

116TH CONGRESS
1ST SESSION

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.

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 “School Hunger Elim-

5 nation Act of 2019”.

6 **SEC. 2. MANDATORY DIRECT CERTIFICATION.**

7 Section 9(b)(5) of the Richard B. Russell National

8 School Lunch Act (42 U.S.C. 1758(b)(5)) is amended—

9 (1) in the paragraph heading, by striking “DIS-

10 CRETIONARY CERTIFICATION” and inserting “DI-

1 RECT CERTIFICATION OF ADDITIONAL LOW-INCOME
2 CHILDREN”; and

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

5 **SEC. 3. RETROACTIVE REIMBURSEMENT.**

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

9 “(D) RETROACTIVE REIMBURSEMENT.—

10 “(i) DEFINITIONS.—In this subpara-
11 graph:

12 “(I) CHANGE IN ELIGIBILITY.—

13 The term ‘change in eligibility’ means,
14 with respect to eligibility for the
15 school lunch program under this
16 Act—

17 “(aa) a change from eligi-
18 bility for reduced price meals to
19 eligibility for free meals; and

20 “(bb) a change from non-
21 eligibility to eligibility for free or
22 reduced price meals.

23 “(II) MEAL CLAIM.—The term
24 ‘meal claim’ means any documenta-
25 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

1 that has a change of eligibility
2 described in subclause (i)(I)(bb).

3 “(II) REIMBURSEMENT BY SEC-
4 RETARY.—The Secretary shall reim-
5 burse each meal claim submitted by a
6 local educational agency under sub-
7 clause (I).

8 “(iii) REIMBURSEMENT TO FAMI-
9 LIES.—A local educational agency that re-
10 ceives a reimbursement under clause
11 (ii)(II) shall reimburse the household of a
12 child for any fees paid by the household on
13 or after the retroactive date and prior to
14 the change in eligibility of the child.”.

15 **SEC. 4. UNIVERSAL MEDICAID DIRECT CERTIFICATION.**

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

18 (1) in subparagraph (A)—

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

21 “(i) ELIGIBLE CHILD.—

22 “(I) IN GENERAL.—The term ‘el-
23 igible child’ means a child—

1 “(aa)(AA) who is eligible for
2 and receiving medical assistance
3 under the Medicaid program; and

4 “(BB) who is a member of a
5 family with an income as meas-
6 ured by the Medicaid program
7 that does not exceed, in the case
8 of eligibility for free meals, 133
9 percent of the poverty line (as
10 defined in section 673(2) of the
11 Community Services Block Grant
12 Act (42 U.S.C. 9902(2)), includ-
13 ing any revision required by such
14 section) applicable to a family of
15 the size used for purposes of de-
16 termining eligibility for the Med-
17 icaid program, or, in the case of
18 eligibility for reduced price meals,
19 the applicable family size income
20 level under the income eligibility
21 guidelines for reduced price
22 meals; and

23 “(bb) who is a member of a
24 household (as that term is de-
25 fined in section 245.2 of title 7,

1 Code of Federal Regulations (or
 2 successor regulations)) with a
 3 child described in item (aa).

4 “(II) OTHER CHILDREN.—The
 5 term ‘eligible child’ includes a child
 6 who is eligible for and receiving med-
 7 ical assistance under the Medicaid
 8 program under subclause (I) of sec-
 9 tion 1902(a)(10)(A)(i) of the Social
 10 Security Act (42 U.S.C.
 11 1396a(a)(10)(A)(i))—

12 “(aa) on the basis of receiv-
 13 ing aid or assistance under the
 14 State plan approved under part
 15 E of title IV of that Act (42
 16 U.S.C. 670 et seq.);

17 “(bb) by reason of section
 18 473(b) of that Act (42 U.S.C.
 19 673(b)); or

20 “(cc) under subclause (II) of
 21 section 1902(a)(10)(A)(i) of that
 22 Act (42 U.S.C.
 23 1396a(a)(10)(A)(i)).”; and

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

1 “(iii) WITHOUT FURTHER APPLICA-
 2 TION.—The term ‘without further applica-
 3 tion’ has the meaning given the term in
 4 paragraph (4)(G).”; and

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

7 “(B) AGREEMENT.—For the school year
 8 beginning on July 1, 2020, and each school
 9 year thereafter, each State shall enter into an
 10 agreement described in subparagraph (C) with
 11 the 1 or more State agencies conducting eligi-
 12 bility determinations for the Medicaid program.

