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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mrs. HAYES introduced the following bill; which was referred to the Committee on _____

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 2024” or the
6 “CARE for Kids Act of 2024”.

1 **SEC. 2. ENHANCING DIRECT CERTIFICATION.**

2 Section 9(b)(5) of the Richard B. Russell National
3 School Lunch Act (42 U.S.C. 1758(b)(5)) is amended—

4 (1) in the matter preceding subparagraph (A),
5 by inserting “(including any school operated by the
6 Bureau of Indian Education)” before “may certify”;

7 and

8 (2) in subparagraph (E)—

9 (A) in clause (i), by striking “or” at the
10 end;

11 (B) in clause (ii)—

12 (i) by striking “who” and inserting
13 “whom”; and

14 (ii) by striking the period at the end
15 and inserting a semicolon; and

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

17 “(iii) a child whose placement with a
18 caregiver was carried out with the involve-
19 ment of an agency that administers a
20 State plan under part B or E of title IV
21 of the Social Security Act (42 U.S.C. 601
22 et seq.) or a tribal child welfare agency,
23 without regard to whether the agency is re-
24 sponsible for the care and placement of the
25 child;

1 “(iv) a child for whom an adoption as-
2 sistance payment is made under section
3 473(a) of the Social Security Act (42
4 U.S.C. 673(a)) or under a similar State-
5 funded or State-operated program, as de-
6 termined by the Secretary;

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

15 “(vi) a child of a family that—

16 “(I) lives in housing dedicated to
17 low-income families with a caregiver
18 who is a grandparent or another older
19 person that cares for the child full-
20 time; or

21 “(II) receives housing or housing
22 assistance under the Native American
23 Housing Assistance and Self-Deter-
24 mination Act of 1996 (25 U.S.C.
25 4101 et seq.).”.

1 **SEC. 3. EXTENDED ELIGIBILITY.**

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

4 (1) by redesignating subparagraph (C) as sub-
5 paragraph (D);

6 (2) by inserting after subparagraph (B) the fol-
7 lowing:

8 “(C) ELIGIBILITY OF TRANSFERRED CHIL-
9 DREN.—

10 “(i) DEFINITION OF COVERED
11 CHILD.—In this subparagraph, the term
12 ‘covered child’ means a child that—

13 “(I) has been determined eligible
14 for free or reduced price meals under
15 this Act by a local educational agency
16 (referred to in this subparagraph as
17 the ‘original local educational agen-
18 cy’); and

19 “(II) transfers to another school
20 that is under the jurisdiction of a dif-
21 ferent local educational agency (re-
22 ferred to in this subparagraph as the
23 ‘new local educational agency’).

24 “(ii) ELIGIBILITY.—An eligibility de-
25 termination made by an original local edu-
26 cational agency with respect to a covered

1 child shall be transferred to, and honored
2 by, the new local educational agency, in-
3 cluding the period for which that deter-
4 mination was authorized, subject to an ex-
5 tension under clause (iii).

6 “(iii) EXTENSION OF DURATION.—A
7 new local educational agency shall honor
8 the eligibility determination for a covered
9 child under clause (ii) for a period that is
10 1 year longer than the period for which
11 that determination was authorized by the
12 original local educational agency if the cov-
13 ered child began living with a caregiver—

14 “(I) in the 12-month period pre-
15 ceding the date on which the covered
16 child is enrolled in a school under the
17 jurisdiction of a new local educational
18 agency; and

19 “(II) who is—

20 “(aa) a grandparent or
21 other relative and has legal au-
22 thority to secure services for the
23 child through an educational or
24 healthcare consent affidavit,

1 power of attorney, or other legal
2 documentation; or

3 “(bb) a grandparent or
4 other relative and has legal cus-
5 tody of the child or has com-
6 menced the process of seeking
7 legal custody of the child in a
8 court of law.”; and

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

10 (A) by redesignating clauses (i) and (ii) as
11 subclauses (I) and (II), respectively, and in-
12 denting appropriately;

13 (B) in the matter preceding subclause (I)
14 (as so redesignated), by striking “Except as”
15 and all that follows through “(3)(H)(ii)” and
16 inserting the following:

17 “(i) IN GENERAL.—Except as other-
18 wise specified in clause (ii), subparagraph
19 (C), subparagraphs (E) and (H)(ii) of
20 paragraph (3)”;

