

116TH CONGRESS  
1ST SESSION

# S. 2760

To amend the Richard B. Russell National School Lunch Act to enhance direct certification under the school lunch program.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2019

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

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## A BILL

To amend the Richard B. Russell National School Lunch Act to enhance direct certification under the school lunch program.

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 “Caregivers, Access, and  
5       Responsible Expansion for Kids Act of 2019” or the  
6       “CARE for Kids Act of 2019”.

7       **SEC. 2. ENHANCING DIRECT CERTIFICATION.**

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

1 (1) in the matter preceding subparagraph (A),  
2 by inserting “(including any school operated by the  
3 Bureau of Indian Education)” before “may certify”;  
4 and

5 (2) in subparagraph (E)—

6 (A) in clause (i), by striking “or” at the  
7 end;

8 (B) in clause (ii)—

9 (i) by striking “who” and inserting  
10 “whom”; and

11 (ii) by striking the period at the end  
12 and inserting a semicolon; and

13 (C) by adding at the end the following:

14 “(iii) a child whose placement with a  
15 caregiver was carried out with the involve-  
16 ment of an agency that administers a  
17 State plan under part B or E of title IV  
18 of the Social Security Act (42 U.S.C. 601  
19 et seq.) or a tribal child welfare agency,  
20 without regard to whether the agency is re-  
21 sponsible for the care and placement of the  
22 child;

23 “(iv) a child for whom an adoption as-  
24 sistance payment is made under section  
25 473(a) of the Social Security Act (42

U.S.C. 673(a)) or under a similar State-funded or State-operated program, as determined by the Secretary;

“(v) a child for whom a kinship guardianship assistance payment is made under section 473(d) of the Social Security Act (42 U.S.C. 673(d)) or under a similar State-funded or State-operated program, as determined by the Secretary, without regard to whether the child was previously in foster care; or

“(vi) a child of a family that—

“(I) lives in housing dedicated to low-income families with a caregiver who is a grandparent or another older person that cares for the child full-time; or

“(II) receives housing or housing assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).”.

### **SEC. 3. EXTENDED ELIGIBILITY.**

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

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by inserting after subparagraph (B) the following:

“(C) ELIGIBILITY OF TRANSFERRED CHILDREN.—

“(i) DEFINITION OF COVERED CHILD.—In this subparagraph, the term ‘covered child’ means a child that—

“(I) has been determined eligible for free or reduced price meals under this Act by a local educational agency (referred to in this subparagraph as the ‘original local educational agency’); and

“(II) transfers to another school that is under the jurisdiction of a different local educational agency (referred to in this subparagraph as the ‘new local educational agency’).

“(ii) ELIGIBILITY.—An eligibility determination made by an original local educational agency with respect to a covered child shall be transferred to, and honored by, the new local educational agency, in-

cluding the period for which that determination was authorized, subject to an extension under clause (iii).

“(iii) EXTENSION OF DURATION.—A new local educational agency shall honor the eligibility determination for a covered child under clause (ii) for a period that is 1 year longer than the period for which that determination was authorized by the original local educational agency if the covered child began living with a caregiver—

“(I) in the 12-month period preceding the date on which the covered child is enrolled in a school under the jurisdiction of a new local educational agency; and

“(II) who is—

“(aa) a grandparent or other relative and has legal authority to secure services for the child through an educational or healthcare consent affidavit, power of attorney, or other legal documentation; or

1 “(bb) a grandparent or  
 2 other relative and has legal cus-  
 3 tody of the child or has com-  
 4 menced the process of seeking  
 5 legal custody of the child in a  
 6 court of law.”; and

7 (3) in subparagraph (D) (as so redesignated)—

8 (A) by redesignating clauses (i) and (ii) as  
 9 subclauses (I) and (II), respectively, and in-  
 10 denting appropriately;

11 (B) in the matter preceding subclause (I)  
 12 (as so redesignated), by striking “Except as”  
 13 and all that follows through “(3)(H)(ii)” and  
 14 inserting the following:

15 “(i) IN GENERAL.—Except as other-  
 16 wise specified in clause (ii), subparagraph  
 17 (C), subparagraphs (E) and (H)(ii) of  
 18 paragraph (3)”; and

19 (C) by adding at the end the following:

20 “(ii) EXTENSION FOR CERTAIN CHIL-  
 21 DREN.—A school food authority shall ex-  
 22 tend the eligibility determination made by  
 23 a local educational agency with respect to  
 24 a child for a period that is 1 year longer  
 25 than the period for which that determina-

tion was authorized by the local educational agency, if the child began living with a caregiver—

“(I) in the 12-month period preceding the date on which the covered child is enrolled in the new school; and

“(II) who is—

“(aa) a grandparent or other relative and has legal authority to secure services for the child through an educational or healthcare consent affidavit, power of attorney, or other legal documentation; or

“(bb) a grandparent or other relative and has legal custody of the child or has commenced the process of seeking legal custody of the child in a court of law.”.

