (2) in subclause (I), by striking “18 years of
19 age” and inserting “25 years of age”.

20 **SEC. 407. ADVISORY COMMITTEE ON PAPERWORK REDUC-**
21 **TION.**

22 Section 17 of the Richard B. Russell National School
23 Lunch Act (42 U.S.C. 1766) is amended by adding at the
24 end the following:

1 “(v) ADVISORY COMMITTEE ON PAPERWORK REDUC-
2 TION.—

3 “(1) ESTABLISHMENT.—Not later than 180
4 days after the date of the enactment of this sub-
5 section, the Secretary shall establish an advisory
6 committee (referred to in this subsection as the ‘Ad-
7 visory Committee’) to carry out the duties described
8 in paragraph (2).

9 “(2) DUTIES.—The duties of the Advisory
10 Committee shall be to—

11 “(A) examine the feasibility of reducing
12 unnecessary or duplicative paperwork resulting
13 from regulations and recordkeeping require-
14 ments, including paperwork resulting from ad-
15 ditional State requirements, for those partici-
16 pating or seeking to participate in the program
17 under this section, including State agencies,
18 family child care homes, child care centers, and
19 sponsoring organizations; and

20 “(B) provide recommendations to the Sec-
21 retary to reduce such paperwork for partici-
22 pants in the program under this section while
23 ensuring that proper accountability and pro-
24 gram integrity are maintained and make such
25 recommendations publicly available.

1 “(3) MEMBERSHIP.—The Advisory Committee
2 shall be composed of not fewer than 14 members, of
3 whom:

4 “(A) 1 shall be a representative of a public
5 nonprofit center.

6 “(B) 1 shall be a representative of a pri-
7 vate nonprofit center.

8 “(C) 1 shall be a representative of a family
9 or group day care home.

10 “(D) 1 shall be a representative of a Head
11 Start center.

12 “(E) 1 shall be a representative of a for-
13 profit center.

14 “(F) 1 shall be a representative of an
15 emergency shelter.

16 “(G) 1 shall be a representative of an
17 adult day care center.

18 “(H) 1 shall be a representative of a State
19 agency.

20 “(I) 1 shall be a representative of a spon-
21 soring organization for the entities referred to
22 in subparagraphs (A), (B), (D), (E), (F), and
23 (G).

1 “(J) 1 shall be a representative of a spon-
2 soring organization of family or group day care
3 homes.

4 “(K) 1 shall be a representative of an anti-
5 hunger advocacy organization.

6 “(L) 1 shall be a representative of an at-
7 risk, after school program.

8 “(M) 1 shall be a representative of a child
9 care advocacy organization.

10 “(N) 1 shall be a representative of an ad-
11 vocacy organization representing parents with
12 young children.

13 “(4) CONSIDERATIONS.—In developing the rec-
14 ommendations described in paragraph (2)(B), the
15 Advisory Committee shall consider—

16 “(A) information, recommendations, and
17 reports from the Paperwork Reduction Work
18 Group established by the Food and Nutrition
19 Service pursuant to section 119(i) of the Child
20 Nutrition and WIC Reauthorization Act of
21 2004 (42 U.S.C. 1766);

22 “(B) the use of electronic systems and rec-
23 ordkeeping technologies to reduce paperwork
24 for program participants and program opera-
25 tors; and

1 “(C) duplicative requirements across mul-
2 tiple Federal programs.

3 “(5) GUIDANCE AND REGULATIONS.—Not later
4 than 2 years after the date of the enactment of this
5 subsection, the Secretary shall issue guidance and,
6 as appropriate, regulations based on the rec-
7 ommendations described in paragraph (2)(B) for
8 streamlined and consolidated paperwork and record-
9 keeping requirements for the program, including ac-
10 tions taken to reduce paperwork for parents and
11 program operators by—

12 “(A) streamlining and modernizing appli-
13 cations; and

14 “(B) streamlining and modernizing the
15 monitoring and auditing of programmatic docu-
16 mentation and recordkeeping, including—

17 “(i) eliminating the use of the enroll-
18 ment form for the purpose of claiming
19 meals;

20 “(ii) allowing the use of direct certifi-
21 cation in all States;

22 “(iii) requiring States to accept as
23 documentation digital forms, digitized and
24 electronic signatures, and electronic
25 records;

1 “(iv) allowing the use of electronic
2 data collection systems containing all re-
3 quired Federal child and adult care food
4 program standards;

5 “(v) addressing non-mandated State-
6 specific requirements; and

7 “(vi) requiring the adoption of gen-
8 erally accepted technologies for client-fac-
9 ing technology, virtual visits, and tech-
10 nology used for administrative functions by
11 the child and adult care food program to
12 reduce the burden on participants and pro-
13 gram operators and administrators.

14 “(6) REPORT.—

15 “(A) IN GENERAL.—Not later than 180
16 days after issuing the guidance and, as appro-
17 prium, regulations described in paragraph (5),
18 the Secretary shall submit a report to the Com-
19 mittee on Agriculture, Nutrition, and Forestry
20 of the Senate and the Committee on Education
21 and Labor of the House of Representatives con-
22 taining the information described in subpara-
23 graph (B).

24 “(B) CONTENTS.—The report under sub-
25 paragraph (A) shall contain the following:

1 “(i) With respect to each instance in
2 which the Secretary did not implement a
3 recommendation of the Advisory Com-
4 mittee, an explanation with respect to why
5 such recommendation was not imple-
6 mented.

7 “(ii) Additional recommendations with
8 respect to legislative action that may fur-
9 ther strengthen and streamline the pro-
10 gram application and monitoring process
11 and reduce administrative burdens on
12 grantees, program participants, and local,
13 State, and Federal governments.”.

14 **TITLE V—ADDRESSING CHILD**
15 **FOOD INSECURITY DURING**
16 **THE SUMMER**

17 **SEC. 501. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**
18 **DREN.**

19 (a) BETTER INTEGRATE SUMMER EDUCATION AND
20 SUMMER MEALS PROGRAM.—Section 13(a)(1)(A)(i) of
21 the Richard B. Russell National School Lunch Act (42
22 U.S.C. 1761(a)(1)(A)(i)) is amended by striking “50 per-
23 cent” each place it appears and inserting “40 percent”.

24 (b) PUBLIC-PRIVATE PARTNERSHIPS.—Section 13(a)
25 of the Richard B. Russell National School Lunch Act (42

1 U.S.C. 1761(a)) is amended by striking paragraph (8) and
2 inserting the following:

3 “(8) YEAR-ROUND MEAL SERVICE.—

4 “(A) SEAMLESS SUMMER OPTION FOR
5 SCHOOLS.—Except as otherwise determined by
6 the Secretary, a service institution that is a
7 public or private nonprofit school food authority
8 may provide summer or school vacation food
9 service in accordance with applicable provisions
10 of law governing the school lunch program es-
11 tablished under this Act or the school breakfast
12 program established under the Child Nutrition
13 Act of 1966 (42 U.S.C. 1771 et seq.).

14 “(B) YEAR-ROUND MEAL SERVICE FOR
15 OTHER SERVICE INSTITUTIONS.—Each service
16 institution (other than a service institution de-
17 scribed in subparagraph (A)), in addition to
18 being eligible for reimbursement for meals de-
19 scribed in subsection (b)(2) served during each
20 day of operation during the periods described in
21 subsection (c)(1), may be reimbursed for up to
22 1 meal and 1 snack per child served at sites
23 that provide educational or enrichment activi-
24 ties during the regular school year during—

25 “(i) afterschool hours;

1 “(ii) weekends; and

2 “(iii) school holidays.”.

3 (c) IMPROVE NUTRITION IN UNDERSERVED, HARD-
4 TO-REACH AREAS.—Section 13(a) of the Richard B. Rus-
5 sell National School Lunch Act (42 U.S.C. 1761(a)) is
6 amended—

7 (1) by striking paragraphs (9) and (10);

8 (2) by inserting after paragraph (8) the fol-
9 lowing:

10 “(9) IMPROVE NUTRITION IN UNDERSERVED,
11 HARD-TO-REACH AREAS.—

12 “(A) IN GENERAL.—Subject to the avail-
13 ability of appropriations specifically for the pur-
14 pose of carrying out this paragraph, the Sec-
15 retary may award competitive grants to service
16 institutions selected by the Secretary to in-
17 crease participation in the program—

18 “(i) at congregate feeding sites; and

19 “(ii) through—

20 “(I) innovative approaches to ad-
21 dressing barriers in transportation to
22 such sites; and

23 “(II) mobile meal delivery.

1 “(B) ELIGIBILITY.—To be selected to re-
2 ceive a grant under this paragraph, a service in-
3 stitution—

4 “(i) may be located in any State; and

5 “(ii) shall—

6 “(I) submit to the Secretary an
7 application at such time, in such man-
8 ner, and containing such information
9 as the Secretary may require;

10 “(II) meet criteria established by
11 the Secretary; and

12 “(III) agree to the terms and
13 conditions of the grant, as established
14 by the Secretary.

15 “(C) PRIORITY.—In awarding grants
16 under this paragraph, the Secretary shall give
17 priority to service institutions that—

18 “(i) serve both breakfast and lunch;

19 or

20 “(ii) offer educational or enrichment
21 programs.

22 “(D) TRAVEL REIMBURSEMENT.—A serv-
23 ice institution that receives a grant under this
24 paragraph may use grant funds to provide re-

1 imbursement for travel to satellite congregate
2 feeding sites.

3 “(E) AUTHORIZATION OF APPROPRIA-
4 TIONS.—There is authorized to be appropriated
5 to the Secretary to make competitive grants
6 under this paragraph \$10,000,000 for each fis-
7 cal year.”; and

8 (3) by redesignating paragraphs (11) and (12)
9 as paragraphs (10) and (11), respectively.

10 (d) CULTURALLY AND LINGUISTICALLY APPRO-
11 PRIATE OUTREACH REGARDING SUMMER FOOD SERVICE
12 PROGRAM.—Paragraph (10)(B) of section 13(a) of the
13 Richard B. Russell National School Lunch Act (42 U.S.C.
14 1761(a)), as redesignated by subsection (c)(3), is amended
15 by inserting “culturally and linguistically appropriate”
16 after “dissemination of” both places it appears.

17 (e) TIMING OF ADJUSTMENTS.—Section 13(b)(1)(B)
18 of the Richard B. Russell National School Lunch Act (42
19 U.S.C. 1761(b)(1)(B)) is amended by striking “ending the
20 preceding November” and inserting “ending on the pre-
21 ceding October”.

22 (f) THIRD MEAL.—Section 13(b)(2) of the Richard
23 B. Russell National School Lunch Act (42 U.S.C.
24 1761(b)(2)) is amended by striking “only serve lunch”
25 and all that follows through “migrant children may”.

1 (g) SUMMER NUTRITION STANDARDS.—Section 13(f)
2 of the Richard B. Russell National School Lunch Act (42
3 U.S.C. 1761(f)) is amended by adding at the end the fol-
4 lowing:

5 “(8) Not later than 2 years after the date of
6 the enactment of this paragraph and in accordance
7 with paragraph (1), the Secretary shall promulgate
8 proposed regulations to update the nutrition stand-
9 ards for the summer food service program author-
10 ized under this Act to be guided by the goals of the
11 most recent Dietary Guidelines for Americans pub-
12 lished under section 301 of the National Nutrition
13 Monitoring and Related Research Act of 1990 (7
14 U.S.C. 5341), taking into account the structure of
15 the Program.”.

16 (h) AUTHORIZATION OF APPROPRIATIONS.—Section
17 13(r) of the Richard B. Russell National School Lunch
18 Act (42 U.S.C. 1761(r)) is amended by striking “2015”
19 and inserting “2028”.

20 **SEC. 502. SUMMER ELECTRONIC BENEFITS TRANSFER FOR**
21 **CHILDREN PROGRAM.**

22 The Richard B. Russell National School Lunch Act
23 is amended by inserting after section 13 (42 U.S.C. 1761)
24 the following:

1 **“SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER**
2 **FOR CHILDREN PROGRAM.**

3 “(a) PROGRAM ESTABLISHED.—The Secretary shall
4 establish a program under which States and covered In-
5 dian Tribal organizations participating in such program
6 shall, beginning with summer 2024 and annually for each
7 summer thereafter, issue to eligible households summer
8 EBT benefits—

9 “(1) in accordance with this section; and

10 “(2) for the purpose of providing nutrition as-
11 sistance through electronic benefits transfer during
12 the summer months for eligible children, to ensure
13 continued access to food when school is not in ses-
14 sion for the summer.

