

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Richard B. Russell National School Lunch Act to improve program requirements and direct certification, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. FETTERMAN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Richard B. Russell National School Lunch Act to improve program requirements and direct certification, 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.**

4       This Act may be cited as the “School Meal Mod-  
5       ernization and Hunger Elimination Act”.

6       **SEC. 2. DIRECT CERTIFICATION.**

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

## 2

1 (1) in paragraph (4)(F)(iii)(II)(bb), by insert-  
2 ing “in not more than 3 school years” after “meas-  
3 ures”; and

4 (2) in paragraph (5)—

5 (A) in the paragraph heading, by striking  
6 “DISCRETIONARY CERTIFICATION” and insert-  
7 ing “DIRECT CERTIFICATION OF ADDITIONAL  
8 LOW-INCOME CHILDREN”; and

9 (B) in the matter preceding subparagraph  
10 (A), by striking “may certify” and inserting  
11 “(including any school operated by the Bureau  
12 of Indian Education) shall certify”;

13 (C) in subparagraph (B), by inserting a  
14 closing parenthesis before the semicolon at the  
15 end;

16 (D) in subparagraph (D), by striking “or”  
17 at the end; and

18 (E) in subparagraph (E)—

19 (i) in clause (i), by striking “or” at  
20 the end;

21 (ii) in clause (ii)—

22 (I) by striking “who” and insert-  
23 ing “whom”; and

24 (II) by striking the period at the  
25 end and inserting a semicolon; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(iii) a child whose placement with a care-  
4 giver was carried out with the involvement of  
5 an agency that administers a State plan under  
6 part B or E of title IV of the Social Security  
7 Act (42 U.S.C. 601 et seq.) or a Tribal child  
8 welfare agency, without regard to whether the  
9 agency is responsible for the care and place-  
10 ment of the child;

11 “(iv) a child for whom an adoption assist-  
12 ance payment is made under section 473(a) of  
13 the Social Security Act (42 U.S.C. 673(a)) or  
14 under a similar State-funded or State-operated  
15 program, as determined by the Secretary;

16 “(v) a child for whom a kinship guardian-  
17 ship assistance payment is made under section  
18 473(d) of the Social Security Act (42 U.S.C.  
19 673(d)) or under a similar State-funded or  
20 State-operated program, as determined by the  
21 Secretary, without regard to whether the child  
22 was previously in foster care; or

23 “(vi) a child of a family that—

24 “(I) lives in housing dedicated to low-  
25 income families with a caregiver who is a

1 grandparent or another older person that  
2 cares for the child full-time; or

3 “(II) receives housing or housing as-  
4 sistance under the Native American Hous-  
5 ing Assistance and Self-Determination Act  
6 of 1996 (25 U.S.C. 4101 et seq.); or

7 “(F) a child who receives supplemental se-  
8 curity income payments under title XVI of the  
9 Social Security Act (42 U.S.C. 1381 et seq.).”.

10 **SEC. 3. ELIGIBILITY OF TRANSFERRED CHILDREN; RETRO-**  
11 **ACTIVE REIMBURSEMENT.**

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

14 (1) by redesignating subparagraph (C) as sub-  
15 paragraph (D);

16 (2) by inserting after subparagraph (B) the fol-  
17 lowing:

18 “(C) ELIGIBILITY OF TRANSFERRED CHIL-  
19 DREN.—

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

23 “(I) has been determined eligible  
24 for free or reduced price meals under  
25 this Act by a local educational agency

1 (referred to in this subparagraph as  
2 the ‘original local educational agen-  
3 cy’); and

4 “(II) transfers to another school  
5 that is under the jurisdiction of a dif-  
6 ferent local educational agency (re-  
7 ferred to in this subparagraph as the  
8 ‘new local educational agency’).

9 “(ii) ELIGIBILITY.—An eligibility de-  
10 termination made by an original local edu-  
11 cational agency with respect to a covered  
12 child shall be transferred to, and honored  
13 by, the new local educational agency, in-  
14 cluding the period for which that deter-  
15 mination was authorized, subject to an ex-  
16 tension under clause (iii).

