

116TH CONGRESS
1ST SESSION

H. R. 5308

To amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to eliminate reduced price breakfasts and lunches and to require that the income guidelines for determining eligibility for free breakfasts and free lunches be 200 percent of the poverty-level, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2019

Mr. RYAN (for himself, Mr. THOMPSON of California, Mrs. DINGELL, Mr. HASTINGS, Mr. THOMPSON of Mississippi, Ms. JACKSON LEE, and Mrs. HAYES) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to eliminate reduced price breakfasts and lunches and to require that the income guidelines for determining eligibility for free breakfasts and free lunches be 200 percent of the poverty-level, 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; TABLE OF CONTENTS.**

4 (a) IN GENERAL.—This Act may be cited as the “Ex-
5 panding Access to School Meals Act of 2019”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act are as follows:

Sec. 1. Short title; table of contents.

TITLE I—REPEAL OF REDUCED PRICE BREAKFASTS AND
LUNCHES

Sec. 101. Repeal of reduced price breakfasts.

Sec. 102. Repeal of reduced price lunches.

TITLE II—EXPANSION OF FREE LUNCH ELIGIBILITY

Sec. 201. Poverty level for free lunch.

Sec. 202. Direct certification for children receiving Medicaid benefits.

Sec. 203. Direct certification for children enrolled in CHIP.

Sec. 204. Retroactive reimbursement.

Sec. 205. Increase of community eligibility program multiplier.

3 **TITLE I—REPEAL OF REDUCED**
 4 **PRICE BREAKFASTS AND**
 5 **LUNCHES**

6 **SEC. 101. REPEAL OF REDUCED PRICE BREAKFASTS.**

7 (a) IN GENERAL.—Section 4 of the Child Nutrition
 8 Act of 1966 (42 U.S.C. 1758) is amended by adding at
 9 the end the following:

10 “(f) REPEAL OF REDUCED PRICE BREAKFASTS.—
 11 Notwithstanding any other provision of law, the reduced
 12 price breakfast program is repealed and the Secretary may
 13 not provide reimbursements for reduced price breakfasts
 14 under this section.”.

15 (b) CONFORMING AMENDMENTS.—The Child Nutri-
 16 tion Act of 1966 (42 U.S.C. 1771 et seq.) is amended—
 17 (1) by striking “or reduced price” each place it
 18 appears;

1 (2) by striking “for a reduced price” each place
2 it appears;

3 (3) by striking “or at a reduced price” each
4 place it appears;

5 (4) by striking “for reduced price breakfasts”
6 each place it appears; and

7 (5) by striking “and reduced price” each place
8 it appears.

9 (c) FURTHER CONFORMING AMENDMENTS.—Section
10 4(b) of the Child Nutrition Act of 1966 (42 U.S.C.
11 1758(b)) is amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (B), by striking the
14 second sentence; and

15 (B) by striking subparagraph (C); and

16 (2) in paragraph (2), by striking subparagraph
17 (C).

18 **SEC. 102. REPEAL OF REDUCED PRICE LUNCHES.**

19 (a) IN GENERAL.—The Richard B. Russell National
20 School Lunch Act (42 U.S.C. 1751 et seq.) is amended
21 by adding at the end the following:

22 **“SEC. 30. REPEAL OF REDUCED PRICE LUNCHES.**

23 “Notwithstanding any other provision of law, the re-
24 duced price lunch program is repealed and the Secretary

1 may not provide reimbursements for reduced price lunches
 2 under this Act.”.

3 (b) CONFORMING AMENDMENTS.—The Richard B.
 4 Russell National School Lunch Act (42 U.S.C. 1751 et
 5 seq.) is amended—

6 (1) by striking “or reduced price” each place it
 7 appears;

8 (2) by striking “or a reduced price” each place
 9 it appears;

10 (3) by striking “or reduced-price” each place it
 11 appears;

12 (4) by striking “and reduced price” each place
 13 it appears; and

14 (5) by striking “a reduced price” each place it
 15 appears.

16 **TITLE II—EXPANSION OF FREE** 17 **LUNCH ELIGIBILITY**

18 **SEC. 201. POVERTY LEVEL FOR FREE LUNCH.**

19 Section 9(b)(1)(A) of the Richard B. Russell Na-
 20 tional School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is
 21 amended—

22 (1) by striking the third sentence; and

23 (2) by striking “130 percent” and inserting
 24 “200 percent”.

1 **SEC. 202. DIRECT CERTIFICATION FOR CHILDREN RECEIV-**
2 **ING MEDICAID BENEFITS.**

3 Section 9(b)(15) of the Richard B. Russell National
4 School Lunch Act (42 U.S.C. 1758(b)(15)) is amended to
5 read as follows:

6 “(15) DIRECT CERTIFICATION FOR CHILDREN
7 RECEIVING MEDICAID BENEFITS.—

8 “(A) AGREEMENT.—Beginning not later
9 than 90 days after the date of the enactment of
10 the Expanding Access to School Meals Act of
11 2019, each State agency shall enter into an
12 agreement with the one or more State agencies
13 conducting eligibility determinations for the
14 Medicaid program.

15 “(B) PROCEDURES.—Subject to paragraph
16 (6), the agreement shall establish procedures
17 under which an eligible child shall be certified
18 for free lunches under this Act and free break-
19 fasts under section 4 of the Child Nutrition Act
20 of 1966 (42 U.S.C. 1773), without further ap-
21 plication.