15 “(b) SUMMER EBT BENEFITS REQUIREMENTS.—

16 “(1) PURCHASE OPTIONS.—

17 “(A) BENEFITS ISSUED BY STATES.—

18 “(i) WIC PARTICIPATION STATES.—In
19 the case of a State that participated in a
20 demonstration program under section
21 749(g) of the Agriculture, Rural Develop-
22 ment, Food and Drug Administration, and
23 Related Agencies Appropriations Act, 2010
24 (Public Law 111–80; 123 Stat. 2132) dur-
25 ing calendar year 2018 using a WIC
26 model, summer EBT benefits issued pur-

1 suant to subsection (a) by such a State
2 may only be used by the eligible household
3 that receives such summer EBT benefits to
4 purchase—

5 “(I) supplemental foods from re-
6 tailers that have been approved for
7 participation in—

8 “(aa) the special supple-
9 mental nutrition program for
10 women, infants, and children
11 under section 17 of the Child
12 Nutrition Act of 1966 (42 U.S.C.
13 1786); or

14 “(bb) the program under
15 this section; or

16 “(II) food (as defined in section
17 3(k) of the Food and Nutrition Act of
18 2008 (7 U.S.C. 2011(k))) from retail
19 food stores that have been approved
20 for participation in the supplemental
21 nutrition assistance program estab-
22 lished under such Act, in accordance
23 with section 7(b) of such Act (7
24 U.S.C. 2016(b)).

1 “(ii) OTHER STATES.—Summer EBT
2 benefits issued pursuant to subsection (a)
3 by a State not described in clause (i) may
4 only be used by the eligible household that
5 receives such summer EBT benefits to
6 purchase food (as defined in section 3(k)
7 of the Food and Nutrition Act of 2008 (7
8 U.S.C. 2011(k))) from retail food stores
9 that have been approved for participation
10 in the supplemental nutrition assistance
11 program established under such Act, in ac-
12 cordance with section 7(b) of such Act (7
13 U.S.C. 2016(b)).

14 “(B) BENEFITS ISSUED BY COVERED IN-
15 DIAN TRIBAL ORGANIZATIONS.—Summer EBT
16 benefits issued pursuant to subsection (a) by a
17 covered Indian Tribal organization may only be
18 used by the eligible household that receives such
19 summer EBT benefits to purchase supple-
20 mental foods from retailers that have been ap-
21 proved for participation in—

22 “(i) the special supplemental nutrition
23 program for women, infants, and children
24 under section 17 of the Child Nutrition
25 Act of 1966 (42 U.S.C. 1786); or

1 “(ii) the program under this section.

2 “(2) AMOUNT.—Summer EBT benefits issued
3 pursuant to subsection (a)—

4 “(A) shall be—

5 “(i) for calendar year 2024, in an
6 amount equal to \$75 for each child in the
7 eligible household per month during the
8 summer; and

9 “(ii) for calendar year 2025 and each
10 year thereafter, in an amount equal to the
11 amount described in clause (i), adjusted to
12 the nearest lower dollar increment to re-
13 flect changes to the cost of the thrifty food
14 plan (as defined in section 3(u) of the
15 Food and Nutrition Act of 2008 (7 U.S.C.
16 2012(u))) for the 12-month period ending
17 on November 30 of the preceding calendar
18 year; and

19 “(B) may be issued—

20 “(i) in the form of an EBT card; or

21 “(ii) through electronic delivery.

22 “(c) ENROLLMENT IN PROGRAM.—

23 “(1) STATE REQUIREMENTS.—States partici-
24 pating in the program under this section shall—

1 “(A) with respect to summer, automati-
2 cally enroll eligible children in the program
3 under this section without further application
4 from households;

5 “(B) establish procedures to carry out the
6 enrollment described in subparagraph (A); and

7 “(C) require local educational agencies to
8 allow eligible households to opt out of participa-
9 tion in the program under this section and es-
10 tablish procedures for opting out of such par-
11 ticipation.

12 “(2) COVERED INDIAN TRIBAL ORGANIZATION
13 REQUIREMENTS.—Covered Indian Tribal organiza-
14 tions participating in the program under this section
15 shall, to the maximum extent practicable, meet the
16 requirements under subparagraphs (A) through (C)
17 of paragraph (1).

18 “(d) IMPLEMENTATION GRANTS.—The Secretary—

19 “(1) beginning October 1, 2022, may carry out
20 a program to make grants to States and covered In-
21 dian Tribal organizations to build capacity for imple-
22 menting the program under this section; and

23 “(2) not later than October 1, 2023, shall carry
24 out the program described in paragraph (1).

1 “(e) ALTERNATE PLANS IN THE CASE OF CONTIN-
2 UOUS SCHOOL CALENDAR.—The Secretary shall establish
3 alternative plans for when summer EBT benefits may be
4 issued pursuant to subsection (a) in the case of children
5 who are under a continuous school calendar.

6 “(f) FUNDING.—

7 “(1) PROGRAM FUNDING.—In addition to
8 amounts otherwise available, there is appropriated
9 for each of fiscal years 2024 through 2028, out of
10 any money in the Treasury not otherwise appro-
11 priated, such sums, to remain available for the pe-
12 riod described in paragraph (2), as may be necessary
13 to carry out the program established under sub-
14 section (a), including for administrative expenses in-
15 curred by the Secretary, States, covered Indian Trib-
16 al organizations, and local educational agencies.

17 “(2) PERIOD DESCRIBED.—With respect to
18 each fiscal year under paragraph (1), amounts made
19 available for such a fiscal year under such para-
20 graph shall remain available for the 2-year period
21 following the date such amounts are made available.

22 “(3) IMPLEMENTATION GRANT FUNDING.—In
23 addition to amounts otherwise available, including
24 under paragraph (1), there is appropriated for each
25 of fiscal years 2023 through 2028, out of any money

1 in the Treasury not otherwise appropriated,
2 \$50,000,000, to remain available until expended, to
3 carry out subsection (d).

4 “(g) DEFINITIONS.—In this section:

5 “(1) COVERED INDIAN TRIBAL ORGANIZA-
6 TION.—The term ‘covered Indian Tribal organiza-
7 tion’ means an Indian Tribal organization that par-
8 ticipates in the special supplemental nutrition pro-
9 gram for women, infants, and children under section
10 17 of the Child Nutrition Act of 1966 (42 U.S.C.
11 1786).

12 “(2) ELIGIBLE CHILD.—The term ‘eligible
13 child’ means, with respect to a summer, a child who
14 was, during the school year immediately preceding
15 such summer—

16 “(A) certified to receive free or reduced
17 price lunch under the school lunch program
18 under this Act;

19 “(B) certified to receive free or reduced
20 price breakfast under the school breakfast pro-
21 gram under section 4 of the Child Nutrition Act
22 of 1966 (42 U.S.C. 1773); or

23 “(C) enrolled in a school described in sub-
24 paragraph (B), (C), (D), (E), or (F) of section
25 11(a)(1).

1 “(3) ELIGIBLE HOUSEHOLD.—The term ‘eligi-
2 ble household’ means a household that includes at
3 least 1 eligible child.

4 “(4) SUPPLEMENTAL FOODS.—The term ‘sup-
5 plemental foods’—

6 “(A) means foods—

7 “(i) containing nutrients determined
8 by nutritional research to be lacking in the
9 diets of children; and

10 “(ii) that promote the health of the
11 population served by the program under
12 this section, as indicated by relevant nutri-
13 tion science, public health concerns, and
14 cultural eating patterns, as determined by
15 the Secretary; and

16 “(B) includes foods not described in sub-
17 paragraph (A) substituted by State agencies,
18 with the approval of the Secretary, that—

19 “(i) provide the nutritional equivalent
20 of foods described in such subparagraph;
21 and

22 “(ii) allow for different cultural eating
23 patterns than foods described in such sub-
24 paragraph.”.

1 **TITLE VI—IMPROVING CAPACITY**
2 **AND PROMOTING SUSTAIN-**
3 **ABILITY**

4 **SEC. 601. VALUES-ALIGNED PROCUREMENT.**

5 Section 9(j) of the Richard B. Russell National
6 School Lunch Act (42 U.S.C. 1758(j)) is amended—

7 (1) in paragraph (1)—

8 (A) by striking “to purchase unprocessed
9 agricultural products, both locally grown and lo-
10 cally raised”; and

11 (B) by striking the semicolon at the end
12 and inserting the following: “, to purchase un-
13 processed agricultural products that were—

14 “(A) locally grown and locally raised;

15 “(B) produced in an environmentally sus-
16 tainable manner;

17 “(C) produced by a certified organic farm
18 or ranch;

19 “(D) produced by an underserved or lim-
20 ited resource producer;

21 “(E) produced by a small or mid-sized
22 farm that is structured as a family farm;

23 “(F) produced by a farm with employees
24 who, as permitted by law, are represented by a

1 collective bargaining agreement or memo-
2 randum of understanding;

3 “(G) produced by a farm participating in
4 a worker justice certification program; or

5 “(H) produced by a farm participating in
6 an independent animal welfare certification pro-
7 gram;”;

8 (2) by amending paragraph (3) to read as fol-
9 lows:

10 “(3) allow institutions receiving funds under
11 this Act and the Child Nutrition Act of 1966 (42
12 U.S.C. 1771 et seq.), including the Department of
13 Defense Fresh Fruit and Vegetable Program, to—

14 “(A)(i) use a geographic preference for the
15 procurement of unprocessed agricultural prod-
16 ucts, both locally grown and locally raised; or

17 “(ii) use locally grown, locally raised, or lo-
18 cally caught as a product specification; and

19 “(B) procure unprocessed agricultural
20 products that are produced—

21 “(i) in an environmentally sustainable
22 manner;

23 “(ii) by a certified organic farm or
24 ranch;

1 “(iii) by an underserved or limited re-
2 source producer;

3 “(iv) by a small or mid-sized farm
4 that is structured as a family farm;

5 “(v) by a farm with employees who, as
6 permitted by law, are represented by a col-
7 lective bargaining agreement or memo-
8 randum of understanding;

9 “(vi) by a farm participating in a
10 worker justice certification program; or

11 “(vii) by a farm participating in an
12 independent animal welfare certification
13 program.”; and

14 (3) by adding at the end the following:

15 “(4) DEFINITIONS.—In this subsection:

16 “(A) BEGINNING FARMER OR RANCHER.—
17 The term ‘beginning farmer or rancher’ has the
18 meaning given such term in section 343(a) of
19 the Consolidated Farm and Rural Development
20 Act (7 U.S.C. 1991(a)).

21 “(B) FAMILY FARM.—The term ‘family
22 farm’ has the meaning given such term in sec-
23 tion 4284.902 of title 7, Code of Federal Regu-
24 lations (as in effect on the date of the enact-
25 ment of this paragraph).

1 “(C) UNDERSERVED PRODUCER.—The
2 term ‘underserved producer’ means an indi-
3 vidual (including a member of an Indian Tribe)
4 that is—

5 “(i) a beginning farmer or rancher;

6 “(ii) a veteran farmer or rancher; or

7 “(iii) a socially disadvantaged farmer
8 or rancher.

9 “(D) VETERAN FARMER OR RANCHER.—

10 The term ‘veteran farmer or rancher’ has the
11 meaning given such term in section 2501(a) of
12 the Food, Agriculture, Conservation, and Trade
13 Act of 1990 (7 U.S.C. 2279(a)).”.

14 **SEC. 602. PROCUREMENT TRAINING.**

15 Section 12(m)(4) of the Richard B. Russell National
16 School Lunch Act (42 U.S.C. 1760(m)(4)) is amended by
17 striking “fiscal years 2010 through 2015” and inserting
18 “fiscal years 2023 through 2028”.

19 **SEC. 603. BUY AMERICAN.**

20 Section 12(n) of the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1760(n)) is amended by
22 adding at the end the following:

23 “(5) ADMINISTRATIVE REVIEWS.—

24 “(A) IN GENERAL.—In conducting the ad-
25 ministrative reviews required under section

1 210.18 of title 7, Code of Federal Regulations
2 (as in effect on the date of the enactment of
3 this paragraph) pursuant to section 22(b)(1), a
4 State agency located in Puerto Rico, Hawaii, or
5 the contiguous United States shall use the form
6 described in subparagraph (B) to assess compli-
7 ance with the requirement under this sub-
8 section.

