

117TH CONGRESS
1ST SESSION

S. 1590

To amend the Richard B. Russell National School Lunch Act to enhance direct certification under the school lunch program.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2021

Mr. CASEY (for himself, Ms. SMITH, Mrs. GILLIBRAND, Mr. KING, Mr. VAN HOLLEN, Ms. BALDWIN, and Mr. LUJÁN) 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 enhance direct certification under the school lunch program.

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 “Caregivers, Access, and
5 Responsible Expansion for Kids Act of 2021” or the
6 “CARE for Kids Act of 2021”.

7 **SEC. 2. ENHANCING DIRECT CERTIFICATION.**

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

1 (1) in the matter preceding subparagraph (A),
2 by inserting “(including any school operated by the
3 Bureau of Indian Education)” before “may certify”;
4 and

5 (2) in subparagraph (E)—

6 (A) in clause (i), by striking “or” at the
7 end;

8 (B) in clause (ii)—

9 (i) by striking “who” and inserting
10 “whom”; and

11 (ii) by striking the period at the end
12 and inserting a semicolon; and

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

14 “(iii) a child whose placement with a
15 caregiver was carried out with the involve-
16 ment of an agency that administers a
17 State plan under part B or E of title IV
18 of the Social Security Act (42 U.S.C. 601
19 et seq.) or a tribal child welfare agency,
20 without regard to whether the agency is re-
21 sponsible for the care and placement of the
22 child;

23 “(iv) a child for whom an adoption as-
24 sistance payment is made under section
25 473(a) of the Social Security Act (42

U.S.C. 673(a)) or under a similar State-funded or State-operated program, as determined by the Secretary;

“(v) a child for whom a kinship guardianship assistance payment is made under section 473(d) of the Social Security Act (42 U.S.C. 673(d)) or under a similar State-funded or State-operated program, as determined by the Secretary, without regard to whether the child was previously in foster care; or

“(vi) a child of a family that—

“(I) lives in housing dedicated to low-income families with a caregiver who is a grandparent or another older person that cares for the child full-time; or

“(II) receives housing or housing assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).”.

SEC. 3. EXTENDED ELIGIBILITY.

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

1 (1) by redesignating subparagraph (C) as sub-
 2 paragraph (D);

3 (2) by inserting after subparagraph (B) the fol-
 4 lowing:

5 “(C) ELIGIBILITY OF TRANSFERRED CHIL-
 6 DREN.—

7 “(i) DEFINITION OF COVERED
 8 CHILD.—In this subparagraph, the term
 9 ‘covered child’ means a child that—

10 “(I) has been determined eligible
 11 for free or reduced price meals under
 12 this Act by a local educational agency
 13 (referred to in this subparagraph as
 14 the ‘original local educational agen-
 15 cy’); and

16 “(II) transfers to another school
 17 that is under the jurisdiction of a dif-
 18 ferent local educational agency (re-
 19 ferred to in this subparagraph as the
 20 ‘new local educational agency’).

21 “(ii) ELIGIBILITY.—An eligibility de-
 22 termination made by an original local edu-
 23 cational agency with respect to a covered
 24 child shall be transferred to, and honored
 25 by, the new local educational agency, in-

cluding the period for which that determination was authorized, subject to an extension under clause (iii).

“(iii) EXTENSION OF DURATION.—A new local educational agency shall honor the eligibility determination for a covered child under clause (ii) for a period that is 1 year longer than the period for which that determination was authorized by the original local educational agency if the covered child began living with a caregiver—

“(I) in the 12-month period preceding the date on which the covered child is enrolled in a school under the jurisdiction of a new local educational agency; and

“(II) who is—

“(aa) a grandparent or other relative and has legal authority to secure services for the child through an educational or healthcare consent affidavit, power of attorney, or other legal documentation; or

1 “(bb) a grandparent or
 2 other relative and has legal cus-
 3 tody of the child or has com-
 4 menced the process of seeking
 5 legal custody of the child in a
 6 court of law.”; and

7 (3) in subparagraph (D) (as so redesignated)—

8 (A) by redesignating clauses (i) and (ii) as
 9 subclauses (I) and (II), respectively, and in-
 10 denting appropriately;

11 (B) in the matter preceding subclause (I)
 12 (as so redesignated), by striking “Except as”
 13 and all that follows through “(3)(H)(ii)” and
 14 inserting the following:

15 “(i) IN GENERAL.—Except as other-
 16 wise specified in clause (ii), subparagraph
 17 (C), subparagraphs (E) and (H)(ii) of
 18 paragraph (3)”; and

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

20 “(ii) EXTENSION FOR CERTAIN CHIL-
 21 DREN.—A school food authority shall ex-
 22 tend the eligibility determination made by
 23 a local educational agency with respect to
 24 a child for a period that is 1 year longer
 25 than the period for which that determina-

tion was authorized by the local educational agency, if the child began living with a caregiver—

“(I) in the 12-month period preceding the date on which the covered child is enrolled in the new school; and

“(II) who is—

“(aa) a grandparent or other relative and has legal authority to secure services for the child through an educational or healthcare consent affidavit, power of attorney, or other legal documentation; or

“(bb) a grandparent or other relative and has legal custody of the child or has commenced the process of seeking legal custody of the child in a court of law.”.

