

117TH CONGRESS
1ST SESSION

H. R. 3115

To amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to make breakfasts and lunches free for all children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

Ms. OMAR (for herself, Ms. MOORE of Wisconsin, Mrs. BEATTY, Mr. BOWMAN, Ms. BUSH, Mr. CARSON, Ms. CLARKE of New York, Mr. CORREA, Mr. DANNY K. DAVIS of Illinois, Mr. DESAULNIER, Mr. ESPAILLAT, Mr. GRIJALVA, Mrs. HAYES, Ms. NORTON, Mr. JONES, Mr. KHANNA, Ms. LEE of California, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. CAROLYN B. MALONEY of New York, Mr. MORELLE, Ms. OCASIO-CORTEZ, Ms. PRESSLEY, Mr. RASKIN, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Ms. STRICKLAND, Ms. TLAIB, Mr. TORRES of New York, Mr. VARGAS, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. MENG, Mrs. NAPOLITANO, Mr. BLUMENAUER, Mr. COHEN, Ms. WILSON of Florida, Mr. SUOZZI, and Ms. BARRAGÁN) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Science, Space, and Technology, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to make breakfasts and lunches free for all children, 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) **SHORT TITLE.**—This Act may be cited as the
 5 “Universal School Meals Program Act of 2021”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Effective date.

TITLE I—SCHOOL BREAKFAST PROGRAM

Sec. 101. Free school breakfast program.

TITLE II—SCHOOL LUNCH PROGRAM

Sec. 201. Apportionment to States.

Sec. 202. Nutritional and other program requirements.

Sec. 203. Special assistance program.

Sec. 204. Price for a paid lunch.

Sec. 205. Summer food service program for children.

Sec. 206. Summer Electronic Benefit Transfer for Children Program.

Sec. 207. Child and adult care food program.

Sec. 208. Meals and supplements for children in afterschool care.

Sec. 209. Access to local foods: farm to school program.

Sec. 210. Fresh fruit and vegetable program.

Sec. 211. Training, technical assistance, and Food Service Management Insti-
 tute.

Sec. 212. Reimbursement of school meal delinquent debt program.

Sec. 213. Conforming amendments.

TITLE III—ELEMENTARY AND SECONDARY EDUCATION DATA

Sec. 301. Measure of poverty.

TITLE IV—AMENDMENTS TO OTHER PROGRAMS AND LAWS

Sec. 401. Supplemental nutrition assistance program.

Sec. 402. Higher Education Act of 1965.

Sec. 403. Elementary and Secondary Education Act of 1965.

Sec. 404. America COMPETES Act.

Sec. 405. Workforce Innovation and Opportunity Act.

Sec. 406. National Science Foundation Authorization Act of 2002.

Sec. 407. Child care and development block grant.

Sec. 408. Children’s Health Act of 2000.

Sec. 409. Juvenile justice and delinquency prevention.

1 **SEC. 2. EFFECTIVE DATE.**

2 Unless otherwise provided, this Act, and the amend-
3 ments made by this Act, shall take effect 1 year after the
4 date of enactment of this Act.

5 **TITLE I—SCHOOL BREAKFAST**
6 **PROGRAM**

7 **SEC. 101. FREE SCHOOL BREAKFAST PROGRAM.**

8 (a) IN GENERAL.—Section 4(a) of the Child Nutri-
9 tion Act of 1966 (42 U.S.C. 1773(a)) is amended, in the
10 first sentence—

11 (1) by striking “is hereby” and inserting “are”;
12 and

13 (2) by inserting “to provide free breakfast to all
14 children enrolled at those schools” before “in accord-
15 ance”.

16 (b) APPORTIONMENT TO STATES.—Section 4(b) of
17 the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is
18 amended—

19 (1) in paragraph (1)—

20 (A) in subparagraph (A)(i), by striking
21 subclause (II) and inserting the following:

22 “(II) the national average pay-
23 ment for free breakfasts, as specified
24 in subparagraph (B).”;

25 (B) by striking subparagraph (B) and in-
26 serting the following:

1 “(B) PAYMENT AMOUNTS.—

2 “(i) IN GENERAL.—The national aver-
3 age payment for each free breakfast shall
4 be \$2.72, adjusted annually for inflation in
5 accordance with clause (ii) and rounded in
6 accordance with clause (iii).

7 “(ii) INFLATION ADJUSTMENT.—

8 “(I) IN GENERAL.—The annual
9 inflation adjustment under clause (i)
10 shall reflect changes in the cost of op-
11 erating the free breakfast program
12 under this section, as indicated by the
13 change in the Consumer Price Index
14 for food away from home for all urban
15 consumers.

16 “(II) BASIS.—Each inflation an-
17 nual adjustment under clause (i) shall
18 reflect the changes in the Consumer
19 Price Index for food away from home
20 for the most recent 12-month period
21 for which that data is available.

22 “(iii) ROUNDING.—On July 1, 2021,
23 and annually thereafter, the national aver-
24 age payment rate for free breakfast shall
25 be—

1 “(I) adjusted to the nearest
2 lower-cent increment; and

3 “(II) based on the unrounded
4 amounts for the preceding 12-month
5 period.”;

6 (C) by striking subparagraphs (C) and
7 (E); and

8 (D) by redesignating subparagraph (D) as
9 subparagraph (C);

10 (2) by striking paragraphs (2) and (3);

11 (3) by redesignating paragraphs (4) and (5) as
12 paragraphs (2) and (3), respectively; and

13 (4) in paragraph (3) (as so redesignated), by
14 striking “paragraph (3) or (4)” and inserting “para-
15 graph (2)”.

