

117TH CONGRESS  
1ST SESSION

# S. 2664

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

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

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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 Elim-

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

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

“(iii) STATE SELECTION.—

“(I) IN GENERAL.—The Secretary shall select not more than 5 States to each carry out a demonstration project.

“(II) APPLICATIONS.—A State seeking to carry out a demonstration project shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

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

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

“(bb) the extent to which the State has implemented subparagraph (F);

“(cc) the extent to which the direct certification rate of the 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 tiplying—

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

which a demonstration  
project is carried out.

“(BB) FREE RATE.—A  
selected State that receives  
special assistance payments  
at the free reimbursement  
rate under subparagraph  
(F) for more than 90 per-  
cent of the meals served at  
eligible schools in the cov-  
ered school year shall con-  
tinue to receive the free re-  
imbursement rate for not  
less than the same percent-  
age of meals in each school  
year during which a dem-  
onstration project is carried  
out.

“(vii) REPORT.—

“(I) IN GENERAL.—Not later  
than September 30, 2027, the Sec-  
retary, acting through the Adminis-  
trator of the Food and Nutrition  
Service, shall submit to the Com-  
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.”.

○