13 “(C) PROCEDURES.—

14 “(i) IN GENERAL.—Subject to sub-
 15 paragraph (D) and paragraph (6), an
 16 agreement entered into under subpara-
 17 graph (B) shall establish procedures under
 18 which an eligible child shall be certified as
 19 eligible, without further application, for—

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

22 “(II) free or reduced price break-
 23 fast under section 4 of the Child Nu-
 24 trition 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

1 amended by striking clause (vii) and inserting the fol-
 2 lowing:

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

6 **SEC. 6. STATEWIDE FREE UNIVERSAL SCHOOL MEALS DEM-**
 7 **ONSTRATION PROJECTS.**

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

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

13 “(i) DEFINITIONS.—In this subpara-
 14 graph:

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

19 “(II) ELIGIBLE SCHOOL.—

20 “(aa) IN GENERAL.—The
 21 term ‘eligible school’ means a
 22 school that participates in the
 23 school lunch program under this
 24 Act and the school breakfast pro-
 25 gram under section 4 of the

1 Child Nutrition Act of 1966 (42
2 U.S.C. 1773).

3 “(bb) EXCLUSION.—The
4 term ‘eligible school’ does not in-
5 clude a residential child care in-
6 stitution (as defined in section
7 210.2 of title 7, Code of Federal
8 Regulations (or successor regula-
9 tions)).

10 “(III) IDENTIFIED STUDENT.—
11 The term ‘identified student’ has the
12 meaning given the term in subpara-
13 graph (F)(i).

14 “(IV) SELECTED STATE.—The
15 term ‘selected State’ means a State
16 selected to carry out a demonstration
17 project under clause (iii)(I).

18 “(ii) ESTABLISHMENT.—Not later
19 than July 1, 2021, the Secretary shall
20 carry out demonstration projects in se-
21 lected States under which school meals are
22 provided at no charge to every student at
23 an eligible school in the selected State.

24 “(iii) STATE SELECTION.—

1 “(I) IN GENERAL.—The Sec-
2 retary shall select not more than 5
3 States to each carry out a demonstra-
4 tion project.

5 “(II) APPLICATIONS.—A State
6 seeking to carry out a demonstration
7 project shall submit to the Secretary
8 an application at such time, in such
9 manner, and containing such informa-
10 tion as the Secretary may require.

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

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

16 “(bb) the extent to which
17 the State has implemented sub-
18 paragraph (F);

19 “(cc) the extent to which the
20 direct certification rate of the
21 State meets the required percent-
22 age (as defined in section
23 9(b)(4)(F)(i));

24 “(dd) the extent to which
25 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—

1 “(aa) 1.8; and

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

7 “(II) SUBSEQUENT YEARS.—For
8 each month of the second school year
9 and each subsequent school year dur-
10 ing which a demonstration project is
11 carried out, a selected State shall re-
12 ceive special assistance payments at
13 the rate for free meals for a percent-
14 age of all reimbursable meals served
15 in eligible schools in the State in an
16 amount equal to the product obtained
17 by multiplying—

18 “(aa) 1.8; and

19 “(bb) the higher of—

20 “(AA) the percentage
21 of identified students in eli-
22 gible schools as of the last
23 day of the prior school year;
24 and

1 “(BB) the percentage
2 of identified students in eli-
3 gible schools as of the last
4 day of the school year prior
5 to the first school year dur-
6 ing which a demonstration
7 project is carried out, up to
8 a maximum of 100 percent.

9 “(III) PAYMENT FOR OTHER
10 MEALS.—With respect to the reim-
11 bursable meals described in subclauses
12 (I) and (II) for which a selected State
13 is not receiving special assistance pay-
14 ments under this clause, the reim-
15 bursement rate shall be the rate pro-
16 vided under section 4.

17 “(IV) PAYMENTS IN LIEU OF.—A
18 special assistance payment made
19 under this clause shall be in lieu of
20 any other special assistance payment
21 made under this paragraph.

