

118TH CONGRESS  
1ST SESSION

# H. R. 3113

To amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to eliminate reduced price breakfasts and lunches and to require that the income guidelines for determining eligibility for free breakfasts and free lunches be 200 percent of the poverty level, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2023

Ms. PORTER (for herself, Mr. PAYNE, Mr. CARSON, Mr. DESAULNIER, Mrs. WATSON COLEMAN, Mr. GOTTHEIMER, Ms. TOKUDA, Mr. MULLIN, Ms. LEE of California, and Mr. EVANS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to eliminate reduced price breakfasts and lunches and to require that the income guidelines for determining eligibility for free breakfasts and free lunches be 200 percent of the poverty level, 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; TABLE OF CONTENTS.**

4 (a) IN GENERAL.—This Act may be cited as the “Ex-  
5 panding Access to School Meals Act of 2023”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act are as follows:

Sec. 1. Short title; table of contents.

TITLE I—REPEAL OF REDUCED PRICE BREAKFASTS AND  
 LUNCHES

Sec. 101. Repeal of reduced price breakfasts.

Sec. 102. Repeal of reduced price lunches.

TITLE II—EXPANSION OF FREE LUNCH ELIGIBILITY

Sec. 201. Poverty level for free lunch.

Sec. 202. Direct certification for children receiving Medicaid benefits.

Sec. 203. Retroactive reimbursement.

Sec. 204. Increase of community eligibility program multiplier.

3 **TITLE I—REPEAL OF REDUCED**  
 4 **PRICE BREAKFASTS AND**  
 5 **LUNCHES**

6 **SEC. 101. REPEAL OF REDUCED PRICE BREAKFASTS.**

7 (a) IN GENERAL.—Section 4 of the Child Nutrition  
 8 Act of 1966 (42 U.S.C. 1758) is amended by adding at  
 9 the end the following:

10 “(f) REPEAL OF REDUCED PRICE BREAKFASTS.—  
 11 Notwithstanding any other provision of law, the reduced  
 12 price breakfast program is repealed and the Secretary may  
 13 not provide reimbursements for reduced price breakfasts  
 14 under this section.”.

15 (b) CONFORMING AMENDMENTS.—The Child Nutri-  
 16 tion Act of 1966 (42 U.S.C. 1771 et seq.) is amended—

17 (1) by striking “or reduced price” each place it  
 18 appears;

1           (2) by striking “for a reduced price” each place  
2           it appears;

3           (3) by striking “or at a reduced price” each  
4           place it appears;

5           (4) by striking “for reduced price breakfasts”  
6           each place it appears; and

7           (5) by striking “and reduced price” each place  
8           it appears.

9           (c) **FURTHER CONFORMING AMENDMENTS.**—Section  
10 4(b) of the Child Nutrition Act of 1966 (42 U.S.C.  
11 1758(b)) is amended—

12           (1) in paragraph (1)—

13                 (A) in subparagraph (B), by striking the  
14                 second sentence; and

15                 (B) by striking subparagraph (C); and

16           (2) in paragraph (2), by striking subparagraph  
17           (C).

18 **SEC. 102. REPEAL OF REDUCED PRICE LUNCHES.**

19           (a) **IN GENERAL.**—The Richard B. Russell National  
20 School Lunch Act (42 U.S.C. 1751 et seq.) is amended  
21 by adding at the end the following:

22 **“SEC. 30. REPEAL OF REDUCED PRICE LUNCHES.**

23           “Notwithstanding any other provision of law, the re-  
24 duced price lunch program is repealed and the Secretary

1 may not provide reimbursements for reduced price lunches  
2 under this Act.”.

3 (b) CONFORMING AMENDMENTS.—The Richard B.  
4 Russell National School Lunch Act (42 U.S.C. 1751 et  
5 seq.) is amended—

6 (1) by striking “or reduced price” each place it  
7 appears;

8 (2) by striking “or a reduced price” each place  
9 it appears;

10 (3) by striking “or reduced-price” each place it  
11 appears;

12 (4) by striking “and reduced price” each place  
13 it appears; and

14 (5) by striking “a reduced price” each place it  
15 appears.

## 16 **TITLE II—EXPANSION OF FREE** 17 **LUNCH ELIGIBILITY**

### 18 **SEC. 201. POVERTY LEVEL FOR FREE LUNCH.**

19 Section 9(b)(1)(A) of the Richard B. Russell Na-  
20 tional School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is  
21 amended—

22 (1) by striking the third sentence; and

23 (2) by striking “130 percent” and inserting  
24 “200 percent”.

1 **SEC. 202. DIRECT CERTIFICATION FOR CHILDREN RECEIV-**  
2 **ING MEDICAID BENEFITS.**

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

6 (1) in paragraph (5) by amending to read as  
7 follows:

8 “(5) DISCRETIONARY CERTIFICATION.—

9 “(A) FREE LUNCHEES OR BREAKFASTS.—  
10 Subject to paragraph (6), any local educational  
11 agency may certify any child as eligible for free  
12 lunches or breakfasts, without further applica-  
13 tion, by directly communicating with the appro-  
14 priate State or local agency to obtain docu-  
15 mentation of the status of the child as—

16 “(i) a member of a family that is re-  
17 ceiving assistance under the temporary as-  
18 sistance for needy families program funded  
19 under part A of title IV of the Social Secu-  
20 rity Act (42 U.S.C. 601 et seq.);