16 (c) STATE DISBURSEMENT TO SCHOOLS.—Section 4
17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is
18 amended by striking subsection (c) and inserting the fol-
19 lowing:

20 “(c) STATE DISBURSEMENT TO SCHOOLS.—Funds
21 apportioned and paid to any State for the purpose of this
22 section shall be disbursed by the State educational agency
23 to schools selected by the State educational agency to as-
24 sist those schools in operating a breakfast program.”.

25 (d) NO COLLECTION OF DEBT.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of the Child Nutrition Act of 1966 (42
3 U.S.C. 1771 et seq.) or any other provision of law,
4 effective beginning on the date of enactment of this
5 Act, as a condition of participation in the breakfast
6 program under section 4 of that Act (42 U.S.C.
7 1773), a school—

8 (A) shall not collect any debt owed to the
9 school for unpaid meal charges; and

10 (B) shall continue to accrue debt for un-
11 paid meal charges—

12 (i) for the purpose of receiving reim-
13 bursement under section 212; and

14 (ii) until the effective date specified in
15 section 2.

16 (2) CHILD NUTRITION ACT OF 1966.—

17 (A) IN GENERAL.—Section 4 of the Child
18 Nutrition Act of 1966 (42 U.S.C. 1773) is
19 amended by striking subsection (d) and insert-
20 ing the following:

21 “(d) NO COLLECTION OF DEBT.—A school partici-
22 pating in the free breakfast program under this section
23 shall not collect any debt owed to the school for unpaid
24 meal charges.”.

1 (B) CONFORMING AMENDMENT.—Section
2 23(a) of the Child Nutrition Act of 1966 (42
3 U.S.C. 1793(a)) is amended by striking “school
4 in severe need, as described in section 4(d)(1)”
5 and inserting the following: “school—
6 “(1) that has a free breakfast program under
7 section 4 or seeks to initiate a free breakfast pro-
8 gram under that section; and
9 “(2) of which not less than 40 percent of the
10 students are identified students (as defined in para-
11 graph (8) of section 1113(a) of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C.
13 6313(a)))”.

14 (e) NUTRITIONAL AND OTHER PROGRAM REQUIRE-
15 MENTS.—Section 4(e) of the Child Nutrition Act of 1966
16 (42 U.S.C. 1773(e)) is amended—

17 (1) in paragraph (1)(A), in the second sentence,
18 by striking “free or” and all that follows through
19 the period at the end and inserting “free to all chil-
20 dren enrolled at a school participating in the school
21 breakfast program.”; and

22 (2) in paragraph (2), in the second sentence, by
23 striking “the full charge to the student for a break-
24 fast meeting the requirements of this section or”.

1 (f) PROHIBITION ON BREAKFAST SHAMING, MEAL
2 DENIAL.—

3 (1) IN GENERAL.—Effective beginning on the
4 date of enactment of this Act, a school or school
5 food authority—

6 (A) shall not—

7 (i) physically segregate or otherwise
8 discriminate against any child participating
9 in the breakfast program under section 4
10 of the Child Nutrition Act of 1966 (42
11 U.S.C. 1773); or

12 (ii) overtly identify a child described
13 in clause (i) by a special token or ticket,
14 an announced or published list of names,
15 or any other means; and

16 (B) shall provide the program meal to any
17 child eligible under the program.

18 (2) CHILD NUTRITION ACT OF 1966.—Section 4
19 of the Child Nutrition Act of 1966 (42 U.S.C. 1773)
20 is amended by adding at the end the following:

21 “(f) PROHIBITION ON BREAKFAST SHAMING.—A
22 school or school food authority shall not—

23 “(1) physically segregate or otherwise discrimi-
24 nate against any child participating in the free
25 breakfast program under this section; or

1 “(2) overtly identify a child described in para-
2 graph (1) by a special token or ticket, an announced
3 or published list of names, or any other means.”.

4 (g) DEPARTMENT OF DEFENSE OVERSEAS DEPEND-
5 ENTS’ SCHOOLS.—Section 20(b) of the Child Nutrition
6 Act of 1966 (42 U.S.C. 1789(b)) is amended—

7 (1) by striking “and reduced-price”; and

8 (2) by striking “and shall” and all that follows
9 through “section”.

10 (h) CONFORMING AMENDMENTS.—The Child Nutri-
11 tion Act of 1966 (42 U.S.C. 1771 et seq.) is amended—

12 (1) by striking “or reduced price” each place it
13 appears;

14 (2) by striking “and reduced price” each place
15 it appears; and

16 (3) by striking “a reduced price” each place it
17 appears.

18 **TITLE II—SCHOOL LUNCH** 19 **PROGRAM**

20 **SEC. 201. APPORTIONMENT TO STATES.**

21 Section 4(b) of the Richard B. Russell National
22 School Lunch Act (42 U.S.C. 1753(b)) is amended—

23 (1) by striking paragraph (2) and inserting the
24 following:

25 “(2) PAYMENT AMOUNTS.—

1 “(A) IN GENERAL.—The national average
2 payment for each free lunch shall be \$3.81, ad-
3 justed annually for inflation in accordance with
4 subparagraph (C) and rounded in accordance
5 with subparagraph (D).

6 “(B) ADDITIONAL PAYMENT FOR LOCAL
7 FOOD.—

8 “(i) DEFINITION OF LOCALLY-
9 SOURCED FARM PRODUCT.—In this sub-
10 paragraph, the term ‘locally-sourced farm
11 product’ means a farm product that—

12 “(I) is marketed to consumers—

13 “(aa) directly; or

14 “(bb) through intermediated
15 channels (such as food hubs and
16 cooperatives); and

17 “(II) with respect to the school
18 food authority purchasing the farm
19 product, is produced and distrib-
20 uted—

21 “(aa) in the State in which
22 the school food authority is lo-
23 cated; or

1 “(bb) not more than 250
2 miles from the location of the
3 school food authority.