9 “(B) FORM.—

10 “(i) IN GENERAL.—The Secretary
11 shall develop the form required under sub-
12 paragraph (A).

13 “(ii) CONTENTS.—The form shall re-
14 quire each school food authority to re-
15 port—

16 “(I) the 10 commodities or prod-
17 ucts purchased by such school food
18 authority that—

19 “(aa) are not domestic com-
20 modities or products; and

21 “(bb) make up the largest
22 share of the school food
23 authority’s spending with respect
24 to commodities or products; and

1 “(II) whether each such com-
2 modity or product—

3 “(aa) is not produced do-
4 mestically in sufficient quantities
5 of satisfactory quality to meet
6 the needs of meals provided
7 under the school lunch program
8 under this Act or the school
9 breakfast program under section
10 4 of the Child Nutrition Act of
11 1966 (42 U.S.C. 1773); and

12 “(bb) would be significantly
13 higher in price if purchased do-
14 mestically.

15 “(C) AVAILABILITY OF INFORMATION.—A
16 State agency shall make available to the Sec-
17 retary upon request the information collected
18 using the form described in subparagraph (B).

19 “(D) SUMMARY OF TRENDS.—A State
20 agency shall, on an annual basis—

21 “(i) based on the information collected
22 from school food authorities using the form
23 described in subparagraph (B), analyze
24 and summarize any trends with respect to

1 commodities or products that are not do-
2 mestic commodities or products; and

3 “(ii) submit to the Secretary a report
4 containing such analysis and summary.

5 “(6) ANNUAL NATIONAL PERFORMANCE EVAL-
6 UATION.—

7 “(A) IN GENERAL.—The Secretary shall—

8 “(i) annually evaluate in a nationally-
9 representative study the extent to which
10 school food authorities are in compliance
11 with the requirements of this subsection;
12 and

13 “(ii) publish the findings of such eval-
14 uation on the publicly available website of
15 the Department.

16 “(B) REQUIREMENTS.—The Secretary
17 shall require each school food authority that
18 participates in the evaluation under subpara-
19 graph (A) to disclose, as part of such evalua-
20 tion—

21 “(i) the 10 commodities or products
22 purchased by such school food authority
23 that—

24 “(I) are not domestic commod-
25 ities or products; and

1 “(II) make up the largest share
2 of the school food authority’s spend-
3 ing with respect to commodities or
4 products; and

5 “(ii) whether each such commodity or
6 product—

7 “(I) is not produced domestically
8 in sufficient quantities of satisfactory
9 quality to meet the needs of meals
10 provided under the school lunch pro-
11 gram under this Act or the school
12 breakfast program under section 4 of
13 the Child Nutrition Act of 1966 (42
14 U.S.C. 1773); and

15 “(II) would be significantly high-
16 er in price if purchased domestically.

17 “(7) STUDY AND REPORT.—The Secretary, in
18 consultation with the Secretary of Labor and the
19 heads of other Federal agencies determined by the
20 Secretary to be necessary, shall conduct a study that
21 examines whether the requirement under this sub-
22 section has an impact on the supply of commodities
23 or products in schools, including with respect to—

24 “(A) the availability of domestic commod-
25 ities or products;

1 “(B) the wages, occupational safety and
2 health, and access to and quality of benefits of
3 agricultural workers;

4 “(C) the price of locally grown and locally
5 raised domestic commodities or products as
6 compared to commodities or products that are
7 not domestic commodities or products;

8 “(D) the prevalence of seasonal foods in
9 schools; and

10 “(E) the extent to which schools rely on
11 processed commodities and products.”.

12 **SEC. 604. PLANT-BASED FOODS IN SCHOOLS.**

13 Section 18(d) of the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1769(d)) is amended to read
15 as follows:

16 “(d) PILOT GRANT PROGRAM FOR PLANT-BASED
17 FOOD OPTIONS.—

18 “(1) PROGRAM AUTHORIZED.—The Secretary
19 shall establish and carry out a pilot grant program
20 to award grants to eligible school food authorities to
21 carry out the activities described in paragraph (4).

22 “(2) IN GENERAL.—

23 “(A) TERM.—The term of a grant awarded
24 under this subsection shall be 3 years.

1 “(B) GRANT AMOUNT.—In awarding
2 grants under this subsection, the Secretary
3 shall, to the extent practicable, award grants of
4 diverse amounts.

5 “(3) APPLICATION.—

6 “(A) IN GENERAL.—To be eligible to re-
7 ceive a grant under this subsection, an eligible
8 school food authority shall submit to the Sec-
9 retary an application at such time, in such
10 manner, and containing such information as the
11 Secretary may require, including—

12 “(i) a participatory evaluation plan;
13 and

14 “(ii) a plan for providing culturally
15 appropriate meals.

16 “(B) PRIORITY.—To the maximum extent
17 practicable, in awarding grants under this sub-
18 section, the Secretary shall give priority to an
19 eligible school food authority that—

20 “(i) will use the grant funds to—

21 “(I) serve a high proportion of
22 children who are eligible for free or
23 reduced price meals;

24 “(II) demonstrate collaboration
25 with nongovernmental and commu-

1 nity-based organizations, agricultural
2 producers, and other community part-
3 ners on the activities described in
4 paragraph (4); and

5 “(III) incorporate experiential
6 and culturally appropriate food, nutri-
7 tion, or agricultural education activi-
8 ties related to 100 percent plant-based
9 food options in the classroom; and

10 “(ii) meets any other criteria that the
11 Secretary determines appropriate.

12 “(4) USE OF FUNDS.—A grant awarded under
13 this subsection may be used for any of the following
14 activities:

15 “(A) To contract with qualified third par-
16 ties for professional development training for
17 food service personnel on serving (including pre-
18 paring, procuring, marketing, and creating
19 menus) 100 percent plant-based food options.

20 “(B) To provide compensation, for each
21 employee who participates in the professional
22 development training described in subparagraph
23 (A), at the regular rate of pay of each such em-
24 ployee.

1 “(C) To provide technical assistance and
2 student engagement and education on 100 per-
3 cent plant-based food options, including pro-
4 viding taste tests, recipe development, and cul-
5 inary education.

6 “(D) To provide compensation for addi-
7 tional work relating to serving meals that in-
8 clude a 100 percent plant-based food option.

9 “(E) To conduct outreach to, and cover
10 costs of procurement of foods from, agricultural
11 producers of 100 percent plant-based food op-
12 tions, including—

13 “(i) underserved or limited resource
14 producers; and

15 “(ii) local farmers.

16 “(5) REPORTS.—

17 “(A) RECORDKEEPING REQUIRED.—Each
18 eligible school food authority awarded a grant
19 under this subsection shall keep records of the
20 100 percent plant-based food options served
21 pursuant to this subsection as the Secretary de-
22 termines appropriate.

23 “(B) REPORT REQUIRED BY SCHOOL FOOD
24 AUTHORITIES.—Not later than 1 year after re-
25 ceiving a grant under this subsection, and an-

1 nually for the duration of the pilot grant pro-
2 gram thereafter, a school food authority shall
3 submit to the Secretary a report on the pilot
4 grant program, including information on—

5 “(i) the number of 100 percent plant-
6 based food options that the school food au-
7 thority served during the grant period
8 compared with the preceding school year;

9 “(ii) the number of schools served by
10 the school food authority pursuant to the
11 grant;

12 “(iii) the number of students served
13 by the school food authority pursuant to
14 the grant; and

15 “(iv) how the school food authority
16 used the grant funds.

17 “(C) REPORT BY SECRETARY.—Not later
18 than 6 months after the end of a school year
19 during which the Secretary receives reports re-
20 quired under subparagraph (B), the Secretary
21 shall submit to Congress a report that includes
22 a summary of such reports received and such
23 information with respect to the pilot program
24 as the Secretary determines to be relevant.

1 “(6) TECHNICAL ASSISTANCE.—The Secretary
2 shall provide technical assistance and information to
3 assist school food authorities—

4 “(A) to facilitate the coordination and
5 sharing of information and resources that may
6 be applicable to the activities described in para-
7 graph (4); and

8 “(B) to collect and share information on
9 best practices.

10 “(7) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to carry out
12 this subsection \$10,000,000 for fiscal year 2024, to
13 remain available through fiscal year 2028.

14 “(8) DEFINITIONS.—In this subsection:

15 “(A) 100 PERCENT PLANT-BASED FOOD
16 OPTION.—The term ‘100 percent plant-based
17 food option’ means a breakfast or lunch meal
18 option or component that—

19 “(i) includes a meat alternate as de-
20 scribed in—

21 “(I) section 210.10 of title 7,
22 Code of Federal Regulations (or suc-
23 cessor regulations); or

1 “(II) appendix A to part 210 of
2 7, Code of Federal Regulations (or
3 successor regulations); and

4 “(ii) does not contain any animal
5 products or byproducts, such as meat,
6 poultry, honey, fish, dairy, or eggs.

7 “(B) BEGINNING FARMER OR RANCHER.—
8 The term ‘beginning farmer or rancher’ has the
9 meaning given such term in section 343(a) of
10 the Consolidated Farm and Rural Development
11 Act (7 U.S.C. 1991(a)).

12 “(C) ELIGIBLE SCHOOL FOOD AUTHOR-
13 ITY.—The term ‘eligible school food authority’
14 means a school food authority for which 50 per-
15 cent or more of the students served by such
16 school food authority are eligible for free or re-
17 duced price lunch under this Act or free or re-
18 duced price breakfast under section 4 of the
19 Child Nutrition Act of 1966 (42 U.S.C. 1773).

20 “(D) UNDERSERVED PRODUCER.—The
21 term ‘underserved producer’ means an indi-
22 vidual (including a member of an Indian Tribe)
23 that is—

24 “(i) a beginning farmer or rancher;

25 “(ii) a veteran farmer or rancher; or

1 “(iii) a socially disadvantaged farmer
2 or rancher.

3 “(E) VETERAN FARMER OR RANCHER.—
4 The term ‘veteran farmer or rancher’ has the
5 meaning given such term in section 2501(a) of
6 the Food, Agriculture, Conservation, and Trade
7 Act of 1990 (7 U.S.C. 2279(a)).”.

8 **SEC. 605. FOOD WASTE AND NUTRITION EDUCATION.**

9 Section 18(e) of the Richard B. Russell National
10 School Lunch Act (42 U.S.C. 1769(e)) is amended to read
11 as follows:

12 “(e) SCHOOL FOOD WASTE REDUCTION GRANT PRO-
13 GRAM.—

14 “(1) GRANT PROGRAM ESTABLISHED.—

15 “(A) IN GENERAL.—The Secretary shall
16 carry out a program to award grants, on a com-
17 petitive basis, to school food authorities to carry
18 out food waste measurement and reporting, pre-
19 vention, education, and reduction projects.

20 “(B) REGIONAL BALANCE.—In awarding
21 grants under this subsection, the Secretary
22 shall, to the maximum extent practicable, en-
23 sure that—

24 “(i) a grant is awarded to a school
25 food authority in each region served by the

1 Administrator of the Food and Nutrition
2 Service; and

3 “(ii) there is equitable treatment of
4 rural, urban, and tribal communities.

5 “(2) APPLICATION.—To be eligible to receive a
6 grant under this subsection, a school food authority
7 shall submit an application to the Secretary at such
8 time, in such manner, and containing such informa-
9 tion as the Secretary may require.

10 “(3) PRIORITY.—In awarding grants under this
11 subsection, the Secretary shall give priority to a
12 school food authority that demonstrates in the appli-
13 cation under paragraph (2) that such school food
14 authority will use the grant to—

15 “(A) carry out experiential education ac-
16 tivities that encourage children served by such
17 school food authority to participate in food
18 waste measurement and reporting, prevention,
19 education, and reduction projects;

20 “(B) prioritize the best use of food in ac-
21 cordance with the Food Recovery Hierarchy
22 published by the Administrator of the Environ-
23 mental Protection Agency;

24 “(C) with respect to food waste measure-
25 ment and reporting, prevention, education, and

1 reduction projects, collaborate with other school
2 food authorities, tribes, nongovernmental and
3 community-based organizations, and other com-
4 munity partners;

5 “(D) make evaluation plans and evaluate
6 the activities carried out using grant funds; and

7 “(E) establish a food waste measurement
8 and reporting, prevention, education, and re-
9 duction project with the goal of long-term
10 project sustainability.

