

118TH CONGRESS
2D SESSION

S. 5240

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. CASEY (for himself, Mr. FETTERMAN, Mr. KING, Mr. VAN HOLLEN, Ms. SMITH, Ms. BALDWIN, Mrs. MURRAY, and Mrs. GILLIBRAND) 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 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 2024” or the
6 “CARE for Kids Act of 2024”.

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 (2) in subparagraph (B), by inserting a closing
5 parenthesis before the semicolon at the end; and

6 (3) in subparagraph (E)—

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

9 (B) in clause (ii)—

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

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

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

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

23 “(iv) a child for whom an adoption assist-
24 ance payment is made under section 473(a) of
25 the Social Security Act (42 U.S.C. 673(a)) or

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

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

10 “(vi) a child of a family that—

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

15 “(II) receives housing or housing as-
 16 sistance under the Native American Hous-
 17 ing Assistance and Self-Determination Act
 18 of 1996 (25 U.S.C. 4101 et seq.).”.

19 **SEC. 3. EXTENDED ELIGIBILITY.**

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

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

24 (2) by inserting after subparagraph (B) the fol-
 25 lowing:

1 “(C) ELIGIBILITY OF TRANSFERRED CHIL-
2 DREN.—

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

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

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

17 “(ii) ELIGIBILITY.—An eligibility de-
18 termination made by an original local edu-
19 cational agency with respect to a covered
20 child shall be transferred to, and honored
21 by, the new local educational agency, in-
22 cluding the period for which that deter-
23 mination was authorized, subject to an ex-
24 tension under clause (iii).

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

9 “(I) during the 12-month period
10 preceding the date on which the cov-
11 ered child is enrolled in a school under
12 the jurisdiction of a new local edu-
13 cational agency; and

14 “(II) who is a grandparent or
15 other relative and—

16 “(aa) has legal authority to
17 secure services for the child
18 through an educational or
19 healthcare consent affidavit,
20 power of attorney, or other legal
21 documentation; or

22 “(bb) has legal custody of
23 the child or has commenced the
24 process of seeking legal custody

1 of the child in a court of law.”;

2 and

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

4 (A) by redesignating clauses (i) and (ii) as
5 subclauses (I) and (II), respectively, and in-
6 denting appropriately;

7 (B) in the matter preceding subclause (I)
8 (as so redesignated), by striking “Except as”
9 and all that follows through “(3)(H)(ii)” and
10 inserting the following:

11 “(i) IN GENERAL.—Except as other-
12 wise specified in clause (ii), subparagraph
13 (C), subparagraphs (E) and (H)(ii) of
14 paragraph (3)”;

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

16 “(ii) EXTENSION FOR CERTAIN CHIL-
17 DREN.—A school food authority shall ex-
18 tend the eligibility determination made by
19 a local educational agency with respect to
20 a child for a period that is 1 year longer
21 than the period for which that determina-
22 tion was authorized by the local edu-
23 cational agency, if the child began living
24 with a caregiver—

1 “(I) during the 12-month period
 2 preceding the date on which the cov-
 3 ered child is enrolled in the new
 4 school; and

5 “(II) who is a grandparent or
 6 other relative and—

7 “(aa) has legal authority to
 8 secure services for the child
 9 through an educational or
 10 healthcare consent affidavit,
 11 power of attorney, or other legal
 12 documentation; or

13 “(bb) has legal custody of
 14 the child or has commenced the
 15 process of seeking legal custody
 16 of the child in a court of law.”.

17 **SEC. 4. EXPANDING AUTOMATIC ELIGIBILITY.**

18 (a) IN GENERAL.—Section 9(b)(12)(A) of the Rich-
 19 ard B. Russell National School Lunch Act (42 U.S.C.
 20 1758(b)(12)(A)) is amended—

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

23 (2) in clause (vii)—

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

1 (B) in subclause (II)—

2 (i) by striking “who” and inserting
3 “whom”; and

4 (ii) by striking the period at the end
5 and inserting a semicolon; and

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

7 “(III) a child whose placement with a
8 caregiver was carried out with the involve-
9 ment of an agency that administers a
10 State plan under part B or E of title IV
11 of the Social Security Act (42 U.S.C. 601
12 et seq.) or a tribal child welfare agency,
13 without regard to whether the agency is re-
14 sponsible for the care and placement of the
15 child;

16 “(IV) a child for whom an adoption
17 assistance payment is made under section
18 473(a) of the Social Security Act (42
19 U.S.C. 673(a)) or under a similar State-
20 funded or State-operated program, as de-
21 termined by the Secretary;

22 “(V) a child for whom a kinship
23 guardianship assistance payment is made
24 under section 473(d) of the Social Security
25 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—

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

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

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

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

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

(3) by striking subparagraph (F); and

1 (4) by redesignating subparagraph (G) as sub-
 2 paragraph (F) and conforming the margin of sub-
 3 paragraph (F) (as so redesignated) appropriately.

4 **SEC. 5. MEDICAID DIRECT CERTIFICATION.**

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

8 (1) in subclause (I)—

9 (A) in item (bb)—

10 (i) by striking “9902(2)” and insert-
 11 ing “9902(2))”; and

12 (ii) by striking “(bb) who is” and in-
 13 serting the following:

14 “(BB) is”; and

15 (B) by striking “(I)(aa) who is” and in-
 16 serting the following:

17 “(aa)(AA) is”;

18 (2) in subclause (II)—

19 (A) by striking “regulations) with a child
 20 described in subclause (I)” and inserting “regu-
 21 lations)) with a child described in item (aa)”;
 22 and

23 (B) by striking “(II) who is” and inserting
 24 the following:

25 “(bb) is”;

1 (3) in the matter preceding item (aa)(AA) (as
 2 so redesignated), by striking “The term ‘eligible
 3 child’ means a child” and inserting the following:

4 “(I) IN GENERAL.—The term ‘el-
 5 igible child’ means a child who”; and

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

7 “(II) INCLUSION.—The term ‘eli-
 8 gible child’ includes a child who re-
 9 ceives medical assistance through the
 10 Medicaid program under—

11 “(aa) subclause (I) of sec-
 12 tion 1902(a)(10)(A)(i) of the So-
 13 cial Security Act (42 U.S.C.
 14 1396a(a)(10)(A)(i)) on the basis
 15 of receiving aid or assistance
 16 under the State plan approved
 17 under part E of title IV of that
 18 Act (42 U.S.C. 670 et seq.) or by
 19 reason of section 473(b) of that
 20 Act (42 U.S.C. 673(b)); or

21 “(bb) subclause (II) of sec-
 22 tion 1902(a)(10)(A)(i) of that
 23 Act (42 U.S.C.
 24 1396a(a)(10)(A)(i)) on the basis

- 1 of receiving supplemental security
- 2 income benefits.”.

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