4 “(ii) ADDITIONAL PAYMENT ELIGI-
5 BILITY.—During a school year, a school
6 food authority shall receive an additional
7 payment described in clause (iii) if the
8 State certifies that the school food author-
9 ity served meals (including breakfasts,
10 lunches, suppers, and supplements) during
11 the last school year of which not less than
12 25 percent were made with locally-sourced
13 farm products.

14 “(iii) PAYMENT AMOUNT.—

15 “(I) IN GENERAL.—The addi-
16 tional payment amount under this
17 subparagraph shall be—

18 “(aa) \$0.30 for each free
19 lunch and supper;

20 “(bb) \$0.21 for each free
21 breakfast; and

22 “(cc) \$0.08 for each free
23 supplement.

24 “(II) ADJUSTMENTS.—Each ad-
25 ditional payment amount under sub-

1 clause (I) shall be adjusted annually
2 in accordance with subparagraph (C)
3 and rounded in accordance with sub-
4 paragraph (D).

5 “(iv) DISBURSEMENT.—The State
6 agency shall disburse funds made available
7 under this clause to school food authorities
8 eligible to receive additional reimburse-
9 ment.

10 “(C) INFLATION ADJUSTMENT.—

11 “(i) IN GENERAL.—The annual infla-
12 tion adjustment under subparagraphs (A)
13 and (B)(iii) shall reflect changes in the
14 cost of operating the free lunch program
15 under this Act, as indicated by the change
16 in the Consumer Price Index for food away
17 from home for all urban consumers.

18 “(ii) BASIS.—Each annual inflation
19 adjustment under subparagraphs (A) and
20 (B)(iii) shall reflect the changes in the
21 Consumer Price Index for food away from
22 home for the most recent 12-month period
23 for which that data is available.

24 “(D) ROUNDING.—On July 1, 2021, and
25 annually thereafter, the national average pay-

1 ment rate for free lunch and the additional pay-
 2 ment amount for free breakfast, lunch, supper,
 3 and supplement under subparagraph (B) shall
 4 be—

5 “(i) adjusted to the nearest lower-cent
 6 increment; and

7 “(ii) based on the unrounded amounts
 8 for the preceding 12-month period.”; and

9 (2) by striking paragraph (3).

10 **SEC. 202. NUTRITIONAL AND OTHER PROGRAM REQUIRE-**
 11 **MENTS.**

12 (a) **ELIMINATION OF FREE LUNCH ELIGIBILITY RE-**
 13 **QUIREMENTS.—**

14 (1) **IN GENERAL.—**Section 9 of the Richard B.
 15 Russell National School Lunch Act (42 U.S.C.
 16 1758) is amended by striking subsection (b) and in-
 17 serting the following:

18 “(b) **ELIGIBILITY.—**All children enrolled in a school
 19 that participates in the school lunch program under this
 20 Act shall be eligible to receive free lunch under this Act.”.

21 (2) **CONFORMING AMENDMENTS.—**

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

1 (i) in subsection (e), in the third sen-
2 tence, by striking “or at a reduced cost”;
3 and

4 (ii) in subsection (e), by striking “, re-
5 duced price,”.

6 (B) Section 18 of the Richard B. Russell
7 National School Lunch Act (42 U.S.C. 1769) is
8 amended—

9 (i) by striking subsection (j); and

10 (ii) by redesignating subsection (k) as
11 subsection (j).

12 (C) Section 28(b)(4) of the Richard B.
13 Russell National School Lunch Act (42 U.S.C.
14 1769i(b)(4)) is amended—

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

16 (ii) in subparagraph (A), by striking
17 the subparagraph designation and heading
18 and all that follows through “the Sec-
19 retary” and inserting “The Secretary”.

20 (D) Section 17 of the Child Nutrition Act
21 of 1966 (42 U.S.C. 1786) is amended—

22 (i) in subsection (d)(2)(A)—

23 (I) by striking clause (i); and

1 (II) by redesignating clauses (ii)
2 and (iii) as clauses (i) and (ii), respec-
3 tively; and

4 (ii) in subsection (f)(17), by striking
5 “Notwithstanding subsection (d)(2)(A)(i),
6 not later” and inserting “Not later”.

7 (E) Section 1902(a) of the Social Security
8 Act (42 U.S.C. 1396a(a)) is amended by strik-
9 ing paragraph (7) and inserting the following:

10 “(7) provide safeguards which restrict the use
11 or disclosure of information concerning applicants
12 and recipients to purposes directly connected with
13 the administration of the plan;”.

14 (F) Section 1154(a)(2)(A)(i) of title 10,
15 United States Code, is amended by striking “in
16 accordance with section 9(b)(1) of the Richard
17 B. Russell National School Lunch Act (42
18 U.S.C. 1758(b)(1))”.

19 (G) Section 4301 of the Food, Conserva-
20 tion, and Energy Act of 2008 (42 U.S.C.
21 1758a) is repealed.

22 (b) NO COLLECTION OF DEBT.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of the Richard B. Russell National School
25 Lunch Act (42 U.S.C. 1751 et seq.) or any other

1 provision of law, effective beginning on the date of
2 enactment of this Act, as a condition of participation
3 in the school lunch program under that Act, a
4 school—

5 (A) shall not collect any debt owed to the
6 school for unpaid meal charges; and

7 (B) shall continue to accrue debt for un-
8 paid meal charges—

9 (i) for the purpose of receiving reim-
10 bursement under section 213; and

11 (ii) until the effective date specified in
12 section 2.