11 “(4) USE OF FUNDS.—A school food authority
12 that receives a grant under this section shall use
13 funds under such grant to carry out at least one of
14 the following:

15 “(A) Planning and carrying out a food
16 waste measurement and reporting, prevention,
17 education, and reduction project.

18 “(B) Providing training to support such a
19 project.

20 “(C) Purchasing equipment to support
21 such a project.

22 “(D) Offering food waste education to stu-
23 dents served by such school food authority.

24 “(5) REQUIREMENT.—A food waste measure-
25 ment and reporting, prevention, education, and re-

1 duction project funded by a grant under this sub-
2 section shall comply with the nutrition standards for
3 the school lunch program authorized under this Act
4 and the school breakfast program established by sec-
5 tion 4 of the Child Nutrition Act of 1966 (42 U.S.C.
6 1773), as applicable.

7 “(6) REPORTS.—

8 “(A) SCHOOL FOOD AUTHORITY RE-
9 REPORT.—Not later than 1 year after receiving a
10 grant under this subsection, and on an annual
11 basis thereafter, a school food authority shall
12 submit to the Secretary a report that includes
13 an evaluation of the outcomes of the projects
14 carried out pursuant to such grant.

15 “(B) SECRETARY REPORT.—Not later than
16 6 months after the end of a school year during
17 which the Secretary receives reports required
18 under subparagraph (B), the Secretary shall
19 submit to Congress a report that includes a
20 summary of the reports received under subpara-
21 graph (B) and such information with respect to
22 the program as the Secretary determines to be
23 relevant.

24 “(7) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to carry out

1 this subsection \$10,000,000 for fiscal year 2024, to
2 remain available through fiscal year 2028.”.

3 **SEC. 606. FARM TO SCHOOL GRANT PROGRAM.**

4 Section 18(g) of the Richard B. Russell National
5 School Lunch Act (42 U.S.C. 1769(g)) is amended—

6 (1) by amending paragraph (1) to read as fol-
7 lows:

8 “(1) DEFINITIONS.—In this subsection:

9 “(A) AGRICULTURAL PRODUCER.—The
10 term ‘agricultural producer’ means a farmer,
11 rancher, or fisher (including of farm-raised
12 fish).

13 “(B) BEGINNING FARMER OR RANCHER.—
14 The term ‘beginning farmer or rancher’ has the
15 meaning given such term in section 343(a) of
16 the Consolidated Farm and Rural Development
17 Act (7 U.S.C. 1991(a)).

18 “(C) ELIGIBLE INSTITUTION.—The term
19 ‘eligible institution’ means a school or institu-
20 tion that participates in a program under this
21 Act or the school breakfast program established
22 under section 4 of the Child Nutrition Act of
23 1966 (42 U.S.C. 1773).

1 “(D) FARM TO SCHOOL PROGRAM.—The
2 term ‘farm to school program’ means a pro-
3 gram that—

4 “(i) benefits an eligible institution, as
5 determined by the Secretary; and

6 “(ii) carries out—

7 “(I) planting and maintenance of
8 farms or gardens;

9 “(II) procurement from local ag-
10 ricultural producers; or

11 “(III) educational activities relat-
12 ing to agriculture, nutrition, or food.

13 “(E) UNDERSERVED PRODUCER.—The
14 term ‘underserved producer’ means an indi-
15 vidual (including a member of an Indian Tribe)
16 that is—

17 “(i) a beginning farmer or rancher;

18 “(ii) a veteran farmer or rancher; or

19 “(iii) a socially disadvantaged farmer
20 or rancher.

21 “(F) VETERAN FARMER OR RANCHER.—

22 The term ‘veteran farmer or rancher’ has the
23 meaning given such term in section 2501(a) of
24 the Food, Agriculture, Conservation, and Trade
25 Act of 1990 (7 U.S.C. 2279(a)).”;

1 (2) in paragraph (2)—

2 (A) by striking “schools” each place it ap-
3 pears and inserting “institutions”;

4 (B) by inserting “land-grant colleges and
5 universities,” before “and nonprofit”; and

6 (C) by striking “grants and technical as-
7 sistance” and inserting “grants, technical as-
8 sistance, research, and evaluation”;

9 (3) in paragraph (3)—

10 (A) in subparagraph (A)—

11 (i) in clause (i), by inserting “and
12 technical assistance” after “training”;

13 (ii) by redesignating clauses (vi) and
14 (vii) as clauses (viii) and (ix), respectively;
15 and

16 (iii) by inserting after clause (v) the
17 following:

18 “(vi) implementing educational activi-
19 ties relating to agriculture, nutrition, or
20 food;

21 “(vii) implementing innovative ap-
22 proaches to aggregation, processing, trans-
23 portation, and distribution of food;” and

24 (B) by amending subparagraph (C) to read
25 as follows:

1 “(C) AWARDS.—

2 “(i) MAXIMUM AMOUNT.—The total
3 amount provided to a grant recipient under
4 this subsection shall not exceed \$250,000.

5 “(ii) TERM.—The term of an award
6 shall not exceed 3 years.

7 “(iii) PURPOSE AND SCOPE.—In mak-
8 ing awards under this subsection, the Sec-
9 retary shall, to the extent practicable,
10 make awards of diverse amounts and dura-
11 tion in order to best match the award to
12 the purpose and scope of the project to be
13 funded.”;

14 (4) in paragraph (4)—

15 (A) in subparagraph (B), by inserting “,
16 Tribal,” after “State”; and

17 (B) by adding at the end the following:

18 “(C) TRIBAL AGENCIES.—The Secretary
19 may allow a Tribal agency to use funds pro-
20 vided to the Indian Tribe of the Tribal agency
21 through a Federal agency (including the Indian
22 Health Service) or any other Federal benefit to
23 satisfy all or part of the non-Federal share de-
24 scribed in subparagraph (A) if that use is con-

1 sistent with the purpose of the funds or other
2 Federal benefit provided.”;

3 (5) in paragraph (5)—

4 (A) in the heading, by striking “CRITERIA
5 FOR SELECTION” and inserting “PRIORITY”;

6 (B) in the matter preceding subparagraph
7 (A), by striking “To the maximum extent prac-
8 ticable” and inserting the following:

9 “(A) IN GENERAL.—To the maximum ex-
10 tent practicable”;

11 (C) in subparagraph (A), by striking
12 “school” and inserting “institution”;

13 (D) in subparagraph (B), by striking
14 “lunches” and inserting “meals”;

15 (E) by striking subparagraph (C);

16 (F) in subparagraph (D), by striking “eli-
17 gible schools” and all that follows through
18 “partners” and inserting “eligible institutions,
19 State and local agencies, Tribal organizations
20 and agencies, agricultural producers or groups
21 of agricultural producers, land-grant colleges
22 and universities, and nonprofit entities on the
23 activities described in paragraph (3)”;

24 (G) in subparagraph (F), by striking
25 “and” at the end;

1 (H) by redesignating subparagraphs (A)
2 and (B) as clauses (i) and (ii) and adjusting
3 the margins accordingly;

4 (I) by redesignating subparagraphs (D)
5 through (F) as clauses (iv) through (vi), respec-
6 tively, and adjusting the margins accordingly;

7 (J) by inserting after clause (ii), as so re-
8 designated by subparagraph (H), the following:

9 “(iii) incorporate experiential, tradi-
10 tional, and culturally appropriate food, nu-
11 trition, or agricultural education activities
12 in curriculum planning;”;

13 (K) by redesignating subparagraph (G) as
14 clause (ix);

15 (L) by inserting after clause (vi) (as so re-
16 designated) the following:

17 “(vii) expand the selection of local
18 commodities for eligible institutions;

19 “(viii) identify and address chronic
20 diet-related health issues of children served
21 by eligible institutions; and”;

22 (M) by adding at the end the following:

23 “(B) TRIBAL COMMUNITY PROJECTS.—In
24 the case of projects serving Tribal communities,
25 the Secretary shall, to the maximum extent

1 practicable, give priority to projects that best
2 utilize products, including traditional foods,
3 from Tribal agricultural producers, as deter-
4 mined by the Secretary.”;

5 (6) in paragraph (7)—

6 (A) in the matter preceding subparagraph
7 (A), by striking “The Secretary” and all that
8 follows through “nonprofit entities” and insert-
9 ing the following:

10 “(A) IN GENERAL.—The Secretary shall
11 provide technical assistance and information to
12 assist eligible institutions, State and local agen-
13 cies, Indian Tribal organizations, agricultural
14 producers or agricultural producer groups, and
15 nonprofit entities”;

16 (B) in subparagraph (B), by striking
17 “and” at the end;

18 (C) in subparagraph (C), by striking the
19 period at the end and inserting “; and”;

20 (D) by redesignating subparagraphs (A)
21 through (C) as clauses (i) through (iii), respec-
22 tively, and adjusting the margins accordingly;

23 (E) by adding after clause (iii), as so re-
24 designated by subparagraph (D), the following:

1 “(iv) to increase awareness of, and
2 participation in, farm to school programs
3 among agricultural producers or agricul-
4 tural producer groups, including—

5 “(I) underserved or limited re-
6 source producers; and

7 “(II) local farmers.”; and

8 (F) by adding at the end the following:

9 “(B) REVIEW.—

10 “(i) IN GENERAL.—Not later than 1
11 year after the date of enactment of the
12 Healthy Meals, Healthy Kids Act, and
13 every 3 years thereafter, the Secretary
14 shall submit to the Committee on Agri-
15 culture of the House of Representatives,
16 the Committee on Education and Labor of
17 the House of Representatives, and the
18 Committee on Agriculture, Nutrition, and
19 Forestry of the Senate a report that de-
20 scribes the progress that has been made in
21 identifying and eliminating barriers related
22 to developing farm to school programs.

23 “(ii) REQUIREMENTS.—In preparing
24 the report, the Secretary shall examine—

1 “(I) the direct and indirect regu-
2 latory compliance costs affecting the
3 production and marketing of locally or
4 regionally produced agricultural food
5 products to child nutrition programs;

6 “(II) barriers to local and re-
7 gional child nutrition program market
8 access for small-scale production;

9 “(III) barriers to funding
10 projects that meet the criteria de-
11 scribed in paragraph (5)(A);

12 “(IV) barriers to local and re-
13 gional child nutrition market access
14 for Tribal farmers and ranchers; and

15 “(V) barriers to funding Tribal
16 projects under farm to school pro-
17 grams.”;

18 (7) in paragraph (8)—

19 (A) in subparagraph (A), by striking
20 “\$5,000,000” and inserting “\$15,000,000”;
21 and

22 (B) by adding at the end the following:

23 “(C) ADMINISTRATION.—Of the funds pro-
24 vided to the Secretary under subparagraph (A),
25 not more than 5 percent may be used to pay

1 administrative costs incurred by the Secretary
2 in carrying out this subsection.”; and

3 (8) in paragraph (9), by striking “2011
4 through 2015” and inserting “2023 through 2028”.

5 **TITLE VII—SUPPORTING TRIBES**
6 **AND FREELY ASSOCIATED**
7 **STATES**

8 **SEC. 701. TRIBALLY OPERATED MEAL AND SNACK PILOT**
9 **PROJECT.**

10 Section 18 of the Richard B. Russell National School
11 Lunch Act (42 U.S.C. 1769) is amended by inserting after
12 subsection (e), as added by section 605 of this Act, the
13 following:

14 “(f) TRIBALLY OPERATED MEAL AND SNACK PILOT
15 PROJECT.—

16 “(1) IN GENERAL.—The Secretary of Agri-
17 culture shall establish a pilot project to award
18 grants to up to 10 eligible entities to prepare such
19 entities to administer or operate and implement, in
20 covered schools—

21 “(A) the school lunch program authorized
22 under this Act;

23 “(B) the child and adult care food pro-
24 gram established by section 17 of this Act;

1 “(C) the summer food service program for
2 children established by section 13 of this Act;
3 and

4 “(D) the school breakfast program estab-
5 lished by section 4 of the Child Nutrition Act
6 of 1966 (42 U.S.C. 1773).

