

116TH CONGRESS  
1ST SESSION

# S. 2752

To amend the Richard B. Russell National School Lunch Act to improve program requirements, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2019

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## 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 2019”.

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—

9 (1) in the paragraph heading, by striking “DIS-

10 CRETIONARY CERTIFICATION” and inserting “DI-

1       RECT CERTIFICATION OF ADDITIONAL LOW-INCOME  
2       CHILDREN”; and

3               (2) in the matter preceding subparagraph (A),  
4       by striking “may” and inserting “shall”.

5       **SEC. 3. RETROACTIVE REIMBURSEMENT.**

6       Section 9(b)(9) of the Richard B. Russell National  
7       School Lunch Act (42 U.S.C. 1758(b)(9)) is amended by  
8       adding at the end the following:

9               “(D) RETROACTIVE REIMBURSEMENT.—

10               “(i) DEFINITIONS.—In this subpara-  
11       graph:

12               “(I) CHANGE IN ELIGIBILITY.—

13               The term ‘change in eligibility’ means,  
14               with respect to eligibility for the  
15               school lunch program under this  
16               Act—

17               “(aa) a change from eligi-  
18               bility for reduced price meals to  
19               eligibility for free meals; and

20               “(bb) a change from non-  
21               eligibility to eligibility for free or  
22               reduced price meals.

23               “(II) MEAL CLAIM.—The term  
24               ‘meal claim’ means any documenta-  
25               tion provided by a school food author-

1           ity to a State agency in order to re-  
 2           ceive reimbursement under this Act  
 3           for the cost of a meal served to a  
 4           child by the school food authority.

5                   “(III)       PREVIOUSLY       SUB-  
 6           MITTED.—The term ‘previously sub-  
 7           mitted’, with respect to a meal claim,  
 8           means a meal claim submitted on or  
 9           after the retroactive date.

10                   “(IV) RETROACTIVE DATE.—The  
 11           term ‘retroactive date’ means the first  
 12           day of the current school year.

13                   “(ii) RETROACTIVITY.—

14                           “(I)       SUBMISSION       OF       MEAL  
 15           CLAIMS.—A local educational agency  
 16           shall—

17                                   “(aa) revise and resubmit a  
 18                                   previously submitted meal claim  
 19                                   to reflect a change in eligibility  
 20                                   described in subclause (i)(I)(aa)  
 21                                   of a child; and

22                                   “(bb) submit a meal claim  
 23                                   for any meal provided on or after  
 24                                   the retroactive date for a child

1 that has a change of eligibility  
2 described in subclause (i)(I)(bb).

3 “(II) REIMBURSEMENT BY SEC-  
4 RETARY.—The Secretary shall reim-  
5 burse each meal claim submitted by a  
6 local educational agency under sub-  
7 clause (I).

8 “(iii) REIMBURSEMENT TO FAMI-  
9 LIES.—A local educational agency that re-  
10 ceives a reimbursement under clause  
11 (ii)(II) shall reimburse the household of a  
12 child for any fees paid by the household on  
13 or after the retroactive date and prior to  
14 the change in eligibility of the child.”.

15 **SEC. 4. UNIVERSAL MEDICAID DIRECT CERTIFICATION.**

16 Section 9(b)(15) of the Richard B. Russell National  
17 School Lunch Act (42 U.S.C. 1758(b)(15)) is amended—

18 (1) in subparagraph (A)—

19 (A) by striking clause (i) and inserting the  
20 following:

21 “(i) ELIGIBLE CHILD.—

22 “(I) IN GENERAL.—The term ‘el-  
23 igible child’ means a child—

1           “(aa)(AA) who is eligible for  
2           and receiving medical assistance  
3           under the Medicaid program; and

4           “(BB) who is a member of a  
5           family with an income as meas-  
6           ured by the Medicaid program  
7           that does not exceed, in the case  
8           of eligibility for free meals, 133  
9           percent of the poverty line (as  
10          defined in section 673(2) of the  
11          Community Services Block Grant  
12          Act (42 U.S.C. 9902(2)), includ-  
13          ing any revision required by such  
14          section) applicable to a family of  
15          the size used for purposes of de-  
16          termining eligibility for the Med-  
17          icaid program, or, in the case of  
18          eligibility for reduced price meals,  
19          the applicable family size income  
20          level under the income eligibility  
21          guidelines for reduced price  
22          meals; and

23          “(bb) who is a member of a  
24          household (as that term is de-  
25          fined in section 245.2 of title 7,

