

117TH CONGRESS  
1ST SESSION

# H. R. 3997

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

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2021

Mrs. HAYES (for herself, Mr. BACON, and Ms. ROSS) 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 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 2021” or the  
6 “CARE for Kids Act of 2021”.

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

1 U.S.C. 673(a)) or under a similar State-  
2 funded or State-operated program, as de-  
3 termined by the Secretary;

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

12 “(vi) a child of a family that—  
13 “(I) lives in housing dedicated to  
14 low-income families with a caregiver  
15 who is a grandparent or another older  
16 person that cares for the child full-  
17 time; or

18 “(II) receives housing or housing  
19 assistance under the Native American  
20 Housing Assistance and Self-Deter-  
21 mination Act of 1996 (25 U.S.C.  
22 4101 et seq.).”.

23 **SEC. 3. EXTENDED ELIGIBILITY.**

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

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

3 (2) by inserting after subparagraph (B) the fol-  
4 lowing:

5 “(C) ELIGIBILITY OF TRANSFERRED CHIL-  
6 DREN.—

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

10 “(I) has been determined eligible  
11 for free or reduced price meals under  
12 this Act by a local educational agency  
13 (referred to in this subparagraph as  
14 the ‘original local educational agen-  
15 cy’); and

16 “(II) transfers to another school  
17 that is under the jurisdiction of a dif-  
18 ferent local educational agency (re-  
19 ferred to in this subparagraph as the  
20 ‘new local educational agency’).

21 “(ii) ELIGIBILITY.—An eligibility de-  
22 termination made by an original local edu-  
23 cational agency with respect to a covered  
24 child shall be transferred to, and honored  
25 by, the new local educational agency, in-

1 cluding the period for which that deter-  
2 mination was authorized, subject to an ex-  
3 tension under clause (iii).

4 “(iii) EXTENSION OF DURATION.—A  
5 new local educational agency shall honor  
6 the eligibility determination for a covered  
7 child under clause (ii) for a period that is  
8 1 year longer than the period for which  
9 that determination was authorized by the  
10 original local educational agency if the cov-  
11 ered child began living with a caregiver—

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

17 “(II) who is—

18 “(aa) a grandparent or  
19 other relative and has legal au-  
20 thority to secure services for the  
21 child through an educational or  
22 healthcare consent affidavit,  
23 power of attorney, or other legal  
24 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-

1           tion was authorized by the local edu-  
2           cational agency, if the child began living  
3           with a caregiver—

4                   “(I) in the 12-month period pre-  
5                   ceding the date on which the covered  
6                   child is enrolled in the new school;  
7                   and

8                   “(II) who is—

9                           “(aa) a grandparent or  
10                           other relative and has legal au-  
11                           thority to secure services for the  
12                           child through an educational or  
13                           healthcare consent affidavit,  
14                           power of attorney, or other legal  
15                           documentation; or

16                           “(bb) a grandparent or  
17                           other relative and has legal cus-  
18                           tody of the child or has com-  
19                           menced the process of seeking  
20                           legal custody of the child in a  
21                           court of law.”.

22 **SEC. 4. EXPANDING AUTOMATIC ELIGIBILITY.**

23           (a) IN GENERAL.—Section 9(b)(12)(A) of the Rich-  
24           ard B. Russell National School Lunch Act (42 U.S.C.  
25           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 subparagraph (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.”.

○