7 “(2) APPLICATION.—To be eligible to partici-
8 pate in the pilot project under this subsection, an el-
9 igible entity shall submit to the Secretary an appli-
10 cation at such time, in such manner, and containing
11 such information as the Secretary may require.

12 “(3) CRITERIA FOR SELECTION.—In selecting
13 participants under this subsection, the Secretary
14 shall select up to 10 eligible entities that—

15 “(A) are located in diverse geographic
16 areas; and

17 “(B) serve Indian tribes of varying popu-
18 lation size.

19 “(4) GRANTS.—

20 “(A) IN GENERAL.—The Secretary shall
21 award, to each eligible entity selected to partici-
22 pate in the project under this subsection, a
23 grant, of an amount negotiated with such eligi-
24 ble entity, that is not less than \$10,000 and not
25 more than \$200,000.

1 “(B) SUNSET.—The authority of the Sec-
2 retary to award grants under this subsection
3 shall terminate on the date that is 5 years after
4 the date on which the first grant is awarded
5 under this subsection.

6 “(5) REIMBURSEMENTS.—

7 “(A) IN GENERAL.—Notwithstanding any
8 other provision of law, an eligible entity partici-
9 pating in the project under this subsection—

10 “(i) may carry out the programs ref-
11 erenced in subparagraphs (A) through (D)
12 of paragraph (1);

13 “(ii) with respect to the school lunch
14 program authorized under this Act, shall
15 be reimbursed as if it were a State under
16 section 12(f);

17 “(iii) with respect to the child and
18 adult care food program established under
19 this Act, shall be reimbursed as if it were
20 a State under section 17;

21 “(iv) with respect to the summer food
22 service program for children established
23 under this Act, shall be reimbursed as if it
24 were a State under section 13; and

1 “(v) with respect to the school break-
2 fast program established by section 4 of
3 the Child Nutrition Act of 1966 (42
4 U.S.C. 1733), shall be reimbursed as if it
5 were a State under such section.

6 “(B) ADMINISTRATIVE FUNDS.—An eligi-
7 ble entity that participates in the project under
8 this subsection may receive administrative
9 funds at a rate that is consistent with the
10 amount received by a State under section 7 of
11 the Child Nutrition Act of 1966 (42 U.S.C.
12 1776).

13 “(C) TRIBAL OPERATORS.—An Indian
14 tribe that participates in the project under this
15 subsection as direct program operators shall be
16 reimbursed by the Department.

17 “(6) DEFINITIONS.—In this subsection:

18 “(A) BUREAU-FUNDED SCHOOL.—The
19 term ‘Bureau-funded school’ has the meaning
20 given such term in section 1141 of the Edu-
21 cation Amendments of 1978 (25 U.S.C. 2021).

22 “(B) COVERED SCHOOL.—The term ‘cov-
23 ered school’ means—

24 “(i) a Bureau-funded school;

25 “(ii) a school—

1 “(I) on or in proximity to a res-
2 ervation; or

3 “(II) that primarily serves Native
4 American students; and

5 “(iii) early care and education facili-
6 ties, including facilities that participate in
7 a Head Start program authorized under
8 the Head Start Act (42 U.S.C. 9831 et
9 seq.).

10 “(C) ELIGIBLE ENTITY.—The term ‘eligi-
11 ble entity’ means—

12 “(i) an Indian tribe or tribal organiza-
13 tion approved by an Indian tribe;

14 “(ii) a consortium of Indian tribes;
15 and

16 “(iii) a partnership between—

17 “(I) an Indian tribe; and

18 “(II) either—

19 “(aa) a State educational
20 agency;

21 “(bb) a local educational
22 agency;

23 “(cc) a tribal educational
24 agency; or

1 “(dd) the Bureau of Indian
2 Education.

3 “(D) INDIAN TRIBE.—The term ‘Indian
4 tribe’ has the meaning given such term in sec-
5 tion 102 of the Federally Recognized Indian
6 Tribe List Act of 1994 (25 U.S.C. 5130).

7 “(E) SCHOOL.—The term ‘school’ has the
8 meaning given such term in section 12(d) of the
9 Richard B. Russell National School Lunch Act
10 (42 U.S.C. 1760(d)).

11 “(F) TRIBAL EDUCATIONAL AGENCY.—The
12 term ‘tribal educational agency’ has the mean-
13 ing given such term in section 6132(b) of the
14 Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 7452(b)).”.

16 **SEC. 702. ISLAND AREAS ELIGIBILITY FEASIBILITY STUDY**
17 **UNDER THE RICHARD B. RUSSELL NATIONAL**
18 **SCHOOL LUNCH ACT.**

19 Section 18 of the Richard B. Russell National School
20 Lunch Act (42 U.S.C. 1769) is amended by adding at the
21 end the following:

22 “(1) ISLAND AREAS ELIGIBILITY FEASIBILITY
23 STUDY.—

24 “(1) IN GENERAL.—Not later than 30 months
25 after the date of the enactment of this subsection,

1 the Secretary shall complete a feasibility study to as-
2 sess the ability and preparedness of the freely associ-
3 ated States to operate—

4 “(A) the school lunch program authorized
5 under this Act;

6 “(B) the child and adult care food pro-
7 gram established by section 17 of this Act;

8 “(C) the summer food service program for
9 children established by section 13 of this Act;
10 and

11 “(D) the school breakfast program estab-
12 lished by section 4 of the Child Nutrition Act
13 of 1966 (42 U.S.C. 1773).

14 “(2) CONTENTS.—In conducting the study de-
15 scribed in paragraph (1), the Secretary shall con-
16 sider—

17 “(A) any new or additional administrative
18 processes and technology needed to implement
19 each program listed under paragraph (1);

20 “(B) an assessment of preparedness to
21 comply with management evaluations conducted
22 by the Secretary, acting through the Adminis-
23 trator of the Food and Nutrition Service, and
24 cooperate in Federal audits and evaluations;

1 “(C) administrative and financial capa-
2 bility to meet requirements of each program
3 listed under paragraph (1);

4 “(D) ability to oversee each program listed
5 under paragraph (1); and

6 “(E) any other relevant considerations, as
7 determined by the Secretary.

8 “(3) FREELY ASSOCIATED STATE DEFINED.—
9 In this subsection, the term ‘freely associated State’
10 means—

11 “(A) the Federated States of Micronesia;

12 “(B) the Republic of the Marshall Islands;

13 and

14 “(C) the Republic of Palau.”.

15 **TITLE VIII—ADDRESSING LUNCH**
16 **SHAMING AND UNPAID MEAL**
17 **DEBT**

18 **SEC. 801. UNPAID MEAL DEBT.**

19 (a) RETROACTIVE REIMBURSEMENT.—Section
20 9(b)(9)(C) of the Richard B. Russell National School
21 Lunch Act (42 U.S.C. 1758(b)(9)(C)) is amended—

22 (1) by striking “Except” and inserting the fol-
23 lowing:

24 “(i) IN GENERAL.—Except”;

1 (2) by redesignating clauses (i) and (ii) as sub-
2 clauses (I) and (II); and

3 (3) by adding at the end the following:

4 “(ii) RETROACTIVITY.—A local edu-
5 cational agency shall revise a previously
6 submitted meal claim to reflect the eligi-
7 bility approval of a child for free or re-
8 duced price meals for the period that be-
9 gins on the first day of the current school
10 year.

11 “(iii) MEAL CLAIM DEFINED.—In this
12 subsection, the term ‘meal claim’ means
13 any documentation provided by a school
14 food authority to a State agency in order
15 to receive reimbursement for the cost of a
16 meal served to a child by such school food
17 authority.”.

18 (b) REDUCING STIGMA ASSOCIATED WITH UNPAID
19 SCHOOL MEAL FEES.—Section 9(b)(10) of the Richard
20 B. Russell National School Lunch Act (42 U.S.C.
21 1758(b)(10)) is amended to read as follows:

22 “(10) REDUCING STIGMA ASSOCIATED WITH
23 UNPAID SCHOOL MEAL FEES.—

24 “(A) OVERT IDENTIFICATION PROHIB-
25 ITED.—A local educational agency or school

1 food authority may not, based on the status of
2 a covered child as a covered child—

3 “(i) physically segregate or otherwise
4 discriminate against such covered child;

5 “(ii) overtly identify such covered
6 child—

7 “(I) through the use of special
8 tokens or tickets; or

9 “(II) by an announcement or a
10 published list of names; or

11 “(iii) identify or stigmatize such cov-
12 ered child by any other means.

13 “(B) ELIGIBILITY DETERMINATION BY
14 LOCAL EDUCATIONAL AGENCY.—For any cov-
15 ered child who is a member of a household that
16 owes a week or more of unpaid school meal
17 fees, a local educational agency shall—

18 “(i) attempt to directly certify such
19 covered child for free meals under para-
20 graph (4) or (5); or

21 “(ii) in a case where the local edu-
22 cational agency is not able to directly cer-
23 tify such covered child under paragraph
24 (4) or (5), provide to the household of such
25 covered child—

1 “(I) a household application and
2 applicable descriptive material; and

3 “(II) written and oral commu-
4 nications to encourage submission of
5 the application.

6 “(C) COLLECTION OF UNPAID SCHOOL
7 MEAL FEES.—In attempting to collect unpaid
8 school meal fees from a household, a local edu-
9 cational agency or school food authority may
10 not—

11 “(i) except as described in subpara-
12 graph (D), direct any communication re-
13 garding unpaid school meal fees to a cov-
14 ered child who is a member of such house-
15 hold;

16 “(ii) withhold educational opportuni-
17 ties (including grades and participation in
18 extracurricular activities or local edu-
19 cational agency programs or services)
20 from, or otherwise stigmatize, a covered
21 child due to the status of the covered child
22 as a covered child; or

23 “(iii) use a debt collector (as such
24 term is defined in section 803 of the Con-

1 sumer Credit Protection Act (15 U.S.C.
2 1692a)).

3 “(D) LETTERS.—A school food authority
4 may require that a covered child deliver a
5 sealed letter addressed to a parent or guardian
6 of the covered child that contains a communica-
7 tion relating to unpaid school meal fees, subject
8 to the condition that the letter shall not be dis-
9 tributed to the covered child in a manner that
10 stigmatizes the covered child.

11 “(E) ELIMINATING STIGMA IN MEAL SERV-
12 ICE.—In providing a meal to a covered child, a
13 local educational agency or school food author-
14 ity may not, based on the status of the covered
15 child as a covered child, dispose of or take away
16 from the covered child any food that has al-
17 ready been served to such covered child.

18 “(F) DEFINITIONS.—In this paragraph:

19 “(i) COVERED CHILD.—The term
20 ‘covered child’ means a child who—

21 “(I) is enrolled in a school that
22 participates in the school lunch pro-
23 gram under this Act or the school
24 breakfast program under section 4 of

1 the Child Nutrition Act of 1966 (42
2 U.S.C. 1773); and

3 “(II) is a member of a household
4 that owes unpaid school meal fees.

5 “(ii) UNPAID SCHOOL MEAL FEES.—
6 The term ‘unpaid school meal fees’ means
7 outstanding fees owed by a household to a
8 school food authority or local educational
9 agency (or both) for lunches under this Act
10 or breakfasts under section 4 of the Child
11 Nutrition Act of 1966 (42 U.S.C. 1773).”.

12 **SEC. 802. NATIONAL ADVISORY COUNCIL ON UNPAID MEAL**
13 **DEBT IN CHILD NUTRITION PROGRAMS.**

14 (a) ESTABLISHMENT.—There is established a Na-
15 tional Advisory Council on Unpaid Meal Debt in Child Nu-
16 trition Programs (in this section referred to as the “Coun-
17 cil”).

18 (b) DUTIES.—The Council shall provide rec-
19 ommendations, in accordance with subsection (g), to the
20 Administrator of the Food and Nutrition Service with re-
21 spect to addressing unpaid school meal fees by ensuring
22 that—

23 (1) students are not stigmatized; and

1 (2) school food authorities can maintain fiscal
2 solvency in order to ensure the long-term viability of
3 school meal programs.

4 (c) MEMBERSHIP.—

5 (1) NUMBER AND APPOINTMENT.—The Council
6 shall be composed of 14 members appointed by the
7 Secretary as follows:

8 (A) 2 members shall be school nutrition
9 State agency directors who are employed in dif-
10 ferent States.

11 (B) 2 members shall be school food service
12 directors of a school meal program in an urban
13 area who are employed in different States.