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

22 “(ii) EXTENSION FOR CERTAIN CHIL-
23 DREN.—A school food authority shall ex-
24 tend the eligibility determination made by
25 a local educational agency with respect to

1 a child for a period that is 1 year longer
2 than the period for which that determina-
3 tion was authorized by the local edu-
4 cational agency, if the child began living
5 with a caregiver—

6 “(I) in the 12-month period pre-
7 ceding the date on which the covered
8 child is enrolled in the new school;
9 and

10 “(II) who is—

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

18 “(bb) a grandparent or
19 other relative and has legal cus-
20 tody of the child or has com-
21 menced the process of seeking
22 legal custody of the child in a
23 court of law.”.

1 **SEC. 4. EXPANDING AUTOMATIC ELIGIBILITY.**

2 (a) IN GENERAL.—Section 9(b)(12)(A) of the Rich-
3 ard B. Russell National School Lunch Act (42 U.S.C.
4 1758(b)(12)(A)) is amended—

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

7 (2) in clause (vii)—

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

10 (B) in subclause (II)—

11 (i) by striking “who” and inserting
12 “whom”; and

13 (ii) by striking the period at the end
14 and inserting a semicolon; and

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

16 “(III) a child whose placement
17 with a caregiver was carried out with
18 the involvement of an agency that ad-
19 ministers a State plan under part B
20 or E of title IV of the Social Security
21 Act (42 U.S.C. 601 et seq.) or a tribal
22 child welfare agency, without regard
23 to whether the agency is responsible
24 for the care and placement of the
25 child;

1 “(IV) a child for whom an adop-
2 tion assistance payment is made
3 under section 473(a) of the Social Se-
4 curity Act (42 U.S.C. 673(a)) or
5 under a similar State-funded or State-
6 operated program, as determined by
7 the Secretary;

8 “(V) a child for whom a kinship
9 guardianship assistance payment is
10 made under section 473(d) of the So-
11 cial Security Act (42 U.S.C. 673(d))
12 or under a similar State-funded or
13 State-operated program, as deter-
14 mined by the Secretary, without re-
15 gard to whether the child was pre-
16 viously in foster care; or

17 “(VI) a child of a family that—

18 “(aa) lives in housing dedi-
19 cated to low-income families with
20 a caregiver who is a grandparent
21 or another older person that
22 cares for the child full-time; or

23 “(bb) receives housing or
24 housing assistance under the Na-
25 tive American Housing Assist-

1 ance and Self-Determination Act
2 of 1996 (25 U.S.C. 4101 et
3 seq.).”.

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

7 (1) in subparagraph (D), by striking “clauses
8 (iv) or (v)” and inserting “clauses (ii), (iii), (iv), (v),
9 or (vii)”;

10 (2) in subparagraph (E), by adding “or” at the
11 end;

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

13 (4) by redesignating subparagraph (G) as sub-
14 paragraph (F) and conforming the margin of sub-
15 paragraph (F) (as so redesignated) appropriately.

16 **SEC. 5. MEDICAID DIRECT CERTIFICATION.**

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

20 (1) in the matter preceding subclause (I), by
21 striking “The term” and inserting the following:

22 “(I) IN GENERAL.—The term”;

23 (2) in subclause (I), by redesignating items (aa)
24 and (bb) as subitems (AA) and (BB), respectively;

1 (3) by redesignating subclauses (I) and (II) as
2 items (aa) and (bb), respectively;

3 (4) in item (bb), as so redesignated, by striking
4 “regulations) with a child described in subclause
5 (I)” and inserting “regulations)) with a child de-
6 scribed in item (aa)”;

7 (5) by adding at the end the following:

8 “(II) OTHER CHILDREN.—The term
9 ‘eligible child’ includes a child that receives
10 medical assistance under the Medicaid pro-
11 gram—

12 “(aa) under subclause (I) of sec-
13 tion 1902(a)(10)(A)(i) of the Social
14 Security Act (42 U.S.C.
15 1396a(a)(10)(A)(i)) on the basis of
16 receiving aid or assistance under the
17 State plan approved under part E of
18 title IV of that Act (42 U.S.C. 670 et
19 seq.) or by reason of section 473(b) of
20 that Act (42 U.S.C. 673(b)); or

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