SEC. 4. EXPANDING AUTOMATIC ELIGIBILITY.

(a) IN GENERAL.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

1 (1) by conforming the margins of clauses (iv)
2 through (vii) to the margin of clause (iii); and

3 (2) in clause (vii)—

4 (A) in subclause (I), by striking “or” at
5 the end;

6 (B) in subclause (II)—

7 (i) by striking “who” and inserting
8 “whom”; and

9 (ii) by striking the period at the end
10 and inserting a semicolon; and

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

12 “(III) a child whose placement
13 with a caregiver was carried out with
14 the involvement of an agency that ad-
15 ministers a State plan under part B
16 or E of title IV of the Social Security
17 Act (42 U.S.C. 601 et seq.) or a tribal
18 child welfare agency, without regard
19 to whether the agency is responsible
20 for the care and placement of the
21 child;

22 “(IV) a child for whom an adop-
23 tion assistance payment is made
24 under section 473(a) of the Social Se-
25 curity Act (42 U.S.C. 673(a)) or

1 under a similar State-funded or State-
2 operated program, as determined by
3 the Secretary;

4 “(V) a child for whom a kinship
5 guardianship assistance payment is
6 made under section 473(d) of the So-
7 cial Security Act (42 U.S.C. 673(d))
8 or under a similar State-funded or
9 State-operated program, as deter-
10 mined by the Secretary, without re-
11 gard to whether the child was pre-
12 viously in foster care; or

13 “(VI) a child of a family that—

14 “(aa) lives in housing dedi-
15 cated to low-income families with
16 a caregiver who is a grandparent
17 or another older person that
18 cares for the child full-time; or

19 “(bb) receives housing or
20 housing assistance under the Na-
21 tive American Housing Assist-
22 ance and Self-Determination Act
23 of 1996 (25 U.S.C. 4101 et
24 seq.).”.

1 (b) CONFORMING AMENDMENTS.—Section 9(d)(2) of
 2 the Richard B. Russell National School Lunch Act (42
 3 U.S.C. 1758(d)(2)) is amended—

4 (1) in subparagraph (D), by striking “(iv) or
 5 (v)” and inserting “(ii), (iii), (iv), (v), or (vii)”;

6 (2) in subparagraph (E), by adding “or” at the
 7 end after the semicolon;

8 (3) by striking subparagraph (F); and

9 (4) by redesignating subparagraph (G) as sub-
 10 paragraph (F) and conforming the margin of sub-
 11 paragraph (F) (as so redesignated) appropriately.

12 **SEC. 5. MEDICAID DIRECT CERTIFICATION.**

13 Section 9(b)(15)(A)(i) of the Richard B. Russell Na-
 14 tional School Lunch Act (42 U.S.C. 1758(b)(15)(A)(i)) is
 15 amended—

16 (1) in subclause (I)—

17 (A) in item (bb), by striking “(bb) who”
 18 and inserting the following:

19 “(BB) who”; and

20 (B) by striking “(I)(aa) who” and insert-
 21 ing the following:

22 “(aa)(AA) who”;

23 (2) in subclause (II)—

24 (A) by striking “regulations) with a child
 25 described in subclause (I)” and inserting “regu-

1 lations)) with a child described in item (aa)”;
 2 and

3 (B) by striking “(II) who” and inserting
 4 the following:

5 “(bb) who”;

6 (3) in the matter preceding item (aa)(AA) (as
 7 so redesignated), by striking “The term” and insert-
 8 ing the following:

9 “(I) IN GENERAL.—The term”;

10 and

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

12 “(II) OTHER CHILDREN.—The term
 13 ‘eligible child’ includes a child that receives
 14 medical assistance under the Medicaid pro-
 15 gram—

16 “(aa) under subclause (I) of sec-
 17 tion 1902(a)(10)(A)(i) of the Social
 18 Security Act (42 U.S.C.
 19 1396a(a)(10)(A)(i)) on the basis of
 20 receiving aid or assistance under the
 21 State plan approved under part E of
 22 title IV of that Act (42 U.S.C. 670 et
 23 seq.) or by reason of section 473(b) of
 24 that Act (42 U.S.C. 673(b)); or

1 “(bb) under subclause (II) of sec-
2 tion 1902(a)(10)(A)(i) of that Act (42
3 U.S.C. 1396a(a)(10)(A)(i)) on the
4 basis of receiving supplemental secu-
5 rity income benefits.”.

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