

117TH CONGRESS
1ST SESSION

S. 2664

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

AUGUST 5, 2021

Mr. CASEY (for himself and Mr. BROWN) 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 Elimini-

5 nation Act of 2021”.

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, 2022, 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 Section 11(a)(1)(F) of the Richard B. Russell Na-
 4 tional School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
 5 amended by striking clause (vii) and inserting the fol-
 6 lowing:

7 “(vii) MULTIPLIER.—For each school
 8 year beginning on or before July 1, 2022,
 9 the multiplier shall be 2.5.”.

10 **SEC. 7. STATEWIDE FREE UNIVERSAL SCHOOL MEALS DEM-**
 11 **ONSTRATION PROJECTS.**

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

15 “(G) STATEWIDE FREE UNIVERSAL
 16 SCHOOL MEALS DEMONSTRATION PROJECTS.—

17 “(i) DEFINITIONS.—In this subpara-
 18 graph:

19 “(I) DEMONSTRATION
 20 PROJECT.—The term ‘demonstration
 21 project’ means a demonstration
 22 project carried out under clause (ii).

23 “(II) ELIGIBLE SCHOOL.—

24 “(aa) IN GENERAL.—The
 25 term ‘eligible school’ means a
 26 school that participates in the

1 school lunch program under this
2 Act and the school breakfast pro-
3 gram under section 4 of the
4 Child Nutrition Act of 1966 (42
5 U.S.C. 1773).

6 “(bb) EXCLUSION.—The
7 term ‘eligible school’ does not in-
8 clude a residential child care in-
9 stitution (as defined in section
10 210.2 of title 7, Code of Federal
11 Regulations (or successor regula-
12 tions)).

13 “(III) IDENTIFIED STUDENT.—
14 The term ‘identified student’ has the
15 meaning given the term in subpara-
16 graph (F)(i).

17 “(IV) SELECTED STATE.—The
18 term ‘selected State’ means a State
19 selected to carry out a demonstration
20 project under clause (iii)(I).

21 “(ii) ESTABLISHMENT.—Not later
22 than July 1, 2023, the Secretary shall
23 carry out demonstration projects in se-
24 lected States under which school meals are

1 provided at no charge to every student at
2 an eligible school in the selected State.

3 “(iii) STATE SELECTION.—

4 “(I) IN GENERAL.—The Sec-
5 retary shall select not more than 5
6 States to each carry out a demonstra-
7 tion project.

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

14 “(III) PRIORITY.—In carrying
15 out subclause (I), the Secretary shall
16 give priority to a State based on—

17 “(aa) the level of childhood
18 poverty in the State;

19 “(bb) the extent to which
20 the State has implemented sub-
21 paragraph (F);

22 “(cc) the extent to which the
23 direct certification rate of the
24 State meets the required percent-

1 age (as defined in section
2 9(b)(4)(F)(i));

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

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

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

18 “(v) SPECIAL ASSISTANCE PAY-
19 MENTS.—

20 “(I) FIRST YEAR.—For each
21 month of the first school year during
22 which a demonstration project is car-
23 ried out, a selected State shall receive
24 special assistance payments at the
25 rate for free meals for a percentage of

1 all reimbursable meals served in eligi-
2 ble schools in the State in an amount
3 equal to the product obtained by mul-
4 tipling—

5 “(aa) 1.9; and

6 “(bb) the percentage of
7 identified students in eligible
8 schools in the State as of the last
9 day of the prior school year, up
10 to a maximum of 100 percent.

11 “(II) SUBSEQUENT YEARS.—For
12 each month of the second school year
13 and each subsequent school year dur-
14 ing which a demonstration project is
15 carried out, a selected State shall re-
16 ceive special assistance payments at
17 the rate for free meals for a percent-
18 age of all reimbursable meals served
19 in eligible schools in the State in an
20 amount equal to the product obtained
21 by multiplying—

22 “(aa) 1.9; and

23 “(bb) the higher of—

24 “(AA) the percentage
25 of identified students in eli-

1 gible schools as of the last
2 day of the prior school year;
3 and

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

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

20 “(IV) PAYMENTS IN LIEU OF.—A
21 special assistance payment made
22 under this clause shall be in lieu of
23 any other special assistance payment
24 made under this paragraph.

