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 2021” or the
6 “CARE for Kids Act of 2021”.
SEC. 2. ENHANCING DIRECT CERTIFICATION.

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

(1) in the matter preceding subparagraph (A), by inserting ``(including any school operated by the Bureau of Indian Education)'' before ``may certify''; and

(2) in subparagraph (E)—

(A) in clause (i), by striking ``or'' at the end;

(B) in clause (ii)—

(i) by striking ``who'' and inserting ``whom''; and

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

(C) by adding at the end the following:

``(iii) a child whose placement with a caregiver was carried out with the involvement of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or a tribal child welfare agency, without regard to whether the agency is responsible for the care and placement of the child;
“(iv) a child for whom an adoption assistance payment is made under section 473(a) of the Social Security Act (42 U.S.C. 673(a)) or under a similar State-funded or State-operated program, as determined by the Secretary;

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

“(vi) a child of a family that—

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

“(II) receives housing or housing assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).”
SEC. 3. EXTENDED ELIGIBILITY.

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

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by inserting after subparagraph (B) the following:

“(C) ELIGIBILITY OF TRANSFERRED CHILDREN.—

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

“(I) has been determined eligible for free or reduced price meals under this Act by a local educational agency (referred to in this subparagraph as the ‘original local educational agency’); and

“(II) transfers to another school that is under the jurisdiction of a different local educational agency (referred to in this subparagraph as the ‘new local educational agency’).

“(ii) ELIGIBILITY.—An eligibility determination made by an original local educational agency with respect to a covered
child shall be transferred to, and honored
by, the new local educational agency, in-
cluding the period for which that deter-
mination was authorized, subject to an ex-
tension under clause (iii).

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

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

“(II) who is—

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

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

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

(A) by redesigning clauses (i) and (ii) as
subclauses (I) and (II), respectively, and in-
denting appropriately;

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

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

(C) by adding at the end the following:

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

“(I) in the 12-month period pre-
ceeding the date on which the covered
child is enrolled in the new school;
and

“(II) who is—

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

“(bb) a grandparent or
other relative and has legal cus-
tody of the child or has com-
menced the process of seeking
legal custody of the child in a
court of law.”.
SEC. 4. EXPANDING AUTOMATIC ELIGIBILITY.

(a) In General.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

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

(2) in clause (vii)—

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

(B) in subclause (II)—

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

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

(C) by adding at the end the following:

“(III) a child whose placement with a caregiver was carried out with the involvement of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or a tribal child welfare agency, without regard to whether the agency is responsible for the care and placement of the child;
“(IV) a child for whom an adoption assistance payment is made under section 473(a) of the Social Security Act (42 U.S.C. 673(a)) or under a similar State-funded or State-operated program, as determined by the Secretary;

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

“(VI) a child of a family that—

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

“(bb) receives housing or housing assistance under the Native American Housing Assist-
ance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).”.

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

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

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

(3) by striking subparagraph (F); and

(4) by redesignating subparagraph (G) as subparagraph (F) and conforming the margin of subparagraph (F) (as so redesignated) appropriately.

SEC. 5. MEDICAID DIRECT CERTIFICATION.


(1) in subclause (I)—

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

“(BB) who”; and

(B) by striking “(I)(aa) who” and inserting the following:

“(aa)(AA) who”;
(2) in subclause (II)—

(A) by striking “regulations) with a child described in subclause (I)” and inserting “regulations)) with a child described in item (aa)”;

and

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

“(bb) who”;

(3) in the matter preceding item (aa)(AA) (as so redesignated), by striking “The term” and inserting the following:

“(I) IN GENERAL.—The term”;

and

(4) by adding at the end the following:

“(II) OTHER CHILDREN.—The term ‘eligible child’ includes a child that receives medical assistance under the Medicaid program—

“(aa) under subclause (I) of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) on the basis of receiving aid or assistance under the State plan approved under part E of title IV of that Act (42 U.S.C. 670 et
seq.) or by reason of section 473(b) of that Act (42 U.S.C. 673(b)); or