S. 2752

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 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 program requirements, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “School Hunger Elimina-
tion Act of 2019”.

SEC. 2. MANDATORY DIRECT CERTIFICATION.

Section 9(b)(5) of the Richard B. Russell National
School Lunch Act (42 U.S.C. 1758(b)(5)) is amended—
(1) in the paragraph heading, by striking “DIS-
CRETIONARY CERTIFICATION” and inserting “DI-
RECTIFICATION OF ADDITIONAL LOW-INCOME CHILDREN”; and

(2) in the matter preceding subparagraph (A),
by striking “may” and inserting “shall”.

SEC. 3. RETROACTIVE REIMBURSEMENT.

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

“(D) RETROACTIVE REIMBURSEMENT.—

“(i) DEFINITIONS.—In this subpara-

graph:

“(I) CHANGE IN ELIGIBILITY.—

The term ‘change in eligibility’ means,

with respect to eligibility for the school lunch program under this Act—

“(aa) a change from eligi-

bility for reduced price meals to eligibility for free meals; and

“(bb) a change from non-

eligibility to eligibility for free or reduced price meals.

“(II) MEAL CLAIM.—The term ‘meal claim’ means any documenta-

tion provided by a school food author-
ity to a State agency in order to receive reimbursement under this Act for the cost of a meal served to a child by the school food authority.

“(III) Previously submitted.—The term ‘previously submitted’, with respect to a meal claim, means a meal claim submitted on or after the retroactive date.

“(IV) Retroactive date.—The term ‘retroactive date’ means the first day of the current school year.

“(ii) Retroactivity.—

“(I) Submission of meal claims.—A local educational agency shall—

“(aa) revise and resubmit a previously submitted meal claim to reflect a change in eligibility described in subclause (i)(I)(aa) of a child; and

“(bb) submit a meal claim for any meal provided on or after the retroactive date for a child
that has a change of eligibility described in subclause (i)(I)(bb).

“(II) Reimbursement by Secretary.—The Secretary shall reimburse each meal claim submitted by a local educational agency under subclause (I).

“(iii) Reimbursement to families.—A local educational agency that receives a reimbursement under clause (ii)(II) shall reimburse the household of a child for any fees paid by the household on or after the retroactive date and prior to the change in eligibility of the child.”.

SEC. 4. UNIVERSAL MEDICAID DIRECT CERTIFICATION.

Section 9(b)(15) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(15)) is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

“(i) Eligible child.—

“(I) In general.—The term ‘eligible child’ means a child—
“(aa)(AA) who is eligible for and receiving medical assistance under the Medicaid program; and

“(BB) who is a member of a family with an income as measured by the Medicaid program that does not exceed, in the case of eligibility for free meals, 133 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size used for purposes of determining eligibility for the Medicaid program, or, in the case of eligibility for reduced price meals, the applicable family size income level under the income eligibility guidelines for reduced price meals; and

“(bb) who is a member of a household (as that term is defined in section 245.2 of title 7,
Code of Federal Regulations (or successor regulations)) with a child described in item (aa).

“(II) OTHER CHILDREN.—The term ‘eligible child’ includes a child who is eligible for and receiving medical assistance under the Medicaid program under subclause (I) of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i))—

“(aa) on the basis of receiving aid or assistance under the State plan approved under part E of title IV of that Act (42 U.S.C. 670 et seq.); 

“(bb) by reason of section 473(b) of that Act (42 U.S.C. 673(b)); or

“(cc) under subclause (II) of section 1902(a)(10)(A)(i) of that Act (42 U.S.C. 1396a(a)(10)(A)(i)).”; and

(B) by adding at the end the following:
“(iii) **Without further application.**—The term ‘without further application’ has the meaning given the term in paragraph (4)(G).”; and

(2) by striking subparagraphs (B) through (H) and inserting the following:

“(B) **Agreement.**—For the school year beginning on July 1, 2020, and each school year thereafter, each State shall enter into an agreement described in subparagraph (C) with the 1 or more State agencies conducting eligibility determinations for the Medicaid program.