13 (2) NATIONAL SCHOOL LUNCH ACT.—

14 (A) IN GENERAL.—Section 9 of the Rich-
15 ard B. Russell National School Lunch Act (42
16 U.S.C. 1758) is amended by striking subsection
17 (d) and inserting the following:

18 “(d) NO COLLECTION OF DEBT.—A school partici-
19 pating in the school lunch program under this Act shall
20 not collect any debt owed to the school for unpaid meal
21 charges.”.

22 (B) CONFORMING AMENDMENTS.—Section
23 9(b)(8)(A) of the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1758(b)(8)(A)) is
25 amended by striking “or subsection (d)”.

1 **SEC. 203. SPECIAL ASSISTANCE PROGRAM.**

2 (a) IN GENERAL.—Section 11 of the Richard B. Rus-
3 sell National School Lunch Act (42 U.S.C. 1759a) is re-
4 pealed.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 6 of the Richard B. Russell Na-
7 tional School Lunch Act (42 U.S.C. 1755) is amend-
8 ed—

9 (A) in subsection (a)(2), by striking “sec-
10 tions 11 and 13” and inserting “section 13”;
11 and

12 (B) in subsection (e)(1), in the matter pre-
13 ceeding subparagraph (A), by striking “section
14 4, this section, and section 11” and inserting
15 “this section and section 4”.

16 (2) Section 7(d) of the Richard B. Russell Na-
17 tional School Lunch Act (42 U.S.C. 1756(d)) is
18 amended by striking “or 11”.

19 (3) Section 8(g) of the Richard B. Russell Na-
20 tional School Lunch Act (42 U.S.C. 1757(g)) is
21 amended by striking “and under section 11 of this
22 Act”.

23 (4) Section 12(f) of the Richard B. Russell Na-
24 tional School Lunch Act (42 U.S.C. 1760(f)) is
25 amended by striking “11,”.

1 (5) Section 7(a) of the Child Nutrition Act of
2 1966 (42 U.S.C. 1766(a)) is amended—

3 (A) in paragraph (1)(A), by striking “4,
4 11, and 17” and inserting “4 and 17”; and

5 (B) in paragraph (2)(A), by striking “sec-
6 tions 4 and 11” and inserting “section 4”.

7 **SEC. 204. PRICE FOR A PAID LUNCH.**

8 Section 12 of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1760) is amended—

10 (1) by striking subsection (p); and

11 (2) by redesignating subsections (q) and (r) as
12 subsections (p) and (q), respectively.

13 **SEC. 205. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**
14 **DREN.**

15 Section 13 of the Richard B. Russell National School
16 Lunch Act (42 U.S.C. 1761) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (2), by adding at the end
19 the following:

20 “(C) WAIVER.—If the Secretary deter-
21 mines that a program requirement under this
22 section limits the access of children to meals
23 served under this section, the Secretary may
24 waive that program requirement.

1 “(D) ELIGIBILITY.—All children shall be
2 eligible to participate in the program under this
3 section.”; and

4 (B) in paragraph (5), by striking “only
5 for” and all that follows through the period at
6 the end and inserting “for meals served to all
7 children.”;

8 (2) in subsection (b)(2), by striking “may only
9 serve” and all that follows through “migrant chil-
10 dren”;

11 (3) by striking subsection (c) and inserting the
12 following:

13 “(c) PAYMENTS.—

14 “(1) IN GENERAL.—Payments shall be made to
15 service institutions for meals served—

16 “(A) during the months of May through
17 September;

18 “(B) during school vacation at any time
19 during an academic school year;

20 “(C) during a teacher in-service day; and

21 “(D) on days that school is closed during
22 the months of October through April due to a
23 natural disaster, building repair, court order, or
24 similar cause, as determined by the Secretary.

1 “(2) LIMITATION ON PAYMENTS.—A service in-
 2 stitution shall receive payments under this section
 3 for not more than 3 meals and 1 supplement per
 4 child per day.”; and

5 (4) in subsection (f)(3), by striking “, except
 6 that” and all that follows through “section”.

7 **SEC. 206. SUMMER ELECTRONIC BENEFIT TRANSFER FOR**
 8 **CHILDREN PROGRAM.**

9 Section 13(a) of the Richard B. Russell National
 10 School Lunch Act (42 U.S.C. 1761(a)) is amended by add-
 11 ing at the end the following:

12 “(13) SUMMER ELECTRONIC BENEFIT TRANS-
 13 FER FOR CHILDREN PROGRAM.—

14 “(A) DEFINITIONS.—In this paragraph:

15 “(i) EBT CARD.—The term ‘EBT
 16 card’ means an electronic benefit transfer
 17 card.

18 “(ii) ELIGIBLE HOUSEHOLD.—The
 19 term ‘eligible household’ means a house-
 20 hold with—

21 “(I) an income that does not ex-
 22 ceed 200 percent of the poverty line
 23 (as defined in section 673 of the Com-
 24 munity Services Block Grant Act (42
 25 U.S.C. 9902)); and

1 “(II) 1 or more children.

2 “(iii) PROGRAM.—The term ‘Program’
3 means the Summer Electronic Benefit
4 Transfer for Children Program established
5 under subparagraph (B).

6 “(B) ESTABLISHMENT.—The Secretary
7 shall establish a national program, to be known
8 as the ‘Summer Electronic Benefit Transfer for
9 Children Program’, under which the Secretary
10 shall issue EBT cards to eligible households to
11 provide food assistance during the summer
12 months.

13 “(C) EBT AMOUNT.—

14 “(i) IN GENERAL.—The value of an
15 EBT card provided under the Program to
16 an eligible household shall be \$60 per
17 month per child (adjusted for inflation).

