

118TH CONGRESS
2D SESSION

S. 4525

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

JUNE 12, 2024

Mr. CASEY (for himself and Mr. FETTERMAN) 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 2024”.

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—

1 (1) in the paragraph heading, by striking “DIS-
 2 CRETIONARY CERTIFICATION” and inserting “DI-
 3 RECT CERTIFICATION OF ADDITIONAL LOW-INCOME
 4 CHILDREN”; and

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

7 **SEC. 3. DIRECT CERTIFICATION FOR CHILDREN RECEIVING**
 8 **SOCIAL SECURITY INCOME.**

9 (a) IN GENERAL.—Section 9(b)(5) of the Richard B.
 10 Russell National School Lunch Act (42 U.S.C.
 11 1758(b)(5)) is amended—

12 (1) in subparagraph (D), by striking “or” at
 13 the end;

14 (2) in subparagraph (E)(ii), by striking the pe-
 15 riod at the end and inserting “; or”; and

16 (3) by adding at the end the following:

17 “(F) a child who receives supplemental se-
 18 curity income payments under title XVI of the
 19 Social Security Act (42 U.S.C. 1381 et seq.).”.

20 (b) DATA FROM SOCIAL SECURITY ADMINISTRA-
 21 TION.—Section 9(b) of the Richard B. Russell National
 22 School Lunch Act (42 U.S.C. 1758(b)) is amended by add-
 23 ing at the end the following:

24 “(16) DATA FROM SOCIAL SECURITY ADMINIS-
 25 TRATION.—In the case of direct certification under

1 paragraph (5) or (12)(A) of a child who receives
 2 supplemental security income payments under title
 3 XVI of the Social Security Act (42 U.S.C. 1381 et
 4 seq.), the Commissioner of Social Security shall pro-
 5 vide a local educational agency with the data nec-
 6 essary to certify the child in accordance with a data-
 7 sharing agreement between the Commissioner and
 8 the State in which the local educational agency is lo-
 9 cated.”.

10 **SEC. 4. RETROACTIVE REIMBURSEMENT.**

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

14 “(D) RETROACTIVE REIMBURSEMENT.—

15 “(i) DEFINITIONS.—In this subpara-
 16 graph:

17 “(I) CHANGE IN ELIGIBILITY.—

18 The term ‘change in eligibility’ means,
 19 with respect to eligibility for the
 20 school lunch program under this
 21 Act—

22 “(aa) a change from eligi-
 23 bility for reduced price meals to
 24 eligibility for free meals; and

1 “(bb) a change from non-
 2 eligibility to eligibility for free or
 3 reduced price meals.

4 “(II) MEAL CLAIM.—The term
 5 ‘meal claim’ means any documenta-
 6 tion provided by a school food author-
 7 ity to a State agency in order to re-
 8 ceive reimbursement under this Act
 9 for the cost of a meal served to a
 10 child by the school food authority.

11 “(III) PREVIOUSLY SUB-
 12 MITTED.—The term ‘previously sub-
 13 mitted’, with respect to a meal claim,
 14 means a meal claim submitted on or
 15 after the retroactive date.

16 “(IV) RETROACTIVE DATE.—The
 17 term ‘retroactive date’ means the first
 18 day of the current school year.

19 “(ii) RETROACTIVITY.—

20 “(I) SUBMISSION OF MEAL
 21 CLAIMS.—A local educational agency
 22 shall—

23 “(aa) revise and resubmit a
 24 previously submitted meal claim
 25 to reflect a change in eligibility

1 described in subclause (i)(I)(aa)
 2 of a child; and

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

8 “(II) REIMBURSEMENT BY SEC-
 9 RETARY.—The Secretary shall reim-
 10 burse each meal claim submitted by a
 11 local educational agency under sub-
 12 clause (I).

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

20 **SEC. 5. UNIVERSAL MEDICAID DIRECT CERTIFICATION.**

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

23 (1) in subparagraph (A)—

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

1 “(i) ELIGIBLE CHILD.—

2 “(I) IN GENERAL.—The term ‘el-
3 ible child’ means a child who—

4 “(aa)(AA) is eligible for and
5 receiving medical assistance
6 under the Medicaid program; and

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

1 “(bb) is a member of a
 2 household (as that term is de-
 3 fined in section 245.2 of title 7,
 4 Code of Federal Regulations (or
 5 successor regulations)) with a
 6 child described in item (aa).