“(C) **Procedures.**—

“(i) **In general.**—Subject to subparagraph (D) and paragraph (6), an agreement entered into under subparagraph (B) shall establish procedures under which an eligible child shall be certified as eligible, without further application, for—

“(I) free or reduced price lunch under this Act; and

“(II) free or reduced price breakfast under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).
“(ii) Free meals.—Each agreement entered into under subparagraph (B) shall ensure that a child that is simultaneously eligible for reduced price meals under this paragraph or based on an income eligibility determination, and for free meals based on documentation provided under subsection (d)(2), shall be certified for free meals.

“(D) Certification.—Subject to paragraph (6), and according to an agreement entered into under subparagraph (B), the local educational agency conducting eligibility determinations under that agreement shall certify an eligible child as eligible, without further application, for—

“(i) free or reduced price lunch under this Act; and

“(ii) free or reduced price breakfast under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).”.

SEC. 5. UNIVERSAL MEAL SERVICE IN HIGH POVERTY AREAS.

Section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
amended by striking clause (vii) and inserting the following:

“(vii) MULTIPLIER.—For each school year beginning on or before July 1, 2020, the multiplier shall be 1.8.”.

SEC. 6. STATEWIDE FREE UNIVERSAL SCHOOL MEALS DEMONSTRATION PROJECTS.

Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by adding at the end the following:

“(G) STATEWIDE FREE UNIVERSAL SCHOOL MEALS DEMONSTRATION PROJECTS.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) DEMONSTRATION PROJECT.—The term ‘demonstration project’ means a demonstration project carried out under clause (ii).

“(II) ELIGIBLE SCHOOL.—

“(aa) IN GENERAL.—The term ‘eligible school’ means a school that participates in the school lunch program under this Act and the school breakfast program under section 4 of the

“(bb) Exclusion.—The term ‘eligible school’ does not include a residential child care institution (as defined in section 210.2 of title 7, Code of Federal Regulations (or successor regulations)).

“(III) Identified student.—The term ‘identified student’ has the meaning given the term in subparagraph (F)(i).

“(IV) Selected State.—The term ‘selected State’ means a State selected to carry out a demonstration project under clause (iii)(I).

“(ii) Establishment.—Not later than July 1, 2021, the Secretary shall carry out demonstration projects in selected States under which school meals are provided at no charge to every student at an eligible school in the selected State.

“(iii) State selection.—
“(I) IN GENERAL.—The Secretary shall select not more than 5 States to each carry out a demonstration project.

“(II) APPLICATIONS.—A State seeking to carry out a demonstration project shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(III) PRIORITY.—In carrying out subclause (I), the Secretary shall give priority to a State based on—

“(aa) the level of childhood poverty in the State;

“(bb) the extent to which the State has implemented subparagraph (F);

“(cc) the extent to which the direct certification rate of the State meets the required percentage (as defined in section 9(b)(4)(F)(i));

“(dd) the extent to which the State demonstrates a com-
mitment to providing technical assistance to local educational agencies that will implement the demonstration project in the State; and

“(ee) the extent to which the State demonstrates a commitment to providing non-Federal funding under clause (vi)(III).

“(iv) START DATE.—A demonstration project shall begin in a selected State on the first day of the school year in that State.

“(v) SPECIAL ASSISTANCE PAYMENTS.—

“(I) FIRST YEAR.—For each month of the first school year during which a demonstration project is carried out, a selected State shall receive special assistance payments at the rate for free meals for a percentage of all reimbursable meals served in eligible schools in the State in an amount equal to the product obtained by multiplying—
“(aa) 1.8; and

“(bb) the percentage of identified students in eligible schools in the State as of the last day of the prior school year, up to a maximum of 100 percent.