18 “(ii) ANNUAL LIMITATION.—No eligi-
19 ble household shall receive benefits under
20 the Program for more than 3 months in a
21 calendar year.

22 “(D) ADMINISTRATION.—

23 “(i) IN GENERAL.—Except as pro-
24 vided under this paragraph, the Program
25 shall be based on the summer electronic

1 benefit transfer for children demonstration
2 program carried out pursuant to section
3 749(g) of the Agriculture, Rural Develop-
4 ment, Food and Drug Administration, and
5 Related Agencies Appropriations Act, 2010
6 (Public Law 111–80; 123 Stat. 2132).

7 “(ii) SNAP OR WIC.—

8 “(I) IN GENERAL.—Subject to
9 subclause (II), a State shall admin-
10 ister the Program through the supple-
11 mental nutrition assistance program
12 established under the Food and Nutri-
13 tion Act of 2008 (7 U.S.C. 2011 et
14 seq.).

15 “(II) WIC OPTION.—If a State
16 has participated in the demonstration
17 program described in clause (i) before
18 the effective date specified in section
19 2 of the Universal School Meals Pro-
20 gram Act of 2021, the State may elect
21 to administer the Program through
22 the special supplemental nutrition
23 program for women, infants, and chil-
24 dren established by section 17 of the

1 Child Nutrition Act of 1966 (42
2 U.S.C. 1786).

3 “(E) AUTHORIZATION OF APPROPRIA-
4 TIONS.—There are authorized to be appro-
5 priated to the Secretary to carry out this para-
6 graph such sums as are necessary for fiscal
7 year 2021 and each fiscal year thereafter.”.

8 **SEC. 207. CHILD AND ADULT CARE FOOD PROGRAM.**

9 Section 17 of the Richard B. Russell National School
10 Lunch Act (42 U.S.C. 1766) is amended—

11 (1) in subsection (a)(2), by striking subpara-
12 graph (B) and inserting the following:

13 “(B) any other private organization pro-
14 viding nonresidential child care or day care out-
15 side school hours for school children;”;

16 (2) by striking subsection (c) and inserting the
17 following:

18 “(c) FREE MEALS.—Notwithstanding any other pro-
19 vision of law—

20 “(1) all meals and supplements served under
21 the program authorized under this section shall be
22 provided for free to participants of the program; and

23 “(2) an institution that serves those meals and
24 supplements shall be reimbursed—

1 “(A) in the case of breakfast, at the rate
2 established for free breakfast under section
3 4(b)(1)(B)(i) of the Child Nutrition Act of
4 1966 (42 U.S.C. 1773(b)(1)(B)(i));

5 “(B) in the case of lunch, at the rate es-
6 tablished for free lunch under section
7 4(b)(2)(A); and

8 “(C) in the case of a supplemental meal,
9 \$0.96, adjusted for inflation in accordance with
10 section 4(b)(2)(C).”;

11 (3) in subsection (f)—

12 (A) in paragraph (2), by striking subpara-
13 graph (B) and inserting the following:

14 “(B) LIMITATION TO REIMBURSEMENTS.—
15 An institution may claim reimbursement under
16 this paragraph for not more than 3 meals and
17 1 supplement per day per child.”; and

18 (B) by striking paragraph (3); and

19 (4) in subsection (r)—

20 (A) in the subsection heading, by striking
21 “PROGRAM FOR AT-RISK SCHOOL CHILDREN”
22 and inserting “AFTERSCHOOL MEAL AND
23 SNACK PROGRAM”;

24 (B) by striking “at-risk school” each place
25 it appears and inserting “eligible”;

1 (C) in paragraph (1)—

2 (i) in the paragraph heading, by strik-
3 ing “AT-RISK SCHOOL” and inserting “ELI-
4 GIBLE”; and

5 (ii) in subparagraph (B), by striking
6 “operated” and all that follows through
7 the period at the end and inserting a pe-
8 riod; and

9 (D) in paragraph (4)(A), by striking “only
10 for” and all that follows through the period at
11 the end and inserting the following: “for—

12 “(i) not more than 1 meal and 1 sup-
13 plement per child per day served on a reg-
14 ular school day; and

15 “(ii) not more than 3 meals and 1
16 supplement per child per day served on
17 any day other than a regular school day.”.

18 **SEC. 208. MEALS AND SUPPLEMENTS FOR CHILDREN IN**
19 **AFTERSCHOOL CARE.**

20 Section 17A of the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1766a) is amended—

22 (1) in the section heading, by striking “**MEAL**
23 **SUPPLEMENTS**” and inserting “**MEALS AND SUP-**
24 **PLEMENTS**”;

1 (2) in subsection (a)(1), by striking “meal sup-
2 plements” and inserting “free meals and supple-
3 ments”;

4 (3) in subsection (b), by inserting “meals and”
5 before “supplements”; and

6 (4) by striking subsection (c) and inserting the
7 following:

8 “(c) REIMBURSEMENT.—

9 “(1) IN GENERAL.—

10 “(A) MEALS.—A free meal provided under
11 this section to a child shall be reimbursed at a
12 rate of \$3.81, adjusted annually for inflation in
13 accordance with paragraph (3)(A) and rounded
14 in accordance with paragraph (3)(B).

15 “(B) SUPPLEMENTS.—A free supplement
16 provided under this section to a child shall be
17 reimbursed at the rate at which free supple-
18 ments are reimbursed under section
19 17(c)(2)(C).

20 “(2) LIMITATION TO REIMBURSEMENTS.—An
21 institution may claim reimbursement under this sec-
22 tion for not more than 1 meal and 1 supplement per
23 day per child served on a regular school day.