22 “(C) CERTIFICATION.—Subject to para-
23 graph (6), under the agreement, the local edu-
24 cational agencies for a school lunch program
25 under this Act and a school breakfast program
26 under the Child Nutrition Act of 1966 (42

1 U.S.C. 1771 et seq.) shall certify an eligible
2 child as eligible for free lunches under this Act
3 and free breakfasts under section 4 of the Child
4 Nutrition Act of 1966 (42 U.S.C. 1773), with-
5 out further application.

6 “(D) DEFINITIONS.—In this paragraph:

7 “(i) ELIGIBLE CHILD.—The term ‘eli-
8 gible child’ means a child—

9 “(I) is a member of a family that
10 meets the income eligibility require-
11 ments under paragraph (1)(A); and

12 “(II) is enrolled in medical as-
13 sistance under a Medicaid State plan
14 (or a waiver of such plan) under title
15 XIX of the Social Security Act (42
16 U.S.C. 1396 et seq.)

17 “(ii) MEDICAID PROGRAM.—The term
18 Medicaid program means the program of
19 medical assistance established under title
20 XIX of the Social Security Act (42 U.S.C.
21 1396 et seq.).

22 “(E) APPLICABILITY.—This paragraph ap-
23 plies to—

24 “(i) in the case of the school year be-
25 ginning July 2020, a school district that

1 had an enrollment of 25,000 students or
 2 more in the preceding school year;

3 “(ii) in the case of the school year be-
 4 ginning July 2021, a school district that
 5 had an enrollment of 10,000 students or
 6 more in the preceding school year; and

7 “(iii) in the case of the school year be-
 8 ginning July 2022, and each subsequent
 9 school year, each local educational agen-
 10 cy.”.

11 **SEC. 203. DIRECT CERTIFICATION FOR CHILDREN EN-**
 12 **ROLLED IN CHIP.**

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

16 “(16) DIRECT CERTIFICATION FOR CHILDREN
 17 ENROLLED IN CHIP.—

18 “(A) AGREEMENT.—Beginning not later
 19 than 90 days after the date of the enactment of
 20 this paragraph, each State agency shall enter
 21 into an agreement with the State agency con-
 22 ducting eligibility determinations for child
 23 health assistance under a State child health
 24 plan (or a waiver of such plan) under title XXI

1 of the Social Security Act (42 U.S.C. 1397 et
2 seq.).

3 “(B) PROCEDURES.—Subject to paragraph
4 (6), the agreement shall establish procedures
5 under which an eligible child shall be certified
6 as eligible for free lunches under this Act and
7 free breakfasts under section 4 of the Child Nu-
8 trition Act of 1966 (42 U.S.C. 1773), without
9 further application.

10 “(C) CERTIFICATION.—Subject to para-
11 graph (6), under the agreement, the local edu-
12 cational agency conducting eligibility determina-
13 tions for a school lunch program under this Act
14 and a school breakfast program under the Child
15 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)
16 shall certify an eligible child as eligible for free
17 lunches under this Act and free breakfasts
18 under section 4 of the Child Nutrition Act of
19 1966 (42 U.S.C. 1773), without further appli-
20 cation.

21 “(D) ELIGIBLE CHILD DEFINED.—In this
22 paragraph, the term ‘eligible child’ means a
23 child who—

1 “(i) is a member of a family that
2 meets the income eligibility requirements
3 under paragraph (1)(A); and

4 “(ii) is enrolled in child health assist-
5 ance under a State child health plan (or a
6 waiver of such plan) under title XXI of the
7 Social Security Act (42 U.S.C. 1397 et
8 seq.)

9 “(E) APPLICABILITY.—This paragraph ap-
10 plies to—

11 “(i) in the case of the school year be-
12 ginning July 2020, a school district that
13 had an enrollment of 25,000 students or
14 more in the preceding school year;

15 “(ii) in the case of the school year be-
16 ginning July 2021, a school district that
17 had an enrollment of 10,000 students or
18 more in the preceding school year; and

19 “(iii) in the case of the school year be-
20 ginning July 2022, and each subsequent
21 school year, each local educational agen-
22 cy.”.

1 **SEC. 204. RETROACTIVE REIMBURSEMENT.**

2 Section 9(b)(9)(C) of the Richard B. Russell National
3 School Lunch Act (42 U.S.C. 1758(b)(9)(C)) is amend-
4 ed—

5 (1) by striking “Except” and inserting the fol-
6 lowing:

7 “(i) IN GENERAL.—Except”;

8 (2) by redesignating clauses (i) and (ii) as sub-
9 clauses (I) and (II); and

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

11 “(ii) RETROACTIVITY.—A local edu-
12 cational agency shall revise a previously
13 submitted meal claim to reflect the eligi-
14 bility approval of a child for free meals for
15 the period that begins on the earlier of the
16 following:

17 “(I) The first day of the current
18 school year.

19 “(II) The date that is 90 days
20 prior to the date of such eligibility ap-
21 proval.

22 “(iii) MEAL CLAIM DEFINED.—In this
23 subsection, the term ‘meal claim’ means
24 any documentation provided by a school
25 food authority to a State agency in order
26 to receive reimbursement for the cost of a

1 meal served to a child by such school food
2 authority.”.

3 **SEC. 205. INCREASE OF COMMUNITY ELIGIBILITY PRO-**
4 **GRAM MULTIPLIER.**

5 Section 11(a)(1)(F) of the Richard B. Russell Na-
6 tional School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
7 amended by striking clause (vii) and inserting the fol-
8 lowing:

9 “(vii) MULTIPLIER.—For each school
10 year beginning on or after July 1, 2020,
11 the multiplier shall be 1.8”.

○