

111TH CONGRESS
1ST SESSION

H. R. 3705

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2009

Mr. ELLISON (for himself, Mr. MCGOVERN, Mr. GRIJALVA, Mr. CONYERS, Mr. SERRANO, and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals.

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.**

4 This Act may be cited as the “Expand School Meals
5 Act of 2009”.

6 **SEC. 2. FREE LUNCH ELIGIBILITY.**

7 (a) IN GENERAL.—Section 9(b)(1) of the Richard B.
8 Russell National School Lunch Act (42 U.S.C.
9 1758(b)(1)) is amended—

1 (1) by redesignating subparagraph (B) as sub-
2 paragraph (D);

3 (2) by striking “(b)(1)(A) Not” and inserting
4 the following:

5 “(b) INCOME ELIGIBILITY GUIDELINES.—

6 “(1) ESTABLISHMENT.—

7 “(A) IN GENERAL.—Not”;

8 (3) in subparagraph (A)—

9 (A) in the first sentence, by striking “and
10 reduced price”;

11 (B) by striking “The income guidelines for
12 determining eligibility for free lunches shall be
13 130 percent” and inserting the following:

14 “(B) FREE LUNCHES.—The income guide-
15 lines for determining eligibility for free lunches
16 shall be 185 percent.”;

17 (C) by striking the third sentence; and

18 (D) by striking “The Office” and inserting
19 the following:

20 “(C) FREQUENCY OF REVISIONS.—The Of-
21 fice”; and

22 (4) in subparagraph (D) (as redesignated by
23 paragraph (1))—

24 (A) by striking “(D) The” and inserting
25 the following:

1 “(D) AMOUNT OF REVISIONS.—The”; and
2 (B) by striking “subparagraph (A) of this
3 paragraph” and inserting “subparagraph (C)”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 9 of the Richard B. Russell Na-
6 tional School Lunch Act (42 U.S.C. 1758) is amend-
7 ed—

8 (A) in subsection (b)—

9 (i) by striking “free and reduced
10 price” each place it appears (other than
11 paragraph (7)) and inserting “free”;

12 (ii) by striking “free or reduced price”
13 each place it appears and inserting “free”;

14 (iii) in paragraph (2)(B)(i), by strik-
15 ing “, and shall contain” and all that fol-
16 lows through “or reduced price lunches”;

17 (iv) in paragraph (3)—

18 (I) in subparagraph (E)(iii), by
19 striking “free or reduced-price” each
20 place it appears and inserting “free”;
21 and

22 (II) in subparagraph (F)—

23 (aa) in clause (i), by striking
24 “Subject to clauses (ii) and (iii)”

1 and inserting “Subject to clause
2 (ii),”;

3 (bb) in clause (ii)(II), by
4 striking “133 percent” both
5 places it appears in items (aa)
6 and (bb) and inserting “185 per-
7 cent”;

8 (cc) by striking clause (iii);
9 and

10 (dd) by redesignating
11 clauses (iv) and (v) as clauses
12 (iii) and (iv), respectively;

13 (v) in paragraph (7)—

14 (I) in the paragraph heading, by
15 striking “AND REDUCED PRICE” and
16 inserting “MEALS”;

17 (II) by striking “and reduced
18 price policy” each place it appears
19 and inserting “meals policy”; and

20 (III) in subparagraph (B), by
21 striking “and reduced price meals”
22 and inserting “meals”;

23 (vi) in paragraph (9)—

24 (I) in the paragraph heading, by
25 striking “AND REDUCED PRICE”;

1 (II) by striking subparagraph
2 (B); and

3 (III) by redesignating subpara-
4 graph (C) as subparagraph (B);

5 (vii) in paragraph (10), by striking
6 “or a reduced price lunch”; and

7 (viii) in paragraph (11), in the first
8 sentence, by striking “or reduced price
9 lunches”;

10 (B) in subsection (c), in the third sentence,
11 by striking “or at a reduced cost”;

12 (C) in subsection (d), by striking “or re-
13 duced price” each place it appears; and

14 (D) in subsection (e), by striking “, re-
15 duced price,”.