24 “(3) INFLATION; ROUNDING.—

25 “(A) INFLATION ADJUSTMENT.—

1 “(i) IN GENERAL.—The annual infla-
2 tion adjustment under paragraph (1)(A)
3 shall reflect changes in the cost of oper-
4 ating the program under this section, as
5 indicated by the change in the Consumer
6 Price Index for food away from home for
7 all urban consumers.

8 “(ii) BASIS.—Each inflation annual
9 adjustment under paragraph (1)(A) shall
10 reflect the changes in the Consumer Price
11 Index for food away from home for the
12 most recent 12-month period for which
13 that data is available.

14 “(B) ROUNDING.—On July 1, 2021, and
15 annually thereafter, the reimbursement rate for
16 a free meal under this section shall be—

17 “(i) adjusted to the nearest lower-cent
18 increment; and

19 “(ii) based on the unrounded amounts
20 for the preceding 12-month period.”.

21 **SEC. 209. ACCESS TO LOCAL FOODS: FARM TO SCHOOL**
22 **PROGRAM.**

23 Section 18(g)(5) of the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1769(g)(5)) is amended by
25 striking subparagraph (B) and inserting the following:

1 “(B) serve a high proportion of identified
2 students (as defined in paragraph (8) of section
3 1113(a) of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 6313(a));”.

5 **SEC. 210. FRESH FRUIT AND VEGETABLE PROGRAM.**

6 Section 19(d) of the Richard B. Russell National
7 School Lunch Act (42 U.S.C. 1769a(d)) is amended—

8 (1) in paragraph (1)—

9 (A) in the matter preceding subparagraph
10 (A), by striking “paragraph (2) of this sub-
11 section and”;

12 (B) in subparagraph (A), in the matter
13 preceding clause (i), by striking “school—” and
14 all that follows through “submits” in clause (ii)
15 and inserting “school that submits”;

16 (C) in subparagraph (B), by striking
17 “schools” and all that follows through “Act”
18 and inserting “high-need schools (as defined in
19 section 2211(b) of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C.
21 6631(b)))”; and

22 (D) in subparagraph (D)—

23 (i) by striking clause (i); and

1 (ii) by redesignating clauses (ii)
2 through (iv) as clauses (i) through (iii), re-
3 spectively; and

4 (2) by striking paragraphs (2) and (3) and in-
5 serting the following:

6 “(2) OUTREACH TO HIGH-NEED SCHOOLS.—
7 Prior to making decisions regarding school participa-
8 tion in the program, a State agency shall inform
9 high-need schools (as defined in section 2211(b) of
10 the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 6631(b))), including Tribal schools,
12 of the eligibility of the schools for the program.”

13 **SEC. 211. TRAINING, TECHNICAL ASSISTANCE, AND FOOD**
14 **SERVICE MANAGEMENT INSTITUTE.**

15 Section 21(a)(1)(B) of the Richard B. Russell Na-
16 tional School Lunch Act (42 U.S.C. 1769b–1(a)(1)(B)) is
17 amended in the matter preceding clause (i) by striking
18 “certified to receive free or reduced price meals” and in-
19 serting “who are identified students (as defined in para-
20 graph (8) of section 1113(a) of the Elementary and Sec-
21 ondary Education Act of 1965 (20 U.S.C. 6313(a))”.

22 **SEC. 212. REIMBURSEMENT OF SCHOOL MEAL DELIN-**
23 **QUENT DEBT PROGRAM.**

24 (a) DEFINITIONS.—In this section:

1 (1) DELINQUENT DEBT.—The term “delinquent
2 debt” means the debt owed by a parent or guardian
3 of a child to a school—

4 (A) as of the effective date specified in sec-
5 tion 2; and

6 (B) for meals served by the school under—

7 (i) the school breakfast program
8 under section 4 of the Child Nutrition Act
9 of 1966 (42 U.S.C. 1773);

10 (ii) the school lunch program estab-
11 lished under the Richard B. Russell Na-
12 tional School Lunch Act (42 U.S.C. 1751
13 et seq.); or

14 (iii) both of the programs described in
15 clauses (i) and (ii).

16 (2) PROGRAM.—The term “program” means
17 the program established under subsection (b)(1).

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of Agriculture.

20 (b) REIMBURSEMENT PROGRAM.—

21 (1) ESTABLISHMENT.—Not later than 60 days
22 after the effective date specified in section 2, the
23 Secretary shall establish a program under which the
24 Secretary shall reimburse each school participating

1 in a program described in clause (i) or (ii) of sub-
2 section (a)(1)(B) for all delinquent debt.

3 (2) FORM FOR REIMBURSEMENT.—To carry out
4 the program, the Secretary shall design and dis-
5 tribute a form to State agencies to collect data on
6 all delinquent debt in applicable schools in the State,
7 grouped by school food authority.

8 (3) COMPLETION DATE.—The Secretary shall
9 provide all reimbursements under the program not
10 later than 180 days after the effective date specified
11 in section 2.

12 (c) REPORT.—Not later than 2 years after the effec-
13 tive date specified in section 2, the Comptroller General
14 of the United States shall submit to Congress and make
15 publicly available a report that describes the successes and
16 challenges of the program.

17 **SEC. 213. CONFORMING AMENDMENTS.**

18 The Richard B. Russell National School Lunch Act
19 (42 U.S.C. 1751 et seq.) is amended—

20 (1) by striking “or reduced price” each place it
21 appears;

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

24 (3) by striking “and reduced price” each place
25 it appears; and

1 (4) by striking “a reduced price” each place it
2 appears.