14 (C) 2 members shall be school food service
15 directors of a school meal program in a rural
16 area who are employed in different States.

17 (D) 2 members shall be officials of the
18 Food and Nutrition Service office of the De-
19 partment of Agriculture.

20 (E) 2 members shall be parents or guard-
21 ians (who are not related to one another or to
22 the same child) of children who are eligible for
23 free and reduced price school meals.

1 (F) 2 members shall represent organiza-
2 tions with expertise in the school meal pro-
3 grams.

4 (G) 2 members shall be food service profes-
5 sionals who—

6 (i) work in school cafeterias; and

7 (ii) maintain daily contact with stu-
8 dents, including by preparing or serving
9 meals or working at registers.

10 (2) TERMS.—

11 (A) IN GENERAL.—Each member shall be
12 appointed for the life of the Council.

13 (B) VACANCIES.—Any member appointed
14 to fill a vacancy occurring before the expiration
15 of the life of the Council shall be appointed for
16 the remainder of the life of the Council.

17 (d) COMPENSATION.—

18 (1) IN GENERAL.—Members shall serve without
19 pay.

20 (2) TRAVEL EXPENSES.—Each member shall
21 receive travel expenses, including per diem in lieu of
22 subsistence, in accordance with applicable provisions
23 under subchapter I of chapter 57 of title 5, United
24 States Code.

1 (3) PARENTS OR GUARDIANS.—In the case of a
2 member who is a parent or guardian appointed
3 under subsection (c)(1)(E), such member, in addi-
4 tion to reimbursement under paragraph (2), shall, at
5 the discretion of the Secretary, be compensated in
6 advance for other personal expenses related to par-
7 ticipation on the Council, including child care ex-
8 penses and lost wages during scheduled Council
9 meetings.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated to carry out
12 this subsection \$1,500,000, to remain available
13 through the date described in subsection (h).

14 (e) CHAIRPERSON; VICE CHAIRPERSON.—

15 (1) ELIGIBILITY.—To be eligible for election to
16 Chairperson or Vice Chairperson of the Council, an
17 individual must be a member of the Council de-
18 scribed in subsection (c)(1).

19 (2) ELECTION.—The Chairperson and Vice
20 Chairperson of the Council shall be elected by such
21 members.

22 (f) MEETINGS.—

23 (1) IN GENERAL.—The Council shall meet not
24 fewer than 2 times per year at the call of the Chair-
25 person.

1 (2) QUORUM.—5 members of the Council shall
2 constitute a quorum.

3 (g) REPORT.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the establishment of the Council under subsection
6 (a), the Council shall submit to the Administrator of
7 the Food and Nutrition Service a report containing
8 the recommendations described in subsection (b).

9 (2) GUIDANCE.—Not later than 1 year after
10 the submission of the report under paragraph (1),
11 the Secretary, acting through the Administrator of
12 the Food and Nutrition Service, shall use the rec-
13 ommendations contained in such report to issue
14 guidance with respect to addressing unpaid school
15 meal fees.

16 (h) TERMINATION.—The Council shall terminate on
17 the date that is 1 day after the submission of the report
18 required under subsection (g).

19 (i) TECHNICAL ASSISTANCE.—The Secretary shall
20 provide the Council with such technical and other assist-
21 ance, including secretarial and clerical assistance, as may
22 be required to carry out its functions.

23 (j) UNPAID SCHOOL MEAL FEES DEFINED.—In this
24 section, the term “unpaid school meal fees” means out-
25 standing fees owed by a household to a local educational

1 agency for lunches under this Act or breakfasts under sec-
2 tion 4 of the Child Nutrition Act of 1966 (42 U.S.C.
3 1773).

4 **TITLE IX—STRENGTHENING EVI-**
5 **DENCE-BASED NUTRITION**
6 **STANDARDS**

7 **SEC. 901. UPDATING NUTRITION STANDARDS FOR MEAL**
8 **PATTERNS.**

9 (a) NUTRITION STANDARDS FOR SCHOOL MEALS.—

10 (1) AMENDMENTS TO THE RICHARD B. RUS-
11 SELL NATIONAL SCHOOL LUNCH ACT.—Section 9(f)
12 of the Richard B. Russell National School Lunch
13 Act (42 U.S.C. 1758(f)) is amended—

14 (A) in paragraph (1)—

15 (i) by striking “Schools that are par-
16 ticipating” and inserting the following:

17 “(A) SCHOOLS PARTICIPATING IN MEAL
18 PROGRAMS.—Schools that are participating”;

19 (ii) in subparagraph (B)—

20 (I) by striking “nutrient” and in-
21 sserting “dietary”; and

22 (II) by striking “ and food inse-
23 curity” and inserting “, food and nu-
24 trition insecurity, or chronic disease”;

1 (iii) by redesignating subparagraphs
2 (A) and (B) as clauses (i) and (ii), respec-
3 tively, and adjusting the margins accord-
4 ingly; and

5 (iv) by adding at the end the fol-
6 lowing:

7 “(B) REGULATIONS.—

8 “(i) PROPOSED REGULATIONS.—Not
9 later than 180 days after the first publica-
10 tion of the Dietary Guidelines for Ameri-
11 cans under section 301 of the National
12 Nutrition Monitoring and Related Re-
13 search Act of 1990 (7 U.S.C. 5341) that
14 occurs after the date of the enactment of
15 this subparagraph, the Secretary shall pro-
16 mulgate proposed regulations to update the
17 nutrition standards for the school lunch
18 program authorized under this Act and the
19 school breakfast program established by
20 section 4 of the Child Nutrition Act of
21 1966 (42 U.S.C. 1773) to be consistent
22 with the goals of such Guidelines.

23 “(ii) FINAL REGULATIONS.—

24 “(I) IN GENERAL.—Not later
25 than 180 days after promulgation of

1 the proposed regulations under clause
2 (i), the Secretary shall promulgate
3 final regulations.

4 “(II) EFFECTIVE DATE.—The
5 final regulations under this clause
6 shall take effect on the first day of a
7 school year (to be determined by the
8 Secretary) that begins not earlier than
9 1 year and not later than 3 years fol-
10 lowing the date on which the regula-
11 tions are finalized.

12 “(C) REVIEW.—Not less frequently than
13 once every 10 years, or not later than 1 year
14 after the publication of 2 consecutive updates to
15 the Dietary Guidelines for Americans published
16 under section 301 of the National Nutrition
17 Monitoring and Related Research Act of 1990
18 (7 U.S.C. 5341), whichever occurs first, the
19 Secretary shall promulgate regulations to up-
20 date the nutrition standards for the school
21 lunch program authorized under this Act and
22 the school breakfast program established by
23 section 4 of the Child Nutrition Act of 1966
24 (42 U.S.C. 1773) so that the standards are

1 consistent with the goals of the most recent Di-
2 etary Guidelines for Americans.”;

3 (B) in paragraph (2)—

4 (i) by striking “To assist schools in
5 meeting the requirements of this sub-
6 section, the Secretary” and inserting “As-
7 sistance to schools.”;

8 (ii) in subparagraph (A)—

9 (I) by striking “shall” and insert-
10 ing “ASSISTANCE REQUIRED.—To as-
11 sist schools in meeting the require-
12 ments of this subsection, the Sec-
13 retary shall”;

14 (II) in clause (i), by striking
15 “and” at the end;

16 (III) in clause (ii), by striking
17 “and” at the end; and

18 (IV) by adding at the end of sub-
19 paragraph (A) the following:

20 “(iii) develop and provide to schools
21 best practices, trainings (including peer-to-
22 peer trainings), and other resources;

23 “(iv) implement healthier school envi-
24 ronment recognition programs; and

1 “(v) work with food manufacturers
2 and retailers to support development and
3 increased availability and affordability of
4 products that meet the nutrition stand-
5 ards.”;

6 (iii) by amending subparagraph (B) to
7 read as follows:

8 “(B) ASSISTANCE PERMITTED.—

9 “(i) IN GENERAL.—To assist schools
10 in meeting the requirements of this sub-
11 section, the Secretary may—

12 “(I) provide to schools informa-
13 tion regarding other approaches, as
14 determined by the Secretary; and

15 “(II) award grants and monetary
16 incentives to carry out 1 or more of
17 the following:

18 “(aa) Improving the nutri-
19 tional quality of meals and
20 snacks served under a child nu-
21 trition program.

22 “(bb) Enhancing the nutri-
23 tion and wellness environment of
24 institutions participating in a
25 child nutrition program, includ-

1 ing by reducing the availability of
2 less healthy foods during the
3 school day.

4 “(cc) Supporting food sys-
5 tems that supply nutritious foods
6 and beverages for children in
7 both schools and retail markets,
8 including those in underserved
9 communities.

10 “(dd) Funding a statewide
11 nutrition education coordinator
12 to support individual school food
13 authority nutrition education ef-
14 forts and to facilitate collabora-
15 tion with other nutrition edu-
16 cation efforts in the State.

17 “(ii) RECIPIENTS.—Grants provided
18 clause (i) may be made available to third
19 party entities that have experience working
20 with school food service personnel partici-
21 pating in the school lunch program author-
22 ized under this Act and the school break-
23 fast program established by section 4 of
24 the Child Nutrition Act of 1966 (42
25 U.S.C. 1773) to provide technical assist-

1 ance to schools in meeting the goals of this
2 subparagraph.”; and

3 (iv) by adding at the end the fol-
4 lowing:

5 “(C) FUNDING.—In addition to amounts
6 otherwise available, out of any money in the
7 Treasury not otherwise appropriated, to remain
8 available until expended, there is appropriated
9 to the Secretary—

10 “(i) for fiscal year 2023, \$3,000,000;

11 and

12 “(ii) for each fiscal year thereafter,
13 \$3,000,000, adjusted for inflation on each
14 October 1 in accordance with section
15 11(a)(3)(B) to provide—

16 “(I) technical assistance and
17 evaluation with respect to the activi-
18 ties described in clauses (i) through
19 (iv) of subparagraph (A) and clauses
20 (i) and (ii) of paragraph (B); and

21 “(II) grants and monetary incen-
22 tives described in clause (i) of para-
23 graph (B).”;

24 (C) by striking paragraphs (3) and (4).

1 (2) AMENDMENTS TO THE CHILD NUTRITION
2 ACT OF 1966.—Section 10(b) of the Child Nutrition
3 Act of 1966 (42 U.S.C. 1779) is amended—

4 (A) by striking “(b) NATIONAL SCHOOL
5 NUTRITION STANDARDS.—”;

6 (B) in paragraph (1)—

7 (i) in subparagraph (A)—

8 (I) in clause (i)—

9 (aa) by inserting “that are
10 consistent with the goals of the
11 most recent Dietary Guidelines
12 for Americans published under
13 section 301 of the National Nu-
14 trition Monitoring and Related
15 Research Act of 1990 (7 U.S.C.
16 5341)” after “nutrition stand-
17 ards”; and

18 (bb) by striking “; and” and
19 inserting a period;

20 (II) by striking “Secretary
21 shall—” and inserting “Secretary
22 shall”;

23 (III) by striking “(i) establish
24 science-based” and inserting “estab-
25 lish science-based”; and

1 (IV) by striking clause (ii);
2 (ii) by striking subparagraph (D);
3 (iii) by redesignating paragraph (1) as
4 subsection (b) and adjusting the margins
5 accordingly; and
6 (iv) by redesignating subparagraphs
7 (A) through (C) as paragraphs (1) through
8 (3), respectively, and adjusting the mar-
9 gins accordingly;
10 (C) by adding at the end of subsection (b)
11 (as so redesignated) the following:

12 “(4) UPDATING STANDARDS.—

13 “(A) PROPOSED REGULATIONS.—Not later
14 than 180 days after the first publication of the
15 Dietary Guidelines for Americans under section
16 301 of the National Nutrition Monitoring and
17 Related Research Act of 1990 (7 U.S.C. 5341)
18 that occurs after the date of the enactment of
19 this paragraph, the Secretary shall promulgate
20 proposed regulations to update the school nutri-
21 tion standards and requirements established
22 under this subsection so that the standards and
23 requirements are consistent with the goals of
24 such Guidelines.

25 “(B) FINAL REGULATIONS.—

1 “(i) IN GENERAL.—Not later than
2 180 days after promulgation of the pro-
3 posed regulations under subparagraph (A),
4 the Secretary shall promulgate final regu-
5 lations.

