

118TH CONGRESS
1ST SESSION

S. 2772

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2023

Mr. CASEY (for himself and Mr. FETTERMAN) 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 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. ENHANCING DIRECT CERTIFICATION.**

4 Section 9(b)(15)(B)(ii)(III) of the Richard B. Russell
 5 National School Lunch Act (42 U.S.C.
 6 1758(b)(15)(B)(ii)(III)) is amended by striking “10” and
 7 inserting “20”.

8 **SEC. 4. DIRECT CERTIFICATION IMPROVEMENT GRANTS**
 9 **AND TECHNICAL ASSISTANCE.**

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

13 “(16) DIRECT CERTIFICATION IMPROVEMENT
 14 GRANTS AND TECHNICAL ASSISTANCE.—

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

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

18 “(I) a State agency; and

19 “(II) a Tribal organization.

20 “(ii) INDIAN TRIBE.—The term ‘In-
 21 dian Tribe’ has the meaning given the
 22 term in section 4 of the Indian Self-Deter-
 23 mination and Education Assistance Act
 24 (25 U.S.C. 5304).

1 “(iii) RATE OF DIRECT CERTIFI-
 2 CATION.—The term ‘rate of direct certifi-
 3 cation’ means the percentage of children
 4 eligible for direct certification under para-
 5 graphs (4) and (5) for a school year that
 6 were directly certified under those para-
 7 graphs for that school year.

8 “(iv) TRIBAL ORGANIZATION.—The
 9 term ‘Tribal organization’ has the meaning
 10 given the term in section 4 of the Indian
 11 Self-Determination and Education Assist-
 12 ance Act (25 U.S.C. 5304).

13 “(B) GRANTS.—

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

20 “(ii) PRIORITY.—In providing grants
 21 under clause (i), the Secretary shall give
 22 priority to States and Tribal organizations
 23 with the lowest rates of direct certification.

24 “(iii) USE OF FUNDS.—An eligible en-
 25 tity that receives a grant under clause (i)

1 shall use the grant funds to pay costs re-
 2 lating to improving the rate of direct cer-
 3 tification in the State or Indian Tribe, as
 4 applicable, including the cost of—

5 “(I) improving technology relat-
 6 ing to direct certification;

7 “(II) providing technical assist-
 8 ance to local educational agencies;

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

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

21 “(C) FOOD DISTRIBUTION PROGRAM ON
 22 INDIAN RESERVATIONS.—

23 “(i) IN GENERAL.—The Secretary
 24 shall provide grants to States and Tribal
 25 organizations administering the food dis-

1 tribution program on Indian reservations
2 under section 4(b) of the Food and Nutri-
3 tion Act of 2008 (7 U.S.C. 2013(b))—

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

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

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

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

25 “(E) FUNDING.—

1 “(i) IN GENERAL.—On October 1,
2 2023, out of any funds in the Treasury not
3 otherwise appropriated, the Secretary of
4 the Treasury shall transfer to the Sec-
5 retary to carry out this paragraph
6 \$28,000,000, to remain available until ex-
7 pended.

8 “(ii) FOOD DISTRIBUTION PROGRAM
9 ON INDIAN RESERVATIONS.—Of the funds
10 transferred to the Secretary under clause
11 (i), the Secretary shall use not less than
12 \$2,000,000 to carry out subparagraph (C).

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

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

1 **SEC. 5. ENHANCING THE COMMUNITY ELIGIBILITY OPTION.**

2 Section 11(a)(1)(F) of the Richard B. Russell Na-
3 tional School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
4 amended—

5 (1) in clause (iv)—

6 (A) in subclause (I)(bb)—

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

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

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

19 “(III) DEFINITION OF COVERED
20 SCHOOL YEAR.—In this clause, the
21 term ‘covered school year’ means the
22 school year prior to the first school
23 year that a school or local educational
24 agency elected to receive special as-
25 sistance payments under this subpara-
26 graph.”; and

1 (2) in clause (x)—

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

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

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

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

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

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

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

23 “(4) in the case of a State identified under
24 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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