3 **TITLE III—ELEMENTARY AND**
4 **SECONDARY EDUCATION DATA**

5 **SEC. 301. MEASURE OF POVERTY.**

6 Section 1113(a) of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 6313(a)) is amended—

8 (1) in paragraph (5)(A), by striking “the num-
9 ber of children eligible for a free or reduced price
10 lunch under the Richard B. Russell National School
11 Lunch Act (42 U.S.C. 1751 et seq.)” and inserting
12 “the number of identified students”; and

13 (2) by adding at the end the following:

14 “(8) IDENTIFIED STUDENTS DEFINED.—

15 “(A) IN GENERAL.—In this subsection, the
16 term ‘identified students’ means the number of
17 students—

18 “(i) who are—

19 “(I) homeless children and
20 youths, as defined under section
21 725(2) of the McKinney-Vento Home-
22 less Assistance Act (42 U.S.C.
23 11434a(2));

24 “(II) runaway and homeless
25 youth served by programs established

1 under the Runaway and Homeless
2 Youth Act (34 U.S.C. 11201 et seq.);

3 “(III) migratory children, as de-
4 fined under section 1309; or

5 “(IV) foster children;

6 “(ii) who are eligible for and receiving
7 medical assistance under the program of
8 medical assistance established under title
9 XIX of the Social Security Act (42 U.S.C.
10 1396 et seq.); or

11 “(iii) who participate (or who are part
12 of a household that participates) in at least
13 one of the following:

14 “(I) The supplemental nutrition
15 assistance program established under
16 the Food and Nutrition Act of 2008
17 (7 U.S.C. 2011 et seq.).

18 “(II) A State program funded
19 under the program of block grants to
20 States for temporary assistance for
21 needy families established under part
22 A of title IV of the Social Security
23 Act (42 U.S.C. 601 et seq.).

24 “(III) The food distribution pro-
25 gram on Indian reservations estab-

1 lished under section 4(b) of the Food
2 and Nutrition Act of 2008 (7 U.S.C.
3 2013(b)).

4 “(IV) A Head Start program au-
5 thorized under the Head Start Act
6 (42 U.S.C. 9831 et seq.) or a com-
7 parable State-funded Head Start or
8 pre-kindergarten program.

9 “(B) MULTIPLIER.—In determining the
10 number of identified students under subpara-
11 graph (A), the local educational agency shall
12 multiply the number determined under such
13 subparagraph by 1.6.”.

14 **TITLE IV—AMENDMENTS TO**
15 **OTHER PROGRAMS AND LAWS**

16 **SEC. 401. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**
17 **GRAM.**

18 (a) AGREEMENT FOR DIRECT CERTIFICATION.—

19 (1) IN GENERAL.—Section 11 of the Food and
20 Nutrition Act of 2008 (7 U.S.C. 2020) is amend-
21 ed—

22 (A) by striking subsection (u); and

23 (B) by redesignating subsections (v)
24 through (x) as subsections (u) through (w), re-
25 spectively.

1 (2) CONFORMING AMENDMENTS.—Section 11(e)
2 of the Food and Nutrition Act of 2008 (7 U.S.C.
3 2020(e)) is amended—

4 (A) in paragraph (8)(F), by striking “or
5 subsection (u)”;

6 (B) in paragraph (26)(B), by striking
7 “(x)” and inserting “(w)”.

8 (b) NUTRITION EDUCATION AND OBESITY PREVEN-
9 TION GRANT PROGRAM.—Section 28(a) of the Food and
10 Nutrition Act of 2008 (7 U.S.C. 2036a(a)) is amended
11 by striking paragraph (1) and inserting the following:

12 “(1) an individual eligible for benefits under
13 this Act;”.

14 **SEC. 402. HIGHER EDUCATION ACT OF 1965.**

15 (a) TEACHER QUALITY ENHANCEMENT.—Subpara-
16 graph (A) of section 200(11) of the Higher Education Act
17 of 1965 (20 U.S.C. 1021(11)) is amended to read as fol-
18 lows:

19 “(A) IN GENERAL.—The term ‘high-need
20 school’ means a school that is in the highest
21 quartile of schools in a ranking of all schools
22 served by a local educational agency, ranked in
23 descending order by percentage of students
24 from low-income families enrolled in such
25 schools, as determined by the local educational

1 agency based on one of the following measures
2 of poverty:

3 “(i) The percentage of students aged
4 5 through 17 in poverty counted in the
5 most recent census data approved by the
6 Secretary.

7 “(ii) The percentage of students in
8 families receiving assistance under the
9 State program funded under the program
10 of block grants to States for temporary as-
11 sistance for needy families established
12 under part A of title IV of the Social Secu-
13 rity Act (42 U.S.C. 601 et seq.).

14 “(iii) The percentage of students eligi-
15 ble to receive medical assistance under the
16 program of medical assistance established
17 under title XIX of the Social Security Act
18 (42 U.S.C. 1396 et seq.).

19 “(iv) A composite of two or more of
20 the measures described in clauses (i)
21 through (iii).”.

22 (b) GEAR UP.—Subparagraph (A) of section
23 404B(d)(1) of the Higher Education Act of 1965 (20
24 U.S.C. 1070a–22(d)(1)) is amended to read as follows:

1 “(A) provide services under this chapter to
2 at least one grade level of students, beginning
3 not later than 7th grade, in a participating
4 school—

5 “(i) that has a 7th grade; and

6 “(ii) in which—

7 “(I) at least 50 percent of the
8 students enrolled are identified stu-
9 dents (as defined in section
10 1113(a)(8) of the Elementary and
11 Secondary Education Act of 1965); or

12 “(II) if an eligible entity deter-
13 mines that it would promote the effec-
14 tiveness of a program, an entire grade
15 level of students, beginning not later
16 than the 7th grade, reside in public
17 housing, as defined in section 3(b)(1)
18 of the United States Housing Act of
19 1937 (42 U.S.C. 1437a(b)(1)).”.