1 Code of Federal Regulations (or  
2 successor regulations)) with a  
3 child described in item (aa).

4 “(II) OTHER CHILDREN.—The  
5 term ‘eligible child’ includes a child  
6 who is eligible for and receiving med-  
7 ical assistance under the Medicaid  
8 program under subclause (I) of sec-  
9 tion 1902(a)(10)(A)(i) of the Social  
10 Security Act (42 U.S.C.  
11 1396a(a)(10)(A)(i))—

12 “(aa) on the basis of receiv-  
13 ing aid or assistance under the  
14 State plan approved under part  
15 E of title IV of that Act (42  
16 U.S.C. 670 et seq.);

17 “(bb) by reason of section  
18 473(b) of that Act (42 U.S.C.  
19 673(b)); or

20 “(cc) under subclause (II) of  
21 section 1902(a)(10)(A)(i) of that  
22 Act (42 U.S.C.  
23 1396a(a)(10)(A)(i)).”; and

24 (B) by adding at the end the following:

1                   “(iii) WITHOUT FURTHER APPLICA-  
2                   TION.—The term ‘without further applica-  
3                   tion’ has the meaning given the term in  
4                   paragraph (4)(G).”; and

5                   (2) by striking subparagraphs (B) through (H)  
6                   and inserting the following:

7                   “(B) AGREEMENT.—For the school year  
8                   beginning on July 1, 2020, and each school  
9                   year thereafter, each State shall enter into an  
10                  agreement described in subparagraph (C) with  
11                  the 1 or more State agencies conducting eligi-  
12                  bility determinations for the Medicaid program.

13                  “(C) PROCEDURES.—

14                  “(i) IN GENERAL.—Subject to sub-  
15                  paragraph (D) and paragraph (6), an  
16                  agreement entered into under subpara-  
17                  graph (B) shall establish procedures under  
18                  which an eligible child shall be certified as  
19                  eligible, without further application, for—

20                         “(I) free or reduced price lunch  
21                         under this Act; and

22                         “(II) free or reduced price break-  
23                         fast under section 4 of the Child Nu-  
24                         trition Act of 1966 (42 U.S.C. 1773).

1                   “(ii) FREE MEALS.—Each agreement  
 2                   entered into under subparagraph (B) shall  
 3                   ensure that a child that is simultaneously  
 4                   eligible for reduced price meals under this  
 5                   paragraph or based on an income eligibility  
 6                   determination, and for free meals based on  
 7                   documentation provided under subsection  
 8                   (d)(2), shall be certified for free meals.

9                   “(D) CERTIFICATION.—Subject to para-  
 10                  graph (6), and according to an agreement en-  
 11                  tered into under subparagraph (B), the local  
 12                  educational agency conducting eligibility deter-  
 13                  minations under that agreement shall certify an  
 14                  eligible child as eligible, without further applica-  
 15                  tion, for—

16                         “(i) free or reduced price lunch under  
 17                         this Act; and

18                         “(ii) free or reduced price breakfast  
 19                         under section 4 of the Child Nutrition Act  
 20                         of 1966 (42 U.S.C. 1773).”.

21 **SEC. 5. UNIVERSAL MEAL SERVICE IN HIGH POVERTY**  
 22 **AREAS.**

23                   Section 11(a)(1)(F) of the Richard B. Russell Na-  
 24                   tional School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is



1 amended by striking clause (vii) and inserting the fol-  
 2 lowing:

3                   “(vii) MULTIPLIER.—For each school  
 4                   year beginning on or before July 1, 2020,  
 5                   the multiplier shall be 1.8.”.

6 **SEC. 6. STATEWIDE FREE UNIVERSAL SCHOOL MEALS DEM-**  
 7 **ONSTRATION PROJECTS.**

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

11                   “(G) STATEWIDE FREE UNIVERSAL  
 12                   SCHOOL MEALS DEMONSTRATION PROJECTS.—

13                   “(i) DEFINITIONS.—In this subpara-  
 14                   graph:

15                   “(I) DEMONSTRATION  
 16                   PROJECT.—The term ‘demonstration  
 17                   project’ means a demonstration  
 18                   project carried out under clause (ii).

19                   “(II) ELIGIBLE SCHOOL.—

20                   “(aa) IN GENERAL.—The  
 21                   term ‘eligible school’ means a  
 22                   school that participates in the  
 23                   school lunch program under this  
 24                   Act and the school breakfast pro-  
 25                   gram under section 4 of the

1 Child Nutrition Act of 1966 (42  
2 U.S.C. 1773).

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

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

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

18 “(ii) ESTABLISHMENT.—Not later  
19 than July 1, 2021, the Secretary shall  
20 carry out demonstration projects in se-  
21 lected States under which school meals are  
22 provided at no charge to every student at  
23 an eligible school in the selected State.