6 “(ii) EFFECTIVE DATE.—The final
7 regulations under this subparagraph shall
8 take effect on the first day of the school
9 year that begins not earlier than 1 year
10 and not later than 2 years following the
11 date on which the regulations are finalized.

12 “(5) REVIEW.—Not less frequently than once
13 every 10 years, or not later than 1 year after the
14 publication of two consecutive updates to the Die-
15 tary Guidelines for Americans published under sec-
16 tion 301 of the National Nutrition Monitoring and
17 Related Research Act of 1990 (7 U.S.C. 5341),
18 whichever occurs first, the Secretary shall promul-
19 gate regulations to update the school nutrition
20 standards and requirements established under this
21 subsection so that the standards and requirements
22 are consistent with the goals of the most recent Die-
23 tary Guidelines for Americans.”; and

24 (D) by striking paragraph (2).

1 (3) APPLICABILITY.—This subsection and the
2 amendments made by this subsection shall apply on
3 and after the date on which the first publication of
4 the Dietary Guidelines for Americans under section
5 301 of the National Nutrition Monitoring and Re-
6 lated Research Act of 1990 (7 U.S.C. 5341) occurs
7 after the date of the enactment of this Act.

8 **SEC. 902. NON-NUTRITIVE SWEETENERS, SYNTHETIC DYES,**
9 **AND OTHER POTENTIALLY HARMFUL SUB-**
10 **STANCES IN SCHOOL MEALS.**

11 (a) IN GENERAL.—Not later than 6 months after the
12 date of the enactment of this section, the Secretary shall
13 seek to enter into an agreement with the National Acad-
14 emy of Sciences, Engineering, and Medicine (referred to
15 in this section as the “National Academy”) under which
16 the National Academy shall create and publish the report
17 described in subsection (b).

18 (b) REPORT.—The report shall include recommenda-
19 tions for changes to the nutrition standards for the school
20 lunch program authorized under the Richard B. Russell
21 National School Lunch Act (42 U.S.C. 1751 et seq.) and
22 the school breakfast program established by section 4 of
23 the Child Nutrition Act of 1966 (42 U.S.C. 1773) with
24 respect to non-nutritive sweeteners, synthetic dyes, and
25 other potentially harmful substances in school meals.

1 (c) PUBLICATION.—

2 (1) NATIONAL ACADEMY.—Not later than 1
3 year after the date on which the Secretary and the
4 National Academy enter into the agreement de-
5 scribed in subsection (a), the National Academy
6 shall—

7 (A) submit the report to the Secretary;

8 and

9 (B) publish the report.

10 (2) SECRETARY.—Not later than 30 days after
11 the submission of the report under paragraph
12 (1)(A), the Secretary shall make such report publicly
13 available in an easily identifiable place on the
14 website of the Department.

15 (d) NON-NUTRITIVE SWEETENERS, SYNTHETIC
16 DYES, AND OTHER POTENTIALLY HARMFUL SUB-
17 STANCES STANDARDS.—Not later than 18 months after
18 the submission of the report under subsection (c)(1)(A),
19 the Secretary may promulgate proposed regulations to in-
20 clude standards for non-nutritive sweeteners, synthetic
21 dyes, and other potentially harmful substances for the
22 school lunch program authorized under the Richard B.
23 Russell National School Lunch Act (42 U.S.C. 1751 et
24 seq.) and the school breakfast program established by sec-

1 tion 4 of the Child Nutrition Act of 1966 (42 U.S.C.
2 1773) based on recommendations made in such report.

3 **TITLE X—OTHER MATTERS**
4 **Subtitle A—Programs Under the**
5 **Richard B. Russell National**
6 **School Lunch Act**

7 **SEC. 1001. ACCOMMODATING DIETARY REQUIREMENTS.**

8 Section 9(a) of the Richard B. Russell National
9 School Lunch Act (42 U.S.C. 1758(a)) is amended—

10 (1) in paragraph (1)(B), by striking “lower-fat
11 versions of foods commonly used in the school lunch
12 program under this Act” and inserting “foods that
13 comply with the meal patterns prescribed by the
14 Secretary”; and

15 (2) in paragraph (2)—

16 (A) by amending subparagraph (A)(iii) to
17 read as follows:

18 “(iii) as a reasonable accommodation
19 under the Americans with Disabilities Act
20 (42 U.S.C. 12101 et seq.) and section 504
21 of the Rehabilitation Act of 1973 (29
22 U.S.C. 794), shall provide a substitute for
23 fluid milk for a student whose disability re-
24 stricts their diet.”; and

1 (B) by amending subparagraph (B) to read
2 as follows:

3 “(B) OTHER SUBSTITUTIONS.—

4 “(i) STANDARDS FOR REQUIRED SUB-
5STITUTION.—

6 “(I) A school shall substitute, for
7 the fluid milk provided under sub-
8 paragraph (A), a nondairy beverage
9 that meets the nutritional needs of a
10 student for whom fluid milk is not nu-
11 tritionally appropriate due to a med-
12 ical or other special dietary need other
13 than a disability described in subpara-
14 graph (A)(iii), as determined by the
15 school in consultation with the parent
16 or legal guardian of such student.

17 “(II) A school shall substitute,
18 for the fluid milk provided under sub-
19 paragraph (A), a nondairy beverage
20 that meets the nutrition standards for
21 the school lunch program authorized
22 under this Act and the school break-
23 fast program established by section 4
24 of the Child Nutrition Act of 1966
25 (42 U.S.C. 1773) if the substitution is

1 requested by written statement by a
2 parent or legal guardian of such stu-
3 dent.

4 “(ii) STANDARDS FOR DISCRETIONARY
5 SUBSTITUTION.—A school may offer all
6 students a nondairy beverage as a sub-
7 stitute for fluid milk that meets the nutri-
8 tion standards for the school lunch pro-
9 gram authorized under this Act and the
10 school breakfast program established by
11 section 4 of the Child Nutrition Act of
12 1966 (42 U.S.C. 1773).

13 “(iii) EXCESS EXPENSES.—Except as
14 provided in clause (iv), expenses incurred
15 by providing substitutions under clauses (i)
16 and (ii) that are in excess of expenses cov-
17 ered by reimbursements under this Act
18 shall be paid by the school food authority.

19 “(iv) PILOT PROGRAM.—

20 “(I) PROGRAM AUTHORIZED.—
21 Not later than 90 days after the date
22 of the enactment of this subpara-
23 graph, the Secretary shall establish
24 and carry out a pilot grant program
25 to award grants to eligible school food

1 authorities to carry out subclause
2 (III).

3 “(II) PRIORITY.—In awarding
4 grants under this clause, the Sec-
5 retary may give priority to—

6 “(aa) an eligible school food
7 authority that serves high pro-
8 portions of children who dem-
9 onstrate high rates of lactose in-
10 tolerance; and

11 “(bb) an eligible school food
12 authority that—

13 “(AA) submits, as part
14 of the application for a
15 grant, a need for nondairy
16 beverages among its student
17 population due to dietary
18 reasons; and

19 “(BB) demonstrates a
20 need for providing nondairy
21 beverages to children by
22 serving a sufficient number
23 (as determined by the Sec-
24 retary) of such children.

1 “(III) USE OF FUNDS.—A school
2 food authority shall use grant funds
3 awarded under this clause to reim-
4 burse the full cost of providing
5 nondairy beverages as substitutes for
6 fluid milk under clause (i)(I) incurred
7 by such school food authority.

8 “(IV) REPORTS.—

9 “(aa) ANNUAL REPORT BY
10 SCHOOL FOOD AUTHORITY.—Not
11 later than 1 year after receiving
12 a grant under this clause, and on
13 an annual basis for the duration
14 of the pilot program thereafter, a
15 school food authority shall sub-
16 mit to the Secretary a report on
17 the pilot grant program, includ-
18 ing information with respect to—

19 “(AA) the number of
20 schools served by the school
21 food authority pursuant to
22 the grant; and

23 “(BB) the number of
24 students served by the

1 school food authority pursu-
2 ant to the grant.

3 “(bb) FINAL REPORT BY
4 SCHOOL FOOD AUTHORITY.—The
5 report that is the final report
6 submitted under item (aa) shall
7 include, in addition to the infor-
8 mation required under subitems
9 (AA) and (BB) of such item—

10 “(AA) the number of
11 nondairy beverages as sub-
12 stitutes for fluid milk that
13 the school food authority
14 served during the grant pe-
15 riod; compared with

16 “(BB) the number of
17 nondairy beverages as sub-
18 stitutes for fluid milk that
19 the school food authority
20 served during the school
21 year immediately preceding
22 the start of the grant period.

23 “(cc) REPORT BY THE SEC-
24 RETARY.—Not later than 6
25 months after the date described

1 in subclause (V), the Secretary
2 shall submit to Congress a report
3 that includes a summary of the
4 information included in the re-
5 ports received under this sub-
6 clause and any such information
7 with respect to the pilot program
8 the Secretary determines to be
9 relevant.

10 “(V) SUNSET.—The authority to
11 carry out this clause shall terminate
12 on the date that is 3 years after the
13 date of the enactment of this subpara-
14 graph.

15 “(VI) ELIGIBLE SCHOOL FOOD
16 AUTHORITY DEFINED.—In this clause,
17 the term ‘eligible school food author-
18 ity’ means a school food authority for
19 which 50 percent or more of the stu-
20 dents served by such school food au-
21 thority are eligible for free or reduced
22 price lunch under this Act or free or
23 reduced price breakfast under section
24 4 of the Child Nutrition Act of 1966
25 (42 U.S.C. 1773).

1 “(VII) AUTHORIZATION OF AP-
2 PROPRIATIONS.—There is authorized
3 to be appropriated to carry out this
4 clause \$2,000,000 for fiscal year
5 2024, to remain available until the
6 date described in subclause (V).”.

7 **SEC. 1002. DATA PROTECTIONS FOR HOUSEHOLD APPLICA-**
8 **TIONS.**

9 Section 9(b)(3)(B) of the Richard B. Russell Na-
10 tional School Lunch Act (42 U.S.C. 1758(b)(3)(B)) is
11 amended by adding at the end the following:

12 “(iii) CONFIDENTIALITY STAND-
13 ARDS.—The confidentiality standards es-
14 tablished by the Secretary shall ensure—

15 “(I) the maintenance of reason-
16 able and appropriate administrative,
17 technical, and physical safeguards to
18 ensure the integrity and confiden-
19 tiality of information submitted
20 through electronic applications de-
21 scribed in clause (ii);

22 “(II) protection against security
23 threats or unauthorized uses or disclo-
24 sures of the information submitted

1 through such electronic applications;
2 and
3 “(III) that data collected by such
4 electronic applications shall be used
5 only as permitted under paragraph
6 (6).”.

7 **SEC. 1003. EATING DISORDER PREVENTION.**

8 Section 9A of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1758b) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1), by inserting “mental
12 health promotion and education, including
13 awareness of eating disorders” after “physical
14 activity,”;

15 (B) in paragraph (2)(B), by striking
16 “childhood obesity” and inserting “diet-related
17 illnesses”; and

18 (C) in paragraph (3), by inserting “school-
19 based registered dietitians, school-based mental
20 health services providers,” after “school admin-
21 istrators,”;

22 (2) in subsection (d)—

23 (A) in paragraph (1)—

24 (i) by inserting “and the Adminis-
25 trator of the Substance Abuse and Mental

1 Health Services Administration” after
2 “Prevention”; and

3 (ii) by inserting “, school health pro-
4 fessionals (including school-based mental
5 health services providers when available)”
6 after “school food authorities”;

7 (B) by amending paragraph (2)(C) to read
8 as follows:

9 “(C) includes such other technical assist-
10 ance as is required to—

11 “(i) promote sound nutrition and es-
12 tablish healthy school nutrition environ-
13 ments; and

14 “(ii) promote mental health, encour-
15 age mental health assessments, and estab-
16 lish resilient school environments; and”;
17 and

18 (C) in paragraph (3)—

19 (i) in subparagraph (A)—

20 (I) by striking “conjunction” and
21 inserting “consultation”; and

22 (II) by inserting “and the Ad-
23 ministrator of the Substance Abuse
24 and Mental Health Services Adminis-

1 tration” after “Centers for Disease
2 Control and Prevention”;

3 (ii) in subparagraph (C), by striking
4 “January 1, 2014,” and inserting “4 years
5 after the date on which funds are first ap-
6 propriated to carry out this section after
7 the date of the enactment of the Healthy
8 Meals, Healthy Kids Act,”; and

9 (iii) in subparagraph (D)—

10 (I) by striking “\$3,000,000” and
11 inserting “\$5,000,000”; and

12 (II) by striking “2011” and in-
13 serting “2024”.