20 (c) SIMPLIFIED NEEDS TEST.—Section 479(d)(2) of
21 the Higher Education Act of 1965 (20 U.S.C.
22 1087ss(d)(2)) is amended—

23 (1) by striking subparagraph (C); and

1 (2) by redesignating subparagraphs (D)
2 through (F) as subparagraphs (C) through (E), re-
3 spectively.

4 (d) EARLY FEDERAL PELL GRANT COMMITMENT
5 DEMONSTRATION PROGRAM.—Section 894(b) of the
6 Higher Education Act of 1965 (20 U.S.C. 1161y(b)) is
7 amended—

8 (1) in paragraph (1)(B), by striking “qualify
9 for a free or reduced price school lunch under the
10 Richard B. Russell National School Lunch Act (42
11 U.S.C. 1751 et seq.) or the Child Nutrition Act of
12 1966 (42 U.S.C. 1771 et seq.)” and inserting “are
13 identified students (as defined in section 1113(a)(8)
14 of the Elementary and Secondary Education Act of
15 1965)”; and

16 (2) in paragraph (5), by striking “eligible for a
17 free or reduced price school lunch under the Richard
18 B. Russell National School Lunch Act (42 U.S.C.
19 1751 et seq.) or the Child Nutrition Act of 1966 (42
20 U.S.C. 1771 et seq.)” and inserting “identified stu-
21 dents (as defined in section 1113(a)(8) of the Ele-
22 mentary and Secondary Education Act of 1965)”.

1 **SEC. 403. ELEMENTARY AND SECONDARY EDUCATION ACT**
2 **OF 1965.**

3 (a) LITERACY EDUCATION FOR ALL.—Section
4 2221(b)(3)(B) of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 6641(b)(3)(B)) is amend-
6 ed—

7 (1) by striking clause (i); and

8 (2) by redesignating clauses (ii) and (iii) as
9 clauses (i) and (ii), respectively.

10 (b) GRANTS FOR EDUCATION INNOVATION AND RE-
11 SEARCH.—Section 4611(d)(2) of the Elementary and Sec-
12 ondary Education Act of 1965 (20 U.S.C. 7261(d)(2)) is
13 amended—

14 (1) by striking subparagraph (B); and

15 (2) by redesignating subparagraphs (C) and
16 (D) as subparagraphs (B) and (C), respectively.

17 (c) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL
18 EDUCATIONAL AGENCIES.—Item (bb) of section
19 7003(b)(2)(B)(i)(III) of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)(i)(III))
21 is amended to read as follows:

22 “(bb) has an enrollment of
23 children described in subsection
24 (a)(1) that constitutes a percent-
25 age of the total student enroll-

1 **SEC. 407. CHILD CARE AND DEVELOPMENT BLOCK GRANT.**

2 Section 6580(b) of the Child Care and Development
3 Block Grant Act of 1990 (42 U.S.C. 9858m(b)) is amend-
4 ed—

5 (1) in paragraph (1)(B), by striking “school
6 lunch factor” and inserting “identified students fac-
7 tor”; and

8 (2) by striking paragraph (3) and inserting the
9 following:

10 “(3) IDENTIFIED STUDENTS FACTOR.—The
11 term ‘identified students factor’ means the ratio of
12 the number of children in the State who are identi-
13 fied students (as defined in paragraph (8) of section
14 1113(a) of the Elementary and Secondary Edu-
15 cation Act of 1965 (20 U.S.C. 6313(a))) to the
16 number of such children in all the States as deter-
17 mined annually by the Secretary of Education.”.

18 **SEC. 408. CHILDREN’S HEALTH ACT OF 2000.**

19 Section 1404(b) of the Children’s Health Act of 2000
20 (42 U.S.C. 9859c(b)) is amended—

21 (1) in paragraph (1)(B), by striking “school
22 lunch factor” and inserting “identified students fac-
23 tor”; and

24 (2) by amending paragraph (3) to read as fol-
25 lows:

1 “(3) IDENTIFIED STUDENTS FACTOR.—In this
2 subsection, the term ‘identified students factor’
3 means the ratio of the number of children in the
4 State who are identified students (as defined in
5 paragraph (8) of section 1113(a) of the Elementary
6 and Secondary Education Act of 1965 (20 U.S.C.
7 6313(a))) to the number of such children in all the
8 States as determined annually by the Secretary of
9 Education.”.

10 **SEC. 409. JUVENILE JUSTICE AND DELINQUENCY PREVEN-**
11 **TION.**

12 Section 252(i) of the Juvenile Justice and Delin-
13 quency Prevention Act of 1974 (34 U.S.C. 11162(i)) is
14 amended to read as follows:

15 “(i) FREE SCHOOL LUNCHES FOR INCARCERATED
16 JUVENILES.—

17 “(1) IN GENERAL.—A juvenile who is incarcer-
18 ated in an eligible juvenile detention center is eligible
19 to receive free lunch under the Richard B. Russell
20 National School Lunch Act (42 U.S.C. 1751 et
21 seq.).

22 “(2) GUIDANCE.—Not later than 1 year after
23 the date of the enactment of the Universal School
24 Meals Program Act of 2021, the Attorney General,
25 in consultation with the Secretary of Agriculture,

1 shall provide guidance to States relating to the op-
2 tions for school food authorities in the States to
3 apply for reimbursement for free lunches under the
4 Richard B. Russell National School Lunch Act (42
5 U.S.C. 1751 et seq.) for juveniles who are incarcer-
6 ated.

7 “(3) ELIGIBLE JUVENILE DETENTION CENTER
8 DEFINED.—In this subsection, the term ‘eligible ju-
9 venile detention center’ does not include any private,
10 for-profit detention center.”

○