7 “(II) OTHER CHILDREN.—The
 8 term ‘eligible child’ includes a child
 9 who is eligible for and receiving med-
 10 ical assistance under the Medicaid
 11 program under subclause (I) of sec-
 12 tion 1902(a)(10)(A)(i) of the Social
 13 Security Act (42 U.S.C.
 14 1396a(a)(10)(A)(i))—

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

20 “(bb) by reason of section
 21 473(b) of that Act (42 U.S.C.
 22 673(b)); or

23 “(cc) under subclause (II) of
 24 section 1902(a)(10)(A)(i) of that

1 Act (42 U.S.C.

2 1396a(a)(10)(A)(i)).”; and

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

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

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

10 “(B) AGREEMENT.—For the school year
11 beginning on July 1, 2025, and each school
12 year thereafter, each State shall enter into an
13 agreement described in subparagraph (C) with
14 the 1 or more State agencies conducting eligi-
15 bility determinations for the Medicaid program.

16 “(C) PROCEDURES.—

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

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

1 “(II) free or reduced price break-
2 fast under section 4 of the Child Nu-
3 trition Act of 1966 (42 U.S.C. 1773).

4 “(ii) FREE MEALS.—Each agreement
5 entered into under subparagraph (B) shall
6 ensure that a child who is simultaneously
7 eligible for reduced price meals under this
8 paragraph or based on an income eligibility
9 determination, and for free meals based on
10 documentation provided under subsection
11 (d)(2), shall be certified for free meals.

12 “(D) CERTIFICATION.—Subject to para-
13 graph (6), and according to an agreement en-
14 tered into under subparagraph (B), the local
15 educational agency conducting eligibility deter-
16 minations under that agreement shall certify an
17 eligible child as eligible, without further applica-
18 tion, for—

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

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

1 **SEC. 6. UNIVERSAL MEAL SERVICE IN HIGH-POVERTY**
 2 **AREAS.**

3 (a) IN GENERAL.—Section 11(a)(1)(F) of the Rich-
 4 ard B. Russell National School Lunch Act (42 U.S.C.
 5 1759a(a)(1)(F)) is amended by striking clause (vii) and
 6 inserting the following:

7 “(vii) MULTIPLIER.—For each school
 8 year beginning on or after July 1, 2025,
 9 the multiplier shall be 2.5.”.

10 (b) CONFORMING AMENDMENT.—Section
 11 11(a)(1)(F)(xi) of the Richard B. Russell National School
 12 Lunch Act (42 U.S.C. 1759a(a)(1)(F)(xi)) is amended by
 13 striking subclause (III).

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

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

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

21 “(i) DEFINITIONS.—In this subpara-
 22 graph:

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

1 “(II) ELIGIBLE SCHOOL.—

2 “(aa) IN GENERAL.—The
3 term ‘eligible school’ means a
4 school that participates in the
5 school lunch program under this
6 Act and the school breakfast pro-
7 gram under section 4 of the
8 Child Nutrition Act of 1966 (42
9 U.S.C. 1773).

10 “(bb) EXCLUSION.—The
11 term ‘eligible school’ does not in-
12 clude residential child care insti-
13 tutions (as defined in section
14 210.2 of title 7, Code of Federal
15 Regulations (or successor regula-
16 tions)).

17 “(III) IDENTIFIED STUDENTS.—
18 The term ‘identified students’ has the
19 meaning given the term in subpara-
20 graph (F)(i).

21 “(IV) SELECTED STATE.—The
22 term ‘selected State’ means a State
23 selected to carry out a demonstration
24 project under clause (iii)(I).

1 “(ii) ESTABLISHMENT.—Not later
2 than July 1, 2026, the Secretary shall
3 carry out demonstration projects in se-
4 lected States under which school meals are
5 provided at no charge to every student at
6 an eligible school in the selected State.

7 “(iii) STATE SELECTION.—

8 “(I) IN GENERAL.—The Sec-
9 retary shall select not more than 5
10 States to each carry out a demonstra-
11 tion project.