21 “(ii) a homeless child or youth (de-  
22 fined as 1 of the individuals described in  
23 section 725(2) of the McKinney-Vento  
24 Homeless Assistance Act (42 U.S.C.  
25 11434a(2)));

1           “(iii) served by the runaway and  
2           homeless youth grant program established  
3           under the Runaway and Homeless Youth  
4           Act (42 U.S.C. 5701 et seq.);

5           “(iv) a migratory child (as defined in  
6           section 1309 of the Elementary and Sec-  
7           ondary Education Act of 1965 (20 U.S.C.  
8           6399));

9           “(v) an eligible child (as defined in  
10          paragraph (15)(A)); or

11          “(vi)(I) a foster child whose care and  
12          placement is the responsibility of an agen-  
13          cy that administers a State plan under  
14          part B or E of title IV of the Social Secu-  
15          rity Act (42 U.S.C. 621 et seq.); or

16          “(II) a foster child who a court has  
17          placed with a caretaker household.

18          “(B) AGREEMENTS TO CARRY OUT CER-  
19          TIFICATION.—To certify a child under subpara-  
20          graph (A)(v), a State agency shall enter into an  
21          agreement with 1 or more State agencies con-  
22          ducting eligibility determinations for the Med-  
23          icaid program.

24          “(C) PROCEDURES.—Subject to paragraph  
25          (6), an agreement under subparagraph (B)

1 shall establish procedures under which an eligi-  
2 ble child may be certified for free lunches under  
3 this Act and free breakfasts under section 4 of  
4 the Child Nutrition Act of 1966 (42 U.S.C.  
5 1773), without further application (as defined  
6 in paragraph (4)(G)).”;

7 (2) in paragraph (6)(A), by striking “or (5)”  
8 both places it appears and inserting “(5), or (15)”;  
9 and

10 (3) by amending paragraph (15)(A)(i) to read  
11 as follows:

12 “(i) ELIGIBLE CHILD.—The term ‘eli-  
13 gible child’ means a child—

14 “(I)(aa) who is eligible for and  
15 receiving medical assistance under the  
16 Medicaid program; and

17 “(bb) who is a member of a fam-  
18 ily with an income as measured by the  
19 Medicaid program that does not ex-  
20 ceed 200 percent of the poverty line  
21 (as determined under the poverty  
22 guidelines updated periodically in the  
23 Federal Register by the Department  
24 of Health and Human Services under  
25 the authority of section 673(2) of the

1 Community Services Block Grant Act  
2 (42 U.S.C. 9902(2), including any re-  
3 vision required by such section)) ap-  
4 plicable to a family of the size used  
5 for purposes of determining eligibility  
6 for the Medicaid program;

7 “(II) who is eligible for the Med-  
8 icaid program because such child re-  
9 ceives supplemental security income  
10 benefits under title XVI of the Social  
11 Security Act (42 U.S.C. 1381–1385)  
12 or State supplementary benefits of the  
13 type referred to in section 1616(a) of  
14 such Act (or payments of the type de-  
15 scribed in section 212(a) of Public  
16 Law 93–66);

17 “(III) who is eligible for the  
18 Medicaid program because such child  
19 receives an adoption assistance pay-  
20 ment made under section 473(a) of  
21 the Social Security Act (42 U.S.C.  
22 673(a)) or under a similar State-fund-  
23 ed or State-operated program, as de-  
24 termined by the Secretary;



1 “(IV) who is eligible for the Med-  
2 icaid program because such child re-  
3 ceives a kinship guardianship assist-  
4 ance payment made under section  
5 473(d) of the Social Security Act (42  
6 U.S.C. 673(d)) or under a similar  
7 State-funded or State-operated pro-  
8 gram, as determined by the Secretary,  
9 without regard to whether such child  
10 was previously in foster care; or

11 “(V) who is a member of a  
12 household (as that term is defined in  
13 section 245.2 of title 7, Code of Fed-  
14 eral Regulations (or successor regula-  
15 tions)) with a child described in sub-  
16 clause (I), (II), (III), or (IV).”.

17 (b) **APPLICABILITY.**—The amendments made by this  
18 section shall apply with respect to school years beginning  
19 on or after July 1, 2023.

20 **SEC. 203. RETROACTIVE REIMBURSEMENT.**

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

24 (1) by striking “Except” and inserting the fol-  
25 lowing:

1 “(i) IN GENERAL.—Except”;

2 (2) by redesignating clauses (i) and (ii) as sub-  
3 clauses (I) and (II); and

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

5 “(ii) RETROACTIVITY.—A local edu-  
6 cational agency shall revise a previously  
7 submitted meal claim to reflect the eligi-  
8 bility approval of a child for free meals for  
9 the period that begins on the first day of  
10 the current school year.

11 “(iii) MEAL CLAIM DEFINED.—In this  
12 subsection, the term ‘meal claim’ means  
13 any documentation provided by a school  
14 food authority to a State agency in order  
15 to receive reimbursement for the cost of a  
16 meal served to a child by such school food  
17 authority.”.

18 **SEC. 204. INCREASE OF COMMUNITY ELIGIBILITY PRO-**  
19 **GRAM MULTIPLIER.**

20 Section 11(a)(1)(F) of the Richard B. Russell Na-  
21 tional School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is  
22 amended by striking clause (vii) and inserting the fol-  
23 lowing:

1                   “(vii) MULTIPLIER.—For each school  
2                   year beginning on or after July 1, 2023,  
3                   the multiplier shall be 2.5.”.

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