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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

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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 2021” or the  
6 “CARE for Kids Act of 2021”.

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)”; and

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 “(iv) or  
8           (v)” and inserting “(ii), (iii), (iv), (v), or (vii)”;

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

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

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

15   **SEC. 5. MEDICAID DIRECT CERTIFICATION.**

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

19           (1) in subclause (I)—

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

22   “(BB) who”; and

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

25   “(aa)(AA) who”;

1 (2) in subclause (II)—

2 (A) by striking “regulations) with a child  
3 described in subclause (I)” and inserting “regu-  
4 lations)) with a child described in item (aa)”;

5 and

6 (B) by striking “(II) who” and inserting  
7 the following:

8 “(bb) who”;

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

12 “(I) IN GENERAL.—The term”;

13 and

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

15 “(II) OTHER CHILDREN.—The term  
16 ‘eligible child’ includes a child that receives  
17 medical assistance under the Medicaid pro-  
18 gram—

19 “(aa) under subclause (I) of sec-  
20 tion 1902(a)(10)(A)(i) of the Social  
21 Security Act (42 U.S.C.  
22 1396a(a)(10)(A)(i)) on the basis of  
23 receiving aid or assistance under the  
24 State plan approved under part E of  
25 title IV of that Act (42 U.S.C. 670 et

1 seq.) or by reason of section 473(b) of  
2 that Act (42 U.S.C. 673(b)); or  
3 “(bb) under subclause (II) of sec-  
4 tion 1902(a)(10)(A)(i) of that Act (42  
5 U.S.C. 1396a(a)(10)(A)(i)) on the  
6 basis of receiving supplemental secu-  
7 rity income benefits.”.