S. 2692

To amend the Richard B. Russell National School Lunch Act to improve direct certification, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 2019

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Richard B. Russell National School Lunch Act to improve direct certification, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “School Modernization and Efficient Access to Lunches for Students Act of 2019” or the “School MEALS Act of 2019”.

SEC. 2. EXPANDING DIRECT CERTIFICATION.

1758(b)(4)(F)(iii)(II)(bb)) is amended by inserting “in not more than 3 school years” after “measures”.

SEC. 3. DIRECT CERTIFICATION IMPROVEMENT GRANTS AND TECHNICAL ASSISTANCE.

Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

“(16) DIRECT CERTIFICATION IMPROVEMENT GRANTS AND TECHNICAL ASSISTANCE.—

“(A) DEFINITIONS.—In this paragraph:

“(i) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(I) a State agency; and

“(II) a Tribal organization.

“(ii) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(iii) RATE OF DIRECT CERTIFICATION.—The term ‘rate of direct certification’ means the percentage of children eligible for direct certification under paragraphs (4) and (5) for a school year that
were directly certified under those paragraphs for that school year.

“(iv) Tribal organization.—The term ‘Tribal organization’ has the meaning given the term ‘tribal organization’ in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(B) Grants.—

“(i) In general.—The Secretary shall provide grants to eligible entities that administer the school lunch program under this Act to improve the rate of direct certification in the State in which the eligible entity is located.

“(ii) Priority.—In providing grants under clause (i), the Secretary shall give priority to States and Tribal organizations with the lowest rates of direct certification.

“(iii) Use of funds.—An eligible entity that receives a grant under clause (i) shall use the grant funds to pay costs relating to improving the rate of direct certification in the State or Indian Tribe, as applicable, including the cost of—
“(I) improving technology relating to direct certification;

“(II) providing technical assistance to local educational agencies;

“(III) newly implementing or revising a direct certification system or process in the State (including at local educational agencies in the State) or Indian Tribe, including the cost of equipment; and

“(IV) coordinating with multiple public benefits programs to increase the rate of direct certification, including by conducting feasibility studies and demonstration projects under section 18(c).

“(C) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—

“(i) IN GENERAL.—The Secretary shall provide grants to States and Tribal organizations administering the food distribution program on Indian reservations under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b))—
“(I) in the case of a Tribal organization, if applicable, to establish a rate of direct certification of children that are members of households receiving assistance under that program; or

“(II) to improve the rate of direct certification of children that are members of households receiving assistance under that program.

“(ii) USE OF FUNDS.—A State or Tribal organization receiving a grant under this subparagraph shall use the funds to pay the costs described in subparagraph (B)(iii).

“(D) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to assist the recipients of grants under subparagraphs (B) and (C), and other eligible entities, as appropriate, in improving the rates of direct certification.

“(E) FUNDING.—

“(i) IN GENERAL.—On October 1, 2019, out of any funds in the Treasury not otherwise appropriated, the Secretary of
the Treasury shall transfer to the Secretary to carry out this paragraph $28,000,000, to remain available until expended.

“(ii) Food distribution program on Indian reservations.—Of the funds transferred to the Secretary under clause (i), the Secretary shall use not less than $2,000,000 to carry out subparagraph (C).

“(iii) Technical assistance.—Of the funds transferred to the Secretary under clause (i), the Secretary shall use not more than $3,000,000 to carry out subparagraph (D).

“(iv) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.”.

SEC. 4. ENHANCING THE COMMUNITY ELIGIBILITY OPTION.


(1) in clause (iv)—

(A) in subclause (I)(bb)—
(i) by striking “as of April 1 of the prior school year” and inserting “during the period beginning on April 1 of the prior school year and ending on the last day of that school year”; and

(ii) by striking “as of April 1 of the school year prior” and all that follows through “subparagraph” and inserting “during the period beginning on April 1 of the covered school year and ending on the last day of the covered school year”; and

(B) by adding at the end the following:

“(III) DEFINITION OF COVERED SCHOOL YEAR.—In this clause, the term ‘covered school year’ means the school year prior to the first school year that a school or local educational agency elected to receive special assistance payments under this subparagraph.”; and

(2) in clause (x)—

(A) in subclause (I), by striking “for the next school year if, not later than June 30 of the current school year,” and inserting “if”;


(B) in subclause (II)(aa), by inserting “,
based on counts conducted by schools of identi-
fied students beginning on or after April 1 of
that school year,” after “clause (viii)”; and

(C) in subclause (IV)(aa), by inserting “,
based on counts conducted by schools of identi-
fied students beginning on or after April 1 of
that school year,” after “clause (viii)”.

SEC. 5. ENHANCING DIRECT CERTIFICATION.

Section 9(b)(15)(B)(ii)(III) of the Richard B. Russell
National School Lunch Act (42 U.S.C.
1758(b)(15)(B)(ii)(III)) is amended by striking “10” and
inserting “20”.

SEC. 6. STATE PERFORMANCE ON ENROLLING CHILDREN
RECEIVING PROGRAM BENEFITS FOR FREE
SCHOOL MEALS.

Section 4301(b) of the Food, Conservation, and En-
ergy Act of 2008 (42 U.S.C. 1758a(b)) is amended—

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

(2) in paragraph (3), by striking the period at
the end and inserting “; and”; and

(3) by adding at the end the following:
“(4) in the case of a State identified under
clause (ii)(I) of section 9(b)(4)(F) of the Richard B.
Russell National School Lunch Act (42 U.S.C. 1758(b)(4)(F)), a description of—

“(A) the technical assistance provided to the State; and

“(B) the progress made by the State in implementing the measures and meeting the goals described in items (aa) through (ee) of clause (iii)(II) of that section.”.