“(II) SUBSEQUENT YEARS.—For each month of the second school year and each subsequent school year during which a demonstration project is carried out, a selected State shall receive special assistance payments at the rate for free meals for a percentage of all reimbursable meals served in eligible schools in the State in an amount equal to the product obtained by multiplying—

“(aa) 1.8; and

“(bb) the higher of—

“(AA) the percentage of identified students in eligible schools as of the last day of the prior school year; and
“(BB) the percentage of identified students in eligible schools as of the last day of the school year prior to the first school year during which a demonstration project is carried out, up to a maximum of 100 percent.

“(III) Payment for Other Meals.—With respect to the reimbursable meals described in subclauses (I) and (II) for which a selected State is not receiving special assistance payments under this clause, the reimbursement rate shall be the rate provided under section 4.

“(IV) Payments in Lieu of.—A special assistance payment made under this clause shall be in lieu of any other special assistance payment made under this paragraph.

“(vi) State Implementation.—

“(I) Preliminary Activities.—

Each selected State shall, in the school year preceding the first school
year during which the demonstration project shall be carried out in the State—

“(aa) identify each eligible school in the State;

“(bb) in consultation with the Secretary, combine the percentage of identified students across eligible schools for the purpose of calculating the maximum reimbursement rate to ensure that the special assistance payments received under clause (v) are for the maximum amount;

“(cc) inform local educational agencies of the demonstration project; and

“(dd) coordinate with local educational agencies to provide information about the demonstration project to parents or guardians of students attending eligible schools.
“(II) MEAL SERVICE.—As part of a demonstration project, an eligible school in a selected State—

“(aa) shall not collect applications for free and reduced price lunches under this Act; and

“(bb) shall make school meals available to all children at the school at no charge.

“(III) NON-FEDERAL FUNDING.—

“(aa) IN GENERAL.—Each selected State may support the demonstration project using—

“(AA) funds from State and local sources that are used for the maintenance of the free lunch program under this Act and the free breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(BB) State revenues appropriated or used for
program purposes under section 7 of this Act.

“(bb) NON-FEDERAL CONTRIBUTIONS.—In addition to the funding received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), each selected State shall provide funding from non-Federal sources to ensure that local educational agencies in the State receive the free reimbursement rate for not less than 90 percent of the meals served at eligible schools.

“(cc) CONTINUATION OF FREE RATE.—

“(AA) DEFINITION OF COVERED SCHOOL YEAR.— In this item, the term ‘covered school year’ means the school year preceding the first school year during which a demonstration project is carried out.
“(BB) Free rate.—A selected State that receives special assistance payments at the free reimbursement rate under subparagraph (F) for more than 90 percent of the meals served at eligible schools in the covered school year shall continue to receive the free reimbursement rate for not less than the same percentage of meals in each school year during which a demonstration project is carried out.

“(vii) Report.—

“(I) In general.—Not later than September 30, 2025, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committees on Agriculture and Education
and Labor of the House of Represent-
atives a report that evaluates the im-
pact of each demonstration project in
a selected State on—

“(aa) academic achievement,
absenteeism, tardiness, the school
environment, and child food inse-
curity in the State, and on other
key factors, identified in con-
sultation with the Secretary of
Education;

“(bb) the rate of participa-
tion in the free lunch program
under this Act and the free
breakfast program under section
4 of the Child Nutrition Act of
1966 (42 U.S.C. 1773) among
identified students and other stu-
dents;

“(cc) school meal services,
finances, and operations in the
State;

“(dd) administrative costs to
the State and the school food au-
authorities participating in the demonstration project; and

“(ee) the integrity of the operation of the free lunch program under this Act in the State.

“(II) FUNDING.—

“(aa) IN GENERAL.—On October 1, 2021, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this clause $3,000,000, to remain available until September 30, 2025.

“(bb) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this clause the funds transferred under item (aa), without further appropriation.”.