24 “(iii) STATE SELECTION.—

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

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

11          “(III) PRIORITY.—In carrying  
12          out subclause (I), the Secretary shall  
13          give priority to a State based on—

14               “(aa) the level of childhood  
15               poverty in the State;

16               “(bb) the extent to which  
17               the State has implemented sub-  
18               paragraph (F);

19               “(cc) the extent to which the  
20               direct certification rate of the  
21               State meets the required percent-  
22               age (as defined in section  
23               9(b)(4)(F)(i));

24               “(dd) the extent to which  
25               the State demonstrates a com-

1                   mitment to providing technical  
2                   assistance to local educational  
3                   agencies that will implement the  
4                   demonstration project in the  
5                   State; and

6                   “(ee) the extent to which the  
7                   State demonstrates a commit-  
8                   ment to providing non-Federal  
9                   funding under clause (vi)(III).

10                  “(iv) START DATE.—A demonstration  
11                  project shall begin in a selected State on  
12                  the first day of the school year in that  
13                  State.

14                  “(v) SPECIAL ASSISTANCE PAY-  
15                  MENTS.—

16                  “(I) FIRST YEAR.—For each  
17                  month of the first school year during  
18                  which a demonstration project is car-  
19                  ried out, a selected State shall receive  
20                  special assistance payments at the  
21                  rate for free meals for a percentage of  
22                  all reimbursable meals served in eligi-  
23                  ble schools in the State in an amount  
24                  equal to the product obtained by mul-  
25                  tiplying—

1                   “(aa) 1.8; and

2                   “(bb) the percentage of  
3 identified students in eligible  
4 schools in the State as of the last  
5 day of the prior school year, up  
6 to a maximum of 100 percent.

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

18                   “(aa) 1.8; and

19                   “(bb) the higher of—

20                   “(AA) the percentage  
21 of identified students in eli-  
22 gible schools as of the last  
23 day of the prior school year;  
24 and

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

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

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

22                  “(vi) STATE IMPLEMENTATION.—

23                  “(I) PRELIMINARY ACTIVITIES.—  
24                  Each selected State shall, in the  
25                  school year preceding the first school

1 year during which the demonstration  
2 project shall be carried out in the  
3 State—

4 “(aa) identify each eligible  
5 school in the State;

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

15 “(cc) inform local edu-  
16 cational agencies of the dem-  
17 onstration project; and

18 “(dd) coordinate with local  
19 educational agencies to provide  
20 information about the demonstra-  
21 tion project to parents or guard-  
22 ians of students attending eligible  
23 schools.

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

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

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

10          “(III) NON-FEDERAL FUND-  
11 ING.—

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

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

24           “(BB) State revenues  
25 appropriated or used for



1 program purposes under sec-  
2 tion 7 of this Act.

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

16 “(cc) CONTINUATION OF  
17 FREE RATE.—

18 “(AA) DEFINITION OF  
19 COVERED SCHOOL YEAR.—  
20 In this item, the term ‘cov-  
21 ered school year’ means the  
22 school year preceding the  
23 first school year during  
24 which a demonstration  
25 project is carried out.

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

17                  “(vii) REPORT.—

18                  “(I) IN GENERAL.—Not later  
19                  than September 30, 2025, the Sec-  
20                  retary, acting through the Adminis-  
21                  trator of the Food and Nutrition  
22                  Service, shall submit to the Com-  
23                  mittee on Agriculture, Nutrition, and  
24                  Forestry of the Senate and the Com-  
25                  mittees on Agriculture and Education

1 and Labor of the House of Represent-  
2 atives a report that evaluates the im-  
3 pact of each demonstration project in  
4 a selected State on—

5 “(aa) academic achievement,  
6 absenteeism, tardiness, the school  
7 environment, and child food inse-  
8 curity in the State, and on other  
9 key factors, identified in con-  
10 sultation with the Secretary of  
11 Education;

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

20 “(cc) school meal services,  
21 finances, and operations in the  
22 State;

23 “(dd) administrative costs to  
24 the State and the school food au-

1           thorities participating in the  
2           demonstration project; and

3                   “(ee) the integrity of the op-  
4           eration of the free lunch program  
5           under this Act in the State.

6           “(II) FUNDING.—

7                   “(aa) IN GENERAL.—On Oc-  
8           tober 1, 2021, out of any funds  
9           in the Treasury not otherwise ap-  
10          propriated, the Secretary of the  
11          Treasury shall transfer to the  
12          Secretary to carry out this clause  
13          \$3,000,000, to remain available  
14          until September 30, 2025.

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

○