

116TH CONGRESS  
2D SESSION

# H. R. 8534

To amend the Richard B. Russell National School Lunch Act to allow direct certification of children in households of active duty members of the Armed Forces for certain Federal school meal programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2020

Mrs. DAVIS of California (for herself and Mr. LEVIN of California) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Armed Services, 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

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## A BILL

To amend the Richard B. Russell National School Lunch Act to allow direct certification of children in households of active duty members of the Armed Forces for certain Federal school meal programs, 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 “Military Dependents  
5 School Meal Eligibility Act of 2020”.

1 **SEC. 2. DIRECT CERTIFICATION FOR DEPENDENT CHIL-**  
2 **DREN OF ACTIVE DUTY MEMBERS OF THE**  
3 **ARMED FORCES.**

4 (a) IN GENERAL.—Section 9 of the Richard B. Rus-  
5 sell National School Lunch Act (42 U.S.C. 1758) is  
6 amended—

7 (1) in subsection (b)—

8 (A) in paragraph (5)—

9 (i) by striking “CERTIFICATION.—  
10 Subject” and inserting the following: “CER-  
11 TIFICATION.—

12 “(A) FREE LUNCHES OR BREAKFASTS.—  
13 Subject”;

14 (ii) by redesignating subparagraphs  
15 (A) through (D) as clauses (i) through (iv)  
16 and adjusting the margins accordingly;

17 (iii) in clause (iv), as so redesignated,  
18 by striking “or” at the end;

19 (iv) by inserting after clause (iv), as  
20 so redesignated, the following:

21 “(v) a member of a household in  
22 which a child is a dependent of an active  
23 duty member of the Armed Forces and  
24 such active duty member has a military in-  
25 come (as defined in paragraph (16)(C))  
26 that does not exceed 130 percent of the

1 poverty line (as defined by the Office of  
2 Management and Budget).”;

3 (v) in subparagraph (E)—

4 (I) by redesignating such sub-  
5 paragraph as clause (vi) and adjusting  
6 the margins accordingly; and

7 (II) by redesignating clauses (i)  
8 and (ii) of such subparagraph as sub-  
9 clauses (I) and (II) and adjusting the  
10 margins accordingly; and

11 (vi) by adding at the end the fol-  
12 lowing:

13 “(B) REDUCED PRICE LUNCHESES OR  
14 BREAKFASTS.—Subject to paragraph (6), any  
15 local educational agency may certify any child  
16 who is not eligible for free school lunch or  
17 breakfast as eligible for reduced price lunches  
18 or breakfasts, without further application, by  
19 directly communicating with the appropriate  
20 State or local agency to obtain documentation  
21 of the status of the child as a member of a  
22 household in which a child is a dependent of an  
23 active duty member of the Armed Forces and  
24 such active duty member has a military income  
25 (as defined in paragraph (16)(C)) that does not

1 exceed 185 percent of the poverty line (as de-  
2 fined by the Office of Management and Budg-  
3 et).”;

4 (B) in paragraph (6)(A)—

5 (i) in clause (iv)(II), by striking  
6 “and” at the end;

7 (ii) in clause (v), by striking the pe-  
8 riod at the end and inserting “; and”; and

9 (iii) by adding at the end the fol-  
10 lowing:

11 “(vi) a person directly connected with  
12 the administration or enforcement of the  
13 Department of Defense Integrated Per-  
14 sonnel and Pay System.”; and

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

16 “(16) DIRECT CERTIFICATION FOR DEPENDENT  
17 CHILDREN OF ACTIVE DUTY MEMBERS OF THE  
18 ARMED FORCES.—

19 “(A) AGREEMENT.—

20 “(i) IN GENERAL.—For purposes of  
21 making eligibility determinations with re-  
22 spect to certifying children under subpara-  
23 graph (A)(v) or (B) of paragraph (5), a  
24 State agency shall enter into an agreement  
25 with the Secretary of Defense.

1           “(ii) WITHOUT FURTHER APPLICA-  
2           TION.—Subject to paragraph (6), the  
3           agreement described in clause (i) shall es-  
4           tablish procedures for certifying children  
5           under subparagraph (A)(v) or (B) of para-  
6           graph (5), without further application (as  
7           defined in paragraph (4)(G)).

8           “(B) ACCESS TO DATA.—For purposes of  
9           carrying out this paragraph and subparagraph  
10          (A)(v) or (B) of paragraph (5), the Secretary of  
11          Defense shall provide the Secretary with access  
12          to non-classified income information as may be  
13          necessary to determine the military income of  
14          an active duty member of the Armed Forces.

15          “(C) MILITARY INCOME.—

16                 “(i) MILITARY INCOME DEFINED.—  
17                 For purposes of this subsection, the term  
18                 ‘military income’ means, with respect to an  
19                 active duty member of the Armed Forces,  
20                 the basic pay, basic allowance for subsist-  
21                 ence, basic allowance for housing (or appli-  
22                 cable cash equivalent), overseas housing al-  
23                 lowance, bonuses, and special and incentive  
24                 payments of such member, as reported by

1 the Department of Defense Integrated Per-  
2 sonnel and Pay System.

3 “(ii) SPECIAL RULE.—In the case of a  
4 child who is the dependent of one or more  
5 active duty members of the Armed Forces,  
6 the Secretary, in determining eligibility  
7 under subparagraph (A)(v) or (B) of para-  
8 graph (5), shall use the lesser of the mili-  
9 tary incomes of such members.”; and

10 (2) in subsection (d)(2)—

11 (A) in subparagraph (F)(ii), by striking  
12 the “or” at the end;

13 (B) in subparagraph (G), by striking the  
14 period at the end and inserting “; or”; and

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

16 “(H) documentation has been provided to  
17 the appropriate local educational agency show-  
18 ing the status of the child as a member of a  
19 household described in subparagraph (A)(v) or  
20 (B) of subsection (b)(5).”.

21 (b) CLARIFICATION.—Not later than 180 days after  
22 the date of the enactment of this Act, the Secretary shall  
23 provide a process for a parent or guardian whose child  
24 is directly certified under subparagraph (A)(v) or (B) of  
25 section 9(b) of the Richard B. Russell National School

- 1 Lunch Act (42 U.S.C. 1758(b)), as added by this section,
- 2 to remove such certification.

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