25 “(vi) STATE IMPLEMENTATION.—

1 “(I) PRELIMINARY ACTIVITIES.—
2 Each selected State shall, in the
3 school year preceding the first school
4 year during which the demonstration
5 project shall be carried out in the
6 State—

7 “(aa) identify each eligible
8 school in the State;

9 “(bb) in consultation with
10 the Secretary, combine the per-
11 centage of identified students
12 across eligible schools for the
13 purpose of calculating the max-
14 imum reimbursement rate to en-
15 sure that the special assistance
16 payments received under clause
17 (v) are for the maximum amount;

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

21 “(dd) coordinate with local
22 educational agencies to provide
23 information about the demonstra-
24 tion project to parents or guard-

1 ians of students attending eligible
2 schools.

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

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

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

12 “(III) NON-FEDERAL FUND-
13 ING.—

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

17 “(AA) funds from State
18 and local sources that are
19 used for the maintenance of
20 the free lunch program
21 under this Act and the free
22 breakfast program under
23 section 4 of the Child Nutri-
24 tion Act of 1966 (42 U.S.C.
25 1773); and

1 “(BB) State revenues
2 appropriated or used for
3 program purposes under sec-
4 tion 7 of this Act.

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

18 “(cc) CONTINUATION OF
19 FREE RATE.—

20 “(AA) DEFINITION OF
21 COVERED SCHOOL YEAR.—

22 In this item, the term ‘cov-
23 ered school year’ means the
24 school year preceding the
25 first school year during

1 which a demonstration
2 project is carried out.

3 “(BB) FREE RATE.—A
4 selected State that receives
5 special assistance payments
6 at the free reimbursement
7 rate under subparagraph
8 (F) for more than 90 per-
9 cent of the meals served at
10 eligible schools in the cov-
11 ered school year shall con-
12 tinue to receive the free re-
13 imbursement rate for not
14 less than the same percent-
15 age of meals in each school
16 year during which a dem-
17 onstration project is carried
18 out.

19 “(vii) REPORT.—

20 “(I) IN GENERAL.—Not later
21 than September 30, 2027, the Sec-
22 retary, acting through the Adminis-
23 trator of the Food and Nutrition
24 Service, shall submit to the Com-
25 mittee on Agriculture, Nutrition, and

1 Forestry of the Senate and the Com-
2 mittees on Agriculture and Education
3 and Labor of the House of Represent-
4 atives a report that evaluates the im-
5 pact of each demonstration project in
6 a selected State with respect to—

7 “(aa) academic achievement,
8 absenteeism, tardiness, the school
9 environment, child food insecu-
10 rity in the selected State, and
11 other key factors identified in
12 consultation with the Secretary
13 of Education;

14 “(bb) the rate of participa-
15 tion in the free lunch program
16 under this Act and the free
17 breakfast program under section
18 4 of the Child Nutrition Act of
19 1966 (42 U.S.C. 1773) among
20 identified students and other stu-
21 dents;

22 “(cc) school meal services,
23 finances, and operations in the
24 selected State;

1 “(dd) administrative costs to
2 the selected State and the school
3 food authorities participating in
4 the demonstration project; and

5 “(ee) the integrity of the op-
6 eration of the free lunch program
7 under this Act in the selected
8 State.

9 “(II) FUNDING.—

10 “(aa) IN GENERAL.—On Oc-
11 tober 1, 2023, out of any funds
12 in the Treasury not otherwise ap-
13 propriated, the Secretary of the
14 Treasury shall transfer to the
15 Secretary to carry out this clause
16 \$3,000,000, to remain available
17 until September 30, 2027.

18 “(bb) RECEIPT AND AC-
19 CEPTANCE.—The Secretary shall
20 be entitled to receive, shall ac-
21 cept, and shall use to carry out
22 this clause the funds transferred
23 under item (aa), without further
24 appropriation.”.

○