17 “(iii) EXTENSION OF DURATION.—A  
18 new local educational agency shall honor  
19 the eligibility determination for a covered  
20 child under clause (ii) for a period that is  
21 1 year longer than the period for which  
22 that determination was authorized by the  
23 original local educational agency if the cov-  
24 ered child began living with a caregiver—

1 “(I) during the 12-month period  
2 preceding the date on which the cov-  
3 ered child is enrolled in a school under  
4 the jurisdiction of a new local edu-  
5 cational agency; and

6 “(II) who is a grandparent or  
7 other relative and—

8 “(aa) has legal authority to  
9 secure services for the child  
10 through an educational or  
11 healthcare consent affidavit,  
12 power of attorney, or other legal  
13 documentation; or

14 “(bb) has legal custody of  
15 the child or has commenced the  
16 process of seeking legal custody  
17 of the child in a court of law.”;

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

19 (A) by redesignating clauses (i) and (ii) as  
20 subclauses (I) and (II), respectively, and in-  
21 denting appropriately;

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

1 “(i) IN GENERAL.—Except as other-  
2 wise specified in clause (ii), subparagraph  
3 (C), subparagraphs (E) and (H)(ii) of  
4 paragraph (3)’’; and  
5 (C) by adding at the end the following:

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

15 “(I) during the 12-month period  
16 preceding the date on which the cov-  
17 ered child is enrolled in the new  
18 school; and

19 “(II) who is a grandparent or  
20 other relative and—

21 “(aa) has legal authority to  
22 secure services for the child  
23 through an educational or  
24 healthcare consent affidavit,

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

3 “(bb) has legal custody of  
4 the child or has commenced the  
5 process of seeking legal custody  
6 of the child in a court of law.”;  
7 and

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

9 “(E) RETROACTIVE REIMBURSEMENT.—

10 “(i) DEFINITIONS.—In this subpara-  
11 graph:

12 “(I) CHANGE IN ELIGIBILITY.—

13 The term ‘change in eligibility’ means,  
14 with respect to eligibility for the  
15 school lunch program under this  
16 Act—

17 “(aa) a change from eligi-  
18 bility for reduced price meals to  
19 eligibility for free meals; and

20 “(bb) a change from non-  
21 eligibility to eligibility for free or  
22 reduced price meals.

23 “(II) MEAL CLAIM.—The term  
24 ‘meal claim’ means any documenta-  
25 tion provided by a school food author-



1           ity to a State agency in order to re-  
2           ceive reimbursement under this Act  
3           for the cost of a meal served to a  
4           child by the school food authority.

5                   “(III)       PREVIOUSLY       SUB-  
6           MITTED.—The term ‘previously sub-  
7           mitted’, with respect to a meal claim,  
8           means a meal claim submitted on or  
9           after the retroactive date.

10                   “(IV) RETROACTIVE DATE.—The  
11           term ‘retroactive date’ means the first  
12           day of the current school year.

13                   “(ii) RETROACTIVITY.—

14                   “(I)   SUBMISSION   OF   MEAL  
15           CLAIMS.—A local educational agency  
16           shall—

17                   “(aa) revise and resubmit a  
18           previously submitted meal claim  
19           to reflect a change in eligibility  
20           described in subclause (i)(I)(aa)  
21           of a child; and

22                   “(bb) submit a meal claim  
23           for any meal provided on or after  
24           the retroactive date for a child

1 that has a change of eligibility  
2 described in subclause (i)(I)(bb).

3 “(II) REIMBURSEMENT BY SEC-  
4 RETARY.—The Secretary shall reim-  
5 burse each meal claim submitted by a  
6 local educational agency under sub-  
7 clause (I).

8 “(iii) REIMBURSEMENT TO FAMI-  
9 LIES.—A local educational agency that re-  
10 ceives a reimbursement under clause  
11 (ii)(II) shall reimburse the household of a  
12 child for any fees paid by the household on  
13 or after the retroactive date and prior to  
14 the change in eligibility of the child.”.

15 **SEC. 4. EXPANDING AUTOMATIC ELIGIBILITY.**

16 (a) IN GENERAL.—Section 9(b)(12)(A) of the Rich-  
17 ard B. Russell National School Lunch Act (42 U.S.C.  
18 1758(b)(12)(A)) is amended—

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

21 (2) in clause (vii)—

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

24 (B) in subclause (II)—

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

3 (ii) by striking the period at the end  
4 and inserting a semicolon; and  
5 (C) by adding at the end the following:

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

15 “(IV) a child for whom an adoption  
16 assistance payment is made under section  
17 473(a) of the Social Security Act (42  
18 U.S.C. 673(a)) or under a similar State-  
19 funded or State-operated program, as de-  
20 termined by the Secretary;

21 “(V) a child for whom a kinship  
22 guardianship assistance payment is made  
23 under section 473(d) of the Social Security  
24 Act (42 U.S.C. 673(d)) or under a similar  
25 State-funded or State-operated program,

1 as determined by the Secretary, without  
2 regard to whether the child was previously  
3 in foster care; or

4 “(VI) a child of a family that—

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

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

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

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

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

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

23 (4) by redesignating subparagraph (G) as sub-  
24 paragraph (F) and conforming the margin of the  
25 subparagraph appropriately.

1 **SEC. 5. UNIVERSAL MEDICAID DIRECT CERTIFICATION.**

2 Section 9(b)(15) of the Richard B. Russell National  
3 School Lunch Act (42 U.S.C. 1758(b)(15)) is amended—

4 (1) in subparagraph (A)—

5 (A) by striking clause (i) and inserting the  
6 following:

7 “(i) ELIGIBLE CHILD.—

8 “(I) IN GENERAL.—The term ‘el-  
9 ible child’ means a child who—

10 “(aa)(AA) is eligible for and  
11 receiving medical assistance  
12 under the Medicaid program; and

13 “(BB) is a member of a  
14 family with an income as meas-  
15 ured by the Medicaid program  
16 that does not exceed, in the case  
17 of eligibility for free meals, 133  
18 percent of the poverty line (as  
19 defined in section 673(2) of the  
20 Community Services Block Grant  
21 Act (42 U.S.C. 9902(2)), includ-  
22 ing any revision required by such  
23 section) applicable to a family of  
24 the size used for purposes of de-  
25 termining eligibility for the Med-  
26 icaid program, or, in the case of

1 eligibility for reduced price meals,  
2 the applicable family size income  
3 level under the income eligibility  
4 guidelines for reduced price  
5 meals; or

6 “(bb) is a member of a  
7 household (as that term is de-  
8 fined in section 245.2 of title 7,  
9 Code of Federal Regulations (or  
10 successor regulations)) with a  
11 child described in item (aa).

12 “(II) OTHER CHILDREN.—The  
13 term ‘eligible child’ includes a child  
14 who is eligible for and receiving med-  
15 ical assistance under the Medicaid  
16 program under subclause (I) of sec-  
17 tion 1902(a)(10)(A)(i) of the Social  
18 Security Act (42 U.S.C.  
19 1396a(a)(10)(A)(i))—

20 “(aa) on the basis of receiv-  
21 ing aid or assistance under the  
22 State plan approved under part  
23 E of title IV of that Act (42  
24 U.S.C. 670 et seq.);

1 “(bb) by reason of section  
2 473(b) of that Act (42 U.S.C.  
3 673(b)); or

4 “(cc) under subclause (II) of  
5 section 1902(a)(10)(A)(i) of that  
6 Act (42 U.S.C.  
7 1396a(a)(10)(A)(i)).”; and

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

9 “(iii) WITHOUT FURTHER APPLICA-  
10 TION.—The term ‘without further applica-  
11 tion’ has the meaning given the term in  
12 paragraph (4)(G).”; and

13 (2) by striking subparagraphs (B) through (H)  
14 and inserting the following:

15 “(B) AGREEMENT.—For the school year  
16 beginning on July 1, 2025, and each school  
17 year thereafter, each State shall enter into an  
18 agreement described in subparagraph (C) with  
19 the 1 or more State agencies conducting eligi-  
20 bility determinations for the Medicaid program.

21 “(C) PROCEDURES.—

22 “(i) IN GENERAL.—Subject to sub-  
23 paragraph (D) and paragraph (6), an  
24 agreement entered into under subpara-  
25 graph (B) shall establish procedures under

1           which an eligible child shall be certified as  
2           eligible, without further application, for—

3                       “(I) free or reduced price lunch  
4                       under this Act; and

5                       “(II) free or reduced price break-  
6                       fast under section 4 of the Child Nu-  
7                       trition Act of 1966 (42 U.S.C. 1773).

8                       “(ii) FREE MEALS.—Each agreement  
9                       entered into under subparagraph (B) shall  
10                      ensure that a child who is simultaneously  
11                      eligible for reduced price meals under this  
12                      paragraph or based on an income eligibility  
13                      determination, and for free meals based on  
14                      documentation provided under subsection  
15                      (d)(2), shall be certified for free meals.

16                      “(D) CERTIFICATION.—Subject to para-  
17                      graph (6), and according to an agreement en-  
18                      tered into under subparagraph (B), the local  
19                      educational agency conducting eligibility deter-  
20                      minations under that agreement shall certify an  
21                      eligible child as eligible, without further applica-  
22                      tion, for—

23                               “(i) free or reduced price lunch under  
24                               this Act; and



1 “(ii) free or reduced price breakfast  
2 under section 4 of the Child Nutrition Act  
3 of 1966 (42 U.S.C. 1773).”.

4 **SEC. 6. DIRECT CERTIFICATION FOR CHILDREN RECEIVING**  
5 **SOCIAL SECURITY INCOME.**

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

9 “(16) DATA FROM SOCIAL SECURITY ADMINIS-  
10 