

118TH CONGRESS
1ST SESSION

H. R. 5407

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2023

Mrs. HAYES (for herself and Ms. OMAR) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Richard B. Russell National School Lunch Act to improve direct certification, 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 Modernization
5 and Efficient Access to Lunches for Students Act of
6 2023” or the “School MEALS Act of 2023”.

7 **SEC. 2. EXPANDING DIRECT CERTIFICATION.**

8 Section 9(b)(4)(F)(iii)(II)(bb) of the Richard B. Rus-
9 sell National School Lunch Act (42 U.S.C.

1 1758(b)(4)(F)(iii)(II)(bb)) is amended by inserting “in
2 not more than 3 school years” after “measures”.

3 **SEC. 3. DIRECT CERTIFICATION IMPROVEMENT GRANTS**
4 **AND TECHNICAL ASSISTANCE.**

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

8 “(16) DIRECT CERTIFICATION IMPROVEMENT
9 GRANTS AND TECHNICAL ASSISTANCE.—

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

11 “(i) ELIGIBLE ENTITY.—The term ‘el-
12 igible entity’ means—

13 “(I) a State agency; and

14 “(II) a Tribal organization.

15 “(ii) INDIAN TRIBE.—The term ‘In-
16 dian Tribe’ has the meaning given the
17 term ‘Indian tribe’ in section 4 of the In-
18 dian Self-Determination and Education
19 Assistance Act (25 U.S.C. 5304).

20 “(iii) RATE OF DIRECT CERTIFI-
21 CATION.—The term ‘rate of direct certifi-
22 cation’ means the percentage of children
23 eligible for direct certification under para-
24 graphs (4) and (5) for a school year that

1 were directly certified under those para-
2 graphs for that school year.

3 “(iv) TRIBAL ORGANIZATION.—The
4 term ‘Tribal organization’ has the meaning
5 given the term ‘tribal organization’ in sec-
6 tion 4 of the Indian Self-Determination
7 and Education Assistance Act (25 U.S.C.
8 5304).

9 “(B) GRANTS.—

10 “(i) IN GENERAL.—The Secretary
11 shall provide grants to eligible entities that
12 administer the school lunch program under
13 this Act to improve the rate of direct cer-
14 tification in the State in which the eligible
15 entity is located.

16 “(ii) PRIORITY.—In providing grants
17 under clause (i), the Secretary shall give
18 priority to States and Tribal organizations
19 with the lowest rates of direct certification.

20 “(iii) USE OF FUNDS.—An eligible en-
21 tity that receives a grant under clause (i)
22 shall use the grant funds to pay costs re-
23 lating to improving the rate of direct cer-
24 tification in the State or Indian Tribe, as
25 applicable, including the cost of—

1 “(I) improving technology relat-
2 ing to direct certification;

3 “(II) providing technical assist-
4 ance to local educational agencies;

5 “(III) newly implementing or re-
6 vising a direct certification system or
7 process in the State (including at local
8 educational agencies in the State) or
9 Indian Tribe, including the cost of
10 equipment; and

11 “(IV) coordinating with multiple
12 public benefits programs to increase
13 the rate of direct certification, includ-
14 ing by conducting feasibility studies
15 and demonstration projects under sec-
16 tion 18(c).

17 “(C) FOOD DISTRIBUTION PROGRAM ON
18 INDIAN RESERVATIONS.—

19 “(i) IN GENERAL.—The Secretary
20 shall provide grants to States and Tribal
21 organizations administering the food dis-
22 tribution program on Indian reservations
23 under section 4(b) of the Food and Nutri-
24 tion Act of 2008 (7 U.S.C. 2013(b))—

1 “(I) in the case of a Tribal orga-
2 nization, if applicable, to establish a
3 rate of direct certification of children
4 that are members of households re-
5 ceiving assistance under that pro-
6 gram; or

7 “(II) to improve the rate of di-
8 rect certification of children that are
9 members of households receiving as-
10 sistance under that program.

11 “(ii) USE OF FUNDS.—A State or
12 Tribal organization receiving a grant under
13 this subparagraph shall use the funds to
14 pay the costs described in subparagraph
15 (B)(iii).

16 “(D) TECHNICAL ASSISTANCE.—The Sec-
17 retary shall provide technical assistance to as-
18 sist the recipients of grants under subpara-
19 graphs (B) and (C), and other eligible entities,
20 as appropriate, in improving the rates of direct
21 certification.

22 “(E) FUNDING.—

23 “(i) IN GENERAL.—On October 1,
24 2023, out of any funds in the Treasury not
25 otherwise appropriated, the Secretary of

the Treasury shall transfer to the Secretary to carry out this paragraph \$28,000,000, to remain available until expended.

“(ii) **FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.**—Of the funds transferred to the Secretary under clause (i), the Secretary shall use not less than \$2,000,000 to carry out subparagraph (C).

“(iii) **TECHNICAL ASSISTANCE.**—Of the funds transferred to the Secretary under clause (i), the Secretary shall use not more than \$3,000,000 to carry out subparagraph (D).

“(iv) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.”.

SEC. 4. ENHANCING THE COMMUNITY ELIGIBILITY OPTION.

Section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended—

(1) in clause (iv)—

(A) in subclause (I)(bb)—

(i) by striking “as of April 1 of the prior school year” and inserting “during the period beginning on April 1 of the prior school year and ending on the last day of that school year”; and

(ii) by striking “as of April 1 of the school year prior” and all that follows through “subparagraph” and inserting “during the period beginning on April 1 of the covered school year and ending on the last day of the covered school year”; and

(B) by adding at the end the following:

“(III) DEFINITION OF COVERED

SCHOOL YEAR.—In this clause, the term ‘covered school year’ means the school year prior to the first school year that a school or local educational agency elected to receive special assistance payments under this subparagraph.”; and

(2) in clause (x)—

(A) in subclause (I), by striking “for the next school year if, not later than June 30 of the current school year,” and inserting “if”;

1 (B) in subclause (II)(aa), by inserting “,
 2 based on counts conducted by schools of identi-
 3 fied students beginning on or after April 1 of
 4 that school year,” after “clause (viii)”;

5 (C) in subclause (IV)(aa), by inserting “,
 6 based on counts conducted by schools of identi-
 7 fied students beginning on or after April 1 of
 8 that school year,” after “clause (viii)”.

9 **SEC. 5. ENHANCING DIRECT CERTIFICATION.**

10 Section 9(b)(15)(B)(ii)(III) of the Richard B. Russell
 11 National School Lunch Act (42 U.S.C.
 12 1758(b)(15)(B)(ii)(III)) is amended by striking “10” and
 13 inserting “20”.

14 **SEC. 6. STATE PERFORMANCE ON ENROLLING CHILDREN**
 15 **RECEIVING PROGRAM BENEFITS FOR FREE**
 16 **SCHOOL MEALS.**

17 Section 4301(b) of the Food, Conservation, and En-
 18 ergy Act of 2008 (42 U.S.C. 1758a(b)) is amended—

19 (1) in paragraph (2), by striking “and” at the
 20 end;

21 (2) in paragraph (3), by striking the period at
 22 the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(4) in the case of a State identified under
 25 clause (ii)(I) of section 9(b)(4)(F) of the Richard B.

1 Russell National School Lunch Act (42 U.S.C.
2 1758(b)(4)(F)), a description of—

3 “(A) the technical assistance provided to
4 the State; and

5 “(B) the progress made by the State in
6 implementing the measures and meeting the
7 goals described in items (aa) through (cc) of
8 clause (iii)(II) of that section.”.

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