16 (2) Section 11 of the Richard B. Russell Na-
17 tional School Lunch Act (42 U.S.C. 1759a) is
18 amended—

19 (A) in subsection (a)—

20 (i) in paragraph (1)—

21 (I) in subparagraph (A), by strik-
22 ing “and the product obtained by mul-
23 tiplying” and all that follows through
24 “for such fiscal year”;

25 (II) in subparagraph (B)—

1 (aa) by striking “or reduced
2 price lunches” the first place it
3 appears;

4 (bb) by striking “or reduced
5 price lunches, as the case may
6 be”; and

7 (cc) by striking “and re-
8 duced price lunches”;

9 (III) in subparagraph (C)—

10 (aa) in clause (ii), by strik-
11 ing “or reduced price lunches or
12 breakfasts” each place it ap-
13 pears; and

14 (bb) in clause (iii), by strik-
15 ing “or reduced price”; and

16 (IV) in subparagraph (D), by
17 striking “and reduced price lunches”
18 each place it appears in clauses (iii)
19 and (iv);

20 (ii) in paragraph (2), by striking “and
21 the special assistance factor for reduced
22 price” and all that follows through “free
23 lunches”; and

24 (iii) in paragraph (3)(B)(iii)(I), by
25 striking “or reduced price”;

1 (B) in subsection (b), in the first sentence,
2 by striking “and reduced price”;

3 (C) in subsection (d), by striking “and the
4 average number of children who received re-
5 duced price lunches” each place it appears
6 paragraphs (1) and (2); and

7 (D) in subsection (e)—

8 (i) in the second sentence, by striking
9 “, and shall serve meals at a reduced
10 price” and all that follows through “such
11 section”; and

12 (ii) in the third sentence, by striking
13 “or reduced priced”.

14 (3) Section 12(l)(4) of the Richard B. Russell
15 National School Lunch Act (42 U.S.C. 1760(l)(4))
16 is amended—

17 (A) in subparagraph (C), by striking “and
18 reduced price”;

19 (B) by striking subparagraph (D);

20 (C) in subparagraph (H), by striking “or
21 reduced price”; and

22 (D) by redesignating subparagraphs (E)
23 through (M) as subparagraphs (D) through
24 (L).

1 (4) Section 13 of the Richard B. Russell Na-
2 tional School Lunch Act (42 U.S.C. 1761) is amend-
3 ed—

4 (A) in subsection (a)—

5 (i) in paragraph (1)(C)—

6 (I) by striking “or reduced
7 price”; and

8 (II) by striking “and reduced
9 price”; and

10 (ii) in paragraph (5), by striking “or
11 reduced price”; and

12 (B) in subsection (f)(3), by striking “or re-
13 duced price”.

14 (5) Section 17 of the Richard B. Russell Na-
15 tional School Lunch Act (42 U.S.C. 1766) is amend-
16 ed—

17 (A) in subsection (a)(2)(B)(i), by striking
18 “or reduced price”;

19 (B) in subsection (c)—

20 (i) in paragraph (1), by inserting “(as
21 calculated on the day before the date of en-
22 actment of the Expand School Meals Act
23 of 2009)” after “lunches, reduced price
24 lunches”;

1 (ii) in paragraph (2), by inserting
2 “(as calculated on the day before the date
3 of enactment of the Expand School Meals
4 Act of 2009)” after “breakfasts, reduced
5 price breakfasts”; and

6 (iii) by striking paragraph (4) and in-
7 serting the following:

8 “(4) DETERMINATIONS.—

9 “(A) FREE MEALS.—Determinations with
10 regard to eligibility for free meals and supple-
11 ments shall be made in accordance with the in-
12 come eligibility guidelines for free lunches under
13 section 9.

