

116TH CONGRESS
2D SESSION

H. R. 6536

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2020

Ms. KENDRA S. HORN of Oklahoma (for herself, Mr. BACON, Mr. FITZPATRICK, Mr. TRONE, and Mr. GONZALEZ of Texas) introduced the following bill; which was referred to the Committee on Education and Labor

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 2020” or the
6 “CARE for Kids Act of 2020”.

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 care-
15 giver was carried out with the involvement of
16 an agency that administers a State plan under
17 part B or E of title IV of the Social Security
18 Act (42 U.S.C. 601 et seq.) or a tribal child
19 welfare agency, without regard to whether the
20 agency is responsible for the care and place-
21 ment of the child;

22 “(iv) a child for whom an adoption assist-
23 ance payment is made under section 473(a) of
24 the Social Security Act (42 U.S.C. 673(a)) or

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

3 “(v) a child for whom a kinship guardian-
 4 ship assistance payment is made under section
 5 473(d) of the Social Security Act (42 U.S.C.
 6 673(d)) or under a similar State-funded or
 7 State-operated program, as determined by the
 8 Secretary, without regard to whether the child
 9 was previously in foster care; or

10 “(vi) a child of a family that—

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

15 “(II) receives housing or housing as-
 16 sistance under the Native American Hous-
 17 ing Assistance and Self-Determination Act
 18 of 1996 (25 U.S.C. 4101 et seq.).”.

19 **SEC. 3. EXTENDED ELIGIBILITY.**

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

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

24 (2) by inserting after subparagraph (B) the fol-
 25 lowing:

1 “(C) ELIGIBILITY OF TRANSFERRED CHIL-
2 DREN.—

3 “(i) DEFINITION OF COVERED
4 CHILD.—In this subparagraph, the term
5 ‘covered child’ means a child that—

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

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

17 “(ii) ELIGIBILITY.—An eligibility de-
18 termination made by an original local edu-
19 cational agency with respect to a covered
20 child shall be transferred to, and honored
21 by, the new local educational agency, in-
22 cluding the period for which that deter-
23 mination was authorized, subject to an ex-
24 tension under clause (iii).

1 “(iii) EXTENSION OF DURATION.—A
2 new local educational agency shall honor
3 the eligibility determination for a covered
4 child under clause (ii) for a period that is
5 1 year longer than the period for which
6 that determination was authorized by the
7 original local educational agency if the cov-
8 ered child began living with a caregiver—

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

14 “(II) who is—

15 “(aa) a grandparent or
16 other relative and has legal au-
17 thority to secure services for the
18 child through an educational or
19 healthcare consent affidavit,
20 power of attorney, or other legal
21 documentation; or

22 “(bb) a grandparent or
23 other relative and has legal cus-
24 tody of the child or has com-
25 menced the process of seeking

1 legal custody of the child in a
2 court of law.”; and

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

4 (A) by redesignating clauses (i) and (ii) as
5 subclauses (I) and (II), respectively, and in-
6 denting appropriately;

7 (B) in the matter preceding subclause (I)
8 (as so redesignated), by striking “Except as”
9 and all that follows through “(3)(H)(ii)” and
10 inserting the following:

11 “(i) IN GENERAL.—Except as other-
12 wise specified in clause (ii), subparagraph
13 (C), subparagraphs (E) and (H)(ii) of
14 paragraph (3)”;

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

16 “(ii) EXTENSION FOR CERTAIN CHIL-
17 DREN.—A school food authority shall ex-
18 tend the eligibility determination made by
19 a local educational agency with respect to
20 a child for a period that is 1 year longer
21 than the period for which that determina-
22 tion was authorized by the local edu-
23 cational agency, if the child began living
24 with a caregiver—

1 “(I) in the 12-month period pre-
 2 ceding the date on which the covered
 3 child is enrolled in the new school;
 4 and

5 “(II) who is—

6 “(aa) a grandparent or
 7 other relative and has legal au-
 8 thority to secure services for the
 9 child through an educational or
 10 healthcare consent affidavit,
 11 power of attorney, or other legal
 12 documentation; or

13 “(bb) a grandparent or
 14 other relative and has legal cus-
 15 tody of the child or has com-
 16 menced the process of seeking
 17 legal custody of the child in a
 18 court of law.”.

19 **SEC. 4. EXPANDING AUTOMATIC ELIGIBILITY.**

20 (a) IN GENERAL.—Section 9(b)(12)(A) of the Rich-
 21 ard B. Russell National School Lunch Act (42 U.S.C.
 22 1758(b)(12)(A)) is amended—

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

25 (2) in clause (vii)—

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

3 (B) in subclause (II)—

4 (i) by striking “who” and inserting
5 “whom”; and

6 (ii) by striking the period at the end
7 and inserting a semicolon; and

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

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

18 “(IV) a child for whom an adoption
19 assistance payment is made under section
20 473(a) of the Social Security Act (42
21 U.S.C. 673(a)) or under a similar State-
22 funded or State-operated program, as de-
23 termined by the Secretary;

24 “(V) a child for whom a kinship
25 guardianship assistance payment is made

1 under section 473(d) of the Social Security
2 Act (42 U.S.C. 673(d)) or under a similar
3 State-funded or State-operated program,
4 as determined by the Secretary, without
5 regard to whether the child was previously
6 in foster care; or

7 “(VI) a child of a family that—

8 “(aa) lives in housing dedicated
9 to low-income families with a care-
10 giver who is a grandparent or another
11 older person that cares for the child
12 full-time; or

13 “(bb) receives housing or housing
14 assistance under the Native American
15 Housing Assistance and Self-Deter-
16 mination Act of 1996 (25 U.S.C.
17 4101 et seq.).”.

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

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

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

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

1 (4) by redesignating subparagraph (G) as sub-
 2 paragraph (F) and conforming the margin of sub-
 3 paragraph (F) (as so redesignated) appropriately.

4 **SEC. 5. MEDICAID DIRECT CERTIFICATION.**

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

8 (1) in subclause (I)—

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

11 “(BB) who”; and

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

14 “(aa)(AA) who”;

15 (2) in subclause (II)—

16 (A) by striking “regulations) with a child
 17 described in subclause (I)” and inserting “regu-
 18 lations)) with a child described in item (aa)”;
 19 and

20 (B) by striking “(II) who” and inserting
 21 the following:

22 “(bb) who”;

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

1 “(I) IN GENERAL.—The term”;

2 and

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

4 “(II) OTHER CHILDREN.—The term
5 ‘eligible child’ includes a child that receives
6 medical assistance under the Medicaid pro-
7 gram—

8 “(aa) 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)) on the basis of
12 receiving aid or assistance under the
13 State plan approved under part E of
14 title IV of that Act (42 U.S.C. 670 et
15 seq.) or by reason of section 473(b) of
16 that Act (42 U.S.C. 673(b)); or

17 “(bb) under subclause (II) of sec-
18 tion 1902(a)(10)(A)(i) of that Act (42
19 U.S.C. 1396a(a)(10)(A)(i)) on the
20 basis of receiving supplemental secu-
21 rity income benefits.”.

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