22 “(vi) STATE IMPLEMENTATION.—

23 “(I) PRELIMINARY ACTIVITIES.—
24 Each selected State shall, in the
25 school year preceding the first school

1 year during which the demonstration
2 project shall be carried out in the
3 State—

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

6 “(bb) in consultation with
7 the Secretary, combine the per-
8 centage of identified students
9 across eligible schools for the
10 purpose of calculating the max-
11 imum reimbursement rate to en-
12 sure that the special assistance
13 payments received under clause
14 (v) are for the maximum amount;

15 “(cc) inform local edu-
16 cational agencies of the dem-
17 onstration project; and

18 “(dd) coordinate with local
19 educational agencies to provide
20 information about the demonstra-
21 tion project to parents or guard-
22 ians of students attending eligible
23 schools.

1 “(II) MEAL SERVICE.—As part
2 of a demonstration project, an eligible
3 school in a selected State—

4 “(aa) shall not collect appli-
5 cations for free and reduced price
6 lunches under this Act; and

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

10 “(III) NON-FEDERAL FUND-
11 ING.—

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

15 “(AA) funds from State
16 and local sources that are
17 used for the maintenance of
18 the free lunch program
19 under this Act and the free
20 breakfast program under
21 section 4 of the Child Nutri-
22 tion Act of 1966 (42 U.S.C.
23 1773); and

24 “(BB) State revenues
25 appropriated or used for

1 program purposes under sec-
2 tion 7 of this Act.

3 “(bb) NON-FEDERAL CON-
4 TRIBUTIONS.—In addition to the
5 funding received under this Act
6 and the Child Nutrition Act of
7 1966 (42 U.S.C. 1771 et seq.),
8 each selected State shall provide
9 funding from non-Federal
10 sources to ensure that local edu-
11 cational agencies in the State re-
12 ceive the free reimbursement rate
13 for not less than 90 percent of
14 the meals served at eligible
15 schools.

16 “(cc) CONTINUATION OF
17 FREE RATE.—

18 “(AA) DEFINITION OF
19 COVERED SCHOOL YEAR.—
20 In this item, the term ‘cov-
21 ered school year’ means the
22 school year preceding the
23 first school year during
24 which a demonstration
25 project is carried out.

1 “(BB) FREE RATE.—A
 2 selected State that receives
 3 special assistance payments
 4 at the free reimbursement
 5 rate under subparagraph
 6 (F) for more than 90 per-
 7 cent of the meals served at
 8 eligible schools in the cov-
 9 ered school year shall con-
 10 tinue to receive the free re-
 11 imbursement rate for not
 12 less than the same percent-
 13 age of meals in each school
 14 year during which a dem-
 15 onstration project is carried
 16 out.

17 “(vii) REPORT.—

18 “(I) IN GENERAL.—Not later
 19 than September 30, 2025, the Sec-
 20 retary, acting through the Adminis-
 21 trator of the Food and Nutrition
 22 Service, shall submit to the Com-
 23 mittee on Agriculture, Nutrition, and
 24 Forestry of the Senate and the Com-
 25 mittees on Agriculture and Education

1 and Labor of the House of Represent-
2 atives a report that evaluates the im-
3 pact of each demonstration project in
4 a selected State on—

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

12 “(bb) the rate of participa-
13 tion in the free lunch program
14 under this Act and the free
15 breakfast program under section
16 4 of the Child Nutrition Act of
17 1966 (42 U.S.C. 1773) among
18 identified students and other stu-
19 dents;

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

23 “(dd) administrative costs to
24 the State and the school food au-

1 thorities participating in the
2 demonstration project; and

3 “(ee) the integrity of the op-
4 eration of the free lunch program
5 under this Act in the State.

6 “(II) FUNDING.—

7 “(aa) IN GENERAL.—On Oc-
8 tober 1, 2021, out of any funds
9 in the Treasury not otherwise ap-
10 propriated, the Secretary of the
11 Treasury shall transfer to the
12 Secretary to carry out this clause
13 \$3,000,000, to remain available
14 until September 30, 2025.

15 “(bb) RECEIPT AND AC-
16 CEPTANCE.—The Secretary shall
17 be entitled to receive, shall ac-
18 cept, and shall use to carry out
19 this clause the funds transferred
20 under item (aa), without further
21 appropriation.”.

○