#### **SEC. 4. EXPANDING AUTOMATIC ELIGIBILITY.**

(a) IN GENERAL.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

1           (1) by conforming the margins of clauses (iv)  
2 through (vii) to the margin of clause (iii); and

3           (2) in clause (vii)—

4               (A) in subclause (I), by striking “or” at  
5 the end;

6               (B) in subclause (II)—

7                   (i) by striking “who” and inserting  
8 “whom”; and

9                   (ii) by striking the period at the end  
10 and inserting a semicolon; and

11           (C) by adding at the end the following:

12                       “(III) a child whose placement  
13 with a caregiver was carried out with  
14 the involvement of an agency that ad-  
15 ministers a State plan under part B  
16 or E of title IV of the Social Security  
17 Act (42 U.S.C. 601 et seq.) or a tribal  
18 child welfare agency, without regard  
19 to whether the agency is responsible  
20 for the care and placement of the  
21 child;

22                       “(IV) a child for whom an adop-  
23 tion assistance payment is made  
24 under section 473(a) of the Social Se-  
25 curity Act (42 U.S.C. 673(a)) or

1 under a similar State-funded or State-  
2 operated program, as determined by  
3 the Secretary;

4 “(V) a child for whom a kinship  
5 guardianship assistance payment is  
6 made under section 473(d) of the So-  
7 cial Security Act (42 U.S.C. 673(d))  
8 or under a similar State-funded or  
9 State-operated program, as deter-  
10 mined by the Secretary, without re-  
11 gard to whether the child was pre-  
12 viously in foster care; or

13 “(VI) a child of a family that—

14 “(aa) lives in housing dedi-  
15 cated to low-income families with  
16 a caregiver who is a grandparent  
17 or another older person that  
18 cares for the child full-time; or

19 “(bb) receives housing or  
20 housing assistance under the Na-  
21 tive American Housing Assist-  
22 ance and Self-Determination Act  
23 of 1996 (25 U.S.C. 4101 et  
24 seq.).”.

1 (b) CONFORMING AMENDMENTS.—Section 9(d)(2) of  
 2 the Richard B. Russell National School Lunch Act (42  
 3 U.S.C. 1758(d)(2)) is amended—

4 (1) in subparagraph (D), by striking “(iv) or  
 5 (v)” and inserting “(ii), (iii), (iv), (v), or (vii)”;

6 (2) in subparagraph (E), by adding “or” at the  
 7 end after the semicolon;

8 (3) by striking subparagraph (F); and

9 (4) by redesignating subparagraph (G) as sub-  
 10 paragraph (F) and conforming the margin of sub-  
 11 paragraph (F) (as so redesignated) appropriately.

12 **SEC. 5. MEDICAID DIRECT CERTIFICATION.**

13 Section 9(b)(15)(A)(i) of the Richard B. Russell Na-  
 14 tional School Lunch Act (42 U.S.C. 1758(b)(15)(A)(i)) is  
 15 amended—

16 (1) in subclause (I)—

17 (A) in item (bb), by striking “(bb) who”  
 18 and inserting the following:

19 “(BB) who”; and

20 (B) by striking “(I)(aa) who” and insert-  
 21 ing the following:

22 “(aa)(AA) who”;

23 (2) in subclause (II)—

24 (A) by striking “regulations) with a child  
 25 described in subclause (I)” and inserting “regu-

1           lations)) with a child described in item (aa)”;  
 2           and

3                   (B) by striking “(II) who” and inserting  
 4           the following:

5                                   “(bb) who”;

6           (3) in the matter preceding item (aa)(AA) (as  
 7           so redesignated), by striking “The term” and insert-  
 8           ing the following:

9                                   “(I) IN GENERAL.—The term”;

10                                   and

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

12                                   “(II) OTHER CHILDREN.—The term  
 13                   ‘eligible child’ includes a child that receives  
 14                   medical assistance under the Medicaid pro-  
 15                   gram—

16                                   “(aa) under subclause (I) of sec-  
 17                   tion 1902(a)(10)(A)(i) of the Social  
 18                   Security Act (42 U.S.C.  
 19                   1396a(a)(10)(A)(i)) on the basis of  
 20                   receiving aid or assistance under the  
 21                   State plan approved under part E of  
 22                   title IV of that Act (42 U.S.C. 670 et  
 23                   seq.) or by reason of section 473(b) of  
 24                   that Act (42 U.S.C. 673(b)); or

1                   “(bb) under subclause (II) of sec-  
2                   tion 1902(a)(10)(A)(i) of that Act (42  
3                   U.S.C. 1396a(a)(10)(A)(i)) on the  
4                   basis of receiving supplemental secu-  
5                   rity income benefits.”.

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