12 “(II) APPLICATIONS.—A State
13 seeking to carry out a demonstration
14 project shall submit to the Secretary
15 an application at such time, in such
16 manner, and containing such informa-
17 tion as the Secretary may require.

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

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

23 “(bb) the extent to which
24 the State has implemented sub-
25 paragraph (F);

1 “(cc) the extent to which the
 2 direct certification rate of the
 3 State meets the required percent-
 4 age (as defined in section
 5 9(b)(4)(F)(i));

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

13 “(ee) the extent to which the
 14 State demonstrates a commit-
 15 ment to providing non-Federal
 16 funding under clause (vi)(III).

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

21 “(v) SPECIAL ASSISTANCE PAY-
 22 MENTS.—

23 “(I) FIRST YEAR.—For each
 24 month of the first school year during
 25 which a demonstration project is car-

ried 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) 1.9; 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) 1.9; and

1 “(bb) the higher of—

2 “(AA) the percentage
3 of identified students in eli-
4 gible schools as of the last
5 day of the prior school year;
6 and

7 “(BB) the percentage
8 of identified students in eli-
9 gible schools as of the last
10 day of the school year prior
11 to the first school year dur-
12 ing which a demonstration
13 project is carried out, up to
14 a maximum of 100 percent.

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

23 “(IV) PAYMENTS IN LIEU OF.—A
24 special assistance payment made
25 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 per-
centage of identified students
across eligible schools for the
purpose of calculating the max-
imum reimbursement rate to en-
sure that the special assistance
payments received under clause
(v) are for the maximum amount;

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

“(dd) coordinate with local
educational agencies to provide

1 information about the demonstra-
2 tion project to parents or guard-
3 ians of students attending eligible
4 schools.

5 “(II) MEAL SERVICE.—As part
6 of a demonstration project, an eligible
7 school in a selected State—

8 “(aa) shall not collect appli-
9 cations for free and reduced price
10 lunches under this Act; and

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

14 “(III) NON-FEDERAL FUND-
15 ING.—

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

19 “(AA) funds from State
20 and local sources that are
21 used for the maintenance of
22 the free lunch program
23 under this Act and the free
24 breakfast program under
25 section 4 of the Child Nutri-

1 tion Act of 1966 (42 U.S.C.
2 1773); and

3 “(BB) State revenues
4 appropriated or used for
5 program purposes under sec-
6 tion 7.

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

20 “(cc) CONTINUATION OF
21 FREE RATE.—A selected State
22 that receives special assistance
23 payments at the free reimburse-
24 ment rate under subparagraph
25 (F) for more than 90 percent of

1 the meals served at eligible
2 schools during the school year
3 preceding the first school year
4 during which a demonstration
5 project is carried out shall con-
6 tinue to receive the free reim-
7 bursement rate for not less than
8 the same percentage of meals in
9 each school year during which a
10 demonstration project is carried
11 out.

12 “(vii) REPORT.—

13 “(I) IN GENERAL.—Not later
14 than September 30, 2030, the Sec-
15 retary, acting through the Adminis-
16 trator of the Food and Nutrition
17 Service, shall submit to the Com-
18 mittee on Agriculture, Nutrition, and
19 Forestry of the Senate and the Com-
20 mittees on Agriculture and Education
21 and Labor of the House of Represent-
22 atives a report that evaluates the im-
23 pact of each demonstration project in
24 a selected State with respect to—

1 “(aa) academic achievement,
2 absenteeism, tardiness, the school
3 environment, child food insecu-
4 rity in the selected State, and
5 other key factors identified in
6 consultation with the Secretary
7 of Education;

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

16 “(cc) school meal services,
17 finances, and operations in the
18 selected State;

19 “(dd) administrative costs to
20 the selected State and the school
21 food authorities participating in
22 the demonstration project; and

23 “(ee) the integrity of the op-
24 eration of the free lunch program

1 under this Act in the selected
2 State.

3 “(II) FUNDING.—

4 “(aa) IN GENERAL.—On Oc-
5 tober 1, 2026, out of any funds
6 in the Treasury not otherwise ap-
7 propriated, the Secretary of the
8 Treasury shall transfer to the
9 Secretary to carry out this clause
10 \$3,000,000, to remain available
11 until September 30, 2030.

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

○