14 “(B) REDUCED PRICE MEALS.—Deter-
15 minations with regard to eligibility for reduced
16 price meals and supplements shall be made in
17 accordance with the income eligibility guidelines
18 for reduced price lunches under section 9, as in
19 effect on the day before the date of enactment
20 of the Expand School Meals Act of 2009.”;

21 (C) in subsection (f)(3)—

22 (i) by striking “or reduced price” each
23 place it appears; and

1 (ii) in subparagraph (A)(iii)(II)(aa),
2 in the item heading, by striking “OR RE-
3 DUCED PRICE”; and

4 (D) in subsection (r)(1)(B), by striking “or
5 reduced price”.

6 (6) Section 17A(c)(1) of the Richard B. Russell
7 National School Lunch Act (42 U.S.C. 1766a(c)(1))
8 is amended in the matter preceding subparagraph
9 (A) by striking “or reduced price”.

10 (7) Section 18 of the Richard B. Russell Na-
11 tional School Lunch Act (42 U.S.C. 1769) is amend-
12 ed by striking subsection (i).

13 (8) Section 19 of the Richard B. Russell Na-
14 tional School Lunch Act (42 U.S.C. 1769a) is
15 amended—

16 (A) by striking “or reduced price” each
17 place it appears; and

18 (B) by striking “and reduced price” each
19 place it appears.

20 (9) Section 20(b) of the Richard B. Russell Na-
21 tional School Lunch Act (42 U.S.C. 1769b(b)) is
22 amended by striking “and reduced price”.

23 (10) Section 21(a)(1)(B) of the Richard B.
24 Russell National School Lunch Act (42 U.S.C.
25 1769b-1(a)(1)(B)) is amended—

1 (A) in the matter preceding clause (i), by
2 striking “or reduced price”; and

3 (B) in clause (iii), by striking “and re-
4 duced price”.

5 (c) TRANSITION RULES.—The Secretary of Agri-
6 culture shall carry out the amendments made by para-
7 graphs (2) and (8) of subsection (b) in accordance with
8 transition rules established by the Secretary.

9 **SEC. 3. FREE BREAKFAST ELIGIBILITY.**

10 (a) IN GENERAL.—Section 4 of the Child Nutrition
11 Act of 1966 (42 U.S.C. 1733) is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A)(i)(II)—

15 (I) by striking “, for reduced
16 price breakfasts,”; and

17 (II) by striking “or reduced
18 price”;

19 (ii) in subparagraph (B)—

20 (I) in the third sentence, by
21 striking “or reduced price”; and

22 (II) by striking the second sen-
23 tence;

24 (iii) by striking subparagraph (C);

1 (iv) by redesignating subparagraphs
2 (D) and (E) as subparagraphs (C) and
3 (D), respectively; and

4 (v) in subparagraph (D) (as so reded-
5 igned)—

6 (I) in the subparagraph heading,
7 by striking “AND REDUCED PRICE”
8 and inserting “MEALS”;

9 (II) by striking “and reduced
10 price policy” each place it appears
11 and inserting “meals policy”; and

12 (III) by striking “and reduced
13 price meals” and inserting “meals”;
14 and

15 (B) in paragraph (2)—

16 (i) in subparagraph (A), by striking
17 “or reduced price”; and

18 (ii) by striking subparagraph (C); and

19 (2) in subsections (d)(1)(A) and (e)(1)(A), by
20 striking “or at a reduced price” each place it ap-
21 pears.

22 (b) CONFORMING AMENDMENTS.—

23 (1) Section 7 of the Child Nutrition Act of
24 1966 (42 U.S.C. 1776) is amended—

1 (A) in subsection (e)(2)(B)(ii), by striking
2 “or reduced price”; and

3 (B) in subsection (i), by striking “and re-
4 duced price” each place it appears in para-
5 graphs (2)(B)(iii) and (3)(B)(i).

6 (2) Section 17(d)(2)(A)(i) of the Child Nutri-
7 tion Act of 1966 (42 U.S.C. 1786(d)(2)(A)(i)) is
8 amended by striking “and reduced price”.

9 (3) Section 20(b) of the Child Nutrition Act of
10 1966 (42 U.S.C. 1789(b)) is amended by striking
11 “and reduced-price”.

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