14 **SEC. 1004. COMPLIANCE AND ACCOUNTABILITY.**

15 Section 22(d) of the Richard B. Russell National
16 School Lunch Act (42 U.S.C. 1769c) is amended by strik-
17 ing “fiscal years 2011 through 2015” and inserting “fiscal
18 years 2023 through 2028”.

19 **SEC. 1005. NATIONAL HUNGER HOTLINE AND CLEARING-**
20 **HOUSE.**

21 Section 26(d) of the Richard B. Russell National
22 School Lunch Act (42 U.S.C. 1769g(d)) is amended by
23 striking “\$250,000 for each of fiscal years 2010 through
24 2023” and inserting “\$500,000 for each of fiscal years
25 2023 through 2028”.

1 **SEC. 1006. ENSURING ADEQUATE MEAL TIME.**

2 The Richard B. Russell National School Lunch Act
3 (42 U.S.C. 1751 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 30. MEAL TIME STUDY AND GUIDANCE.**

6 “(a) STUDY.—The Secretary shall—

7 “(1) not later than 1 year after the date on
8 which funds are first appropriated under subsection
9 (c), enter into an agreement with an independent,
10 nonpartisan, science-based research organization to
11 carry out a study on the time lunches are served, re-
12 cess is offered, and the duration of lunch periods at
13 schools participating in the school lunch program
14 under this Act; and

15 “(2) not later than 4 years after the date on
16 which funds are first appropriated under subsection
17 (c), publish on the publicly available website of the
18 Department a report that includes the findings of
19 the study required under paragraph (1).

20 **“(b) DEVELOPMENT AND DISSEMINATION OF BEST**
21 **PRACTICES.—**The Secretary shall—

22 “(1) not later than 1 year after the date on
23 which the report required under subsection (a)(2) is
24 published, in coordination with the Secretary of
25 Education, establish a task force to—

26 “(A) review such report;

1 “(B) review other research relating to the
2 time lunches are served, recess is offered, and
3 the duration of lunch periods in schools; and

4 “(C) develop best practices with respect to
5 the time lunches are served, recess is offered,
6 and the duration of lunch periods in schools to
7 ensure student health, including appropriate
8 nutritional intake; and

9 “(2) not later than 2 years after the date on
10 which the report required under subsection (a)(2) is
11 published—

12 “(A) review the best practices developed
13 under paragraph (1)(C); and

14 “(B) issue guidance with respect to such
15 best practices to schools participating in the
16 school lunch program under this Act.

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 \$1,000,000 for fiscal year 2024, to remain available until
20 expended.”.

21 **Subtitle B—Programs Under the**
22 **Child Nutrition Act of 1966**

23 **SEC. 1011. ENHANCING NUTRITION EDUCATION.**

24 Section 19 of the Child Nutrition Act of 1966 (42
25 U.S.C. 1788) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (3), by inserting “, in-
3 cluding training on scratch cooking,” after
4 “provide training”; and

5 (B) in paragraph (5), by striking “helping
6 children to maintain a healthy weight by”;

7 (2) in subsection (h)—

8 (A) in paragraph (5)(B)—

9 (i) in clause (i)—

10 (I) by striking “educate” and in-
11 sserting “conduct evidence-based nutri-
12 tion education for”; and

13 (II) by striking “of a poor diet
14 and inactivity to obesity and other
15 health problems” and inserting “be-
16 tween diet, activity, and health”;

17 (ii) in clause (iv), by inserting “ other
18 classroom education,” after “health edu-
19 cation,”;

20 (iii) in clause (viii), by striking “and”
21 at the end;

22 (iv) in clause (ix), by striking the pe-
23 riod at the end and inserting “; and”;

24 (v) by adding at the end the following:

25 “(x) conduct projects that—

1 “(I) hire qualified food and nutri-
2 tion educators to carry out programs
3 in schools; and

4 “(II) have the goal of improving
5 student health and nutrition through
6 such programs.”; and

7 (B) by striking paragraph (6);

8 (3) by striking subsection (k); and

9 (4) by redesignating subsection (l) as subsection
10 (k).

11 **Subtitle C—Improving Food** 12 **Donations**

13 **SEC. 1021. FOOD DONATION IN SCHOOLS.**

14 Section 9(l) of the Richard B. Russell National
15 School Lunch Act (42 U.S.C. 1758(l)) is amended—

16 (1) in paragraph (1)—

17 (A) by striking “local educational agency”
18 and inserting “school food authority”;

19 (B) by striking “eligible local food banks
20 or charitable organizations” and inserting
21 “nonprofit organizations or individuals in need
22 as determined by such school or school food au-
23 thority”;

24 (C) by striking “GENERAL.—Each” and
25 inserting the following: “GENERAL.—

1 “(A) FOOD DONATIONS PERMISSIBLE.—
2 Each”;

3 (D) by adding at the end the following:

4 “(B) USE OF SCHOOL CAMPUS.—The food
5 donated by a school through the school food au-
6 thority serving such school pursuant to this
7 paragraph may be received, stored, and distrib-
8 uted on the campus of such school.”;

9 (2) in paragraph (2)(A), by striking “local edu-
10 cational agencies” in each place it appears and in-
11 serting “school food authorities”;

12 (3) in paragraph (3), by striking “local edu-
13 cational agency” and inserting “school food author-
14 ity”;

15 (4) by amending paragraph (4) to read as fol-
16 lows:

17 “(4) DEFINITION.—In this subsection, the term
18 ‘nonprofit organization’ means an incorporated or
19 unincorporated entity that—

20 “(A) is operating for religious, charitable,
21 or educational purposes; and

22 “(B) does not provide net earnings to oper-
23 ate in any other manner that inures to the ben-
24 efit of any officer, employee, or shareholder of
25 the entity.”.

1 **SEC. 1022. BILL EMERSON GOOD SAMARITAN FOOD DONA-**
2 **TION ACT.**

3 Section 22 of the Child Nutrition Act of 1966 (42
4 U.S.C. 1791) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) by striking “quality and labeling”
8 and inserting “safety and safety-related la-
9 beling”; and

10 (ii) by inserting “being past date
11 label,” after “surplus,”;

12 (B) in paragraph (2)—

13 (i) by striking “quality and labeling”
14 and inserting “safety and safety-related la-
15 beling”; and

16 (ii) by inserting “being past date
17 label,” after “surplus,”;

18 (C) in paragraph (3), by adding “or is
19 charged a good Samaritan Reduced Price” be-
20 fore the period at the end;

21 (D) in paragraph (4), by striking “for
22 human” and inserting the following: “for—

23 “(A) human consumption; or

24 “(B) pet, emotional support animal, or
25 service animal consumption.”;

1 (E) in paragraph (6), by adding “pet sup-
2 ply,” after “cleaning product,”;

3 (F) in paragraph (10), by inserting “pet
4 food supplier, school, school food authority,”
5 after “caterer, farmer,”;

6 (G) by adding at the end the following:

7 “(11) EMOTIONAL SUPPORT ANIMAL.—The
8 term ‘emotional support animal’ means an animal
9 that is covered by the exclusion specified in section
10 5.303 of title 24, Code of Federal Regulations (or a
11 successor regulation) and that is not a service ani-
12 mal.

13 “(12) GOOD SAMARITAN REDUCED PRICE.—The
14 term ‘good Samaritan reduced price’ means, with re-
15 spect to an apparently wholesome food or an appar-
16 ently fit grocery product, a price that is an amount
17 not greater than the cost of handling, administering,
18 and distributing such food or grocery product.

19 “(13) PET.—The term ‘pet’ means a domes-
20 ticated animal that is kept for pleasure rather than
21 for commercial purposes.

22 “(14) PET SUPPLIES.—The term ‘pet supplies’
23 means tangible personal property used for the caring
24 of pets.

1 “(15) QUALIFIED DIRECT DONOR.—The term
2 ‘qualified direct donor’ means a retail grocer, whole-
3 saler, agricultural producer, restaurant, caterer,
4 school food authority, or institution of higher edu-
5 cation (as defined in section 101 or 102(a)(1)(B) of
6 the Higher Education Act of 1965 (20 U.S.C. 1001;
7 1002(a)(1)(B))).

8 “(16) SERVICE ANIMAL.—The term ‘service
9 animal’ has the meaning given the term in section
10 36.104 of title 28, Code of Federal Regulations (or
11 a successor regulation).”; and

12 (H) by reordering paragraphs (1) through
13 (10) and the paragraphs added by subpara-
14 graph (G) of this paragraph in alphabetical
15 order based on the headings of such para-
16 graphs, and renumbering such paragraphs as so
17 reordered;

18 (2) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) by inserting “or State or unit of
21 local government” after “nonprofit organi-
22 zation”; and

23 (ii) by inserting “or sale at a good Sa-
24 maritan reduced price” after “ultimate dis-
25 tribution”;

1 (B) in paragraph (2), by inserting “or sale
2 at a good Samaritan reduced price” after “ulti-
3 mate distribution”;

4 (C) by adding at the end the following:

5 “(3) LIABILITY OF STATE OR UNIT OF LOCAL
6 GOVERNMENT.—A State or unit of local government
7 shall not be subject to liability arising from the na-
8 ture, age, packaging, or condition of apparently
9 wholesome food or an apparently fit grocery product
10 that the State or unit of local government received
11 as a donation in good faith from a person, gleaner,
12 or nonprofit organization for ultimate distribution to
13 needy individuals.

14 “(4) DIRECT DONATIONS TO NEEDY INDIVID-
15 UALS.—A qualified direct donor shall not be subject
16 to civil or criminal liability arising from the nature,
17 age, packaging, or condition of apparently whole-
18 some food or an apparently fit grocery product that
19 the qualified direct donor donates in good faith to
20 needy individuals.”;

21 (D) by redesignating paragraph (3) as
22 paragraph (5); and

23 (E) in paragraph (5), as so redesignated
24 by subparagraph (D)—

1 (i) by striking “Paragraphs (1) and
2 (2)” and inserting “Paragraphs (1), (2),
3 (3), and (4)”; and

4 (ii) by inserting “qualified direct
5 donor, State or local government,” after
6 “person, gleaner,”; and

7 (3) in subsection (e), by inserting “or State or
8 unit of local government” after “the nonprofit orga-
9 nization”.

10 **SEC. 1023. REGULATIONS.**

11 Not later than 180 days after the date of the enact-
12 ment of this section, the Secretary shall—

13 (1) in consultation with the Secretary of Health
14 Human Services, issue regulations with respect to
15 the safety and safety-related labeling standards of
16 apparently wholesome food and an apparently fit
17 grocery product under section 22 of the Child Nutri-
18 tion Act of 1966 (42 U.S.C. 1791); and

19 (2) issue guidance with respect to section 22 of
20 the Child Nutrition Act of 1966 (42 U.S.C. 1791),
21 including promoting awareness of food donation
22 under such section.

1 **Subtitle D—Miscellaneous**

2 **SEC. 1031. TECHNICAL AMENDMENTS.**

3 (a) COMMITTEE ON EDUCATION AND LABOR.—The
4 following Acts are amended by striking “Committee on
5 Education and the Workforce” each place such term ap-
6 pears in heading and text and inserting “Committee on
7 Education and Labor”:

8 (1) The Child Nutrition Act of 1966 (42 U.S.C.
9 1771 et seq.).

10 (2) The Richard B. Russell National School
11 Lunch Act (42 U.S.C. 1751 et seq.).

12 (b) OTHER AMENDMENTS.—Section 17(h)(4)(A)(vi)
13 of the Child Nutrition Act of 1966 (42 U.S.C.
14 1786(h)(4)(A)(vi)) is amended by striking “and” at the
15 end.

16 (c) CITATION TO SECTION 504 OF REHABILITATION
17 ACT OF 1973.—Section 12(d)(3) of the Richard B. Rus-
18 sell National School Lunch Act (42 U.S.C. 1760(d)(3))
19 is amended by striking “in the” and all that follows
20 through the period at the end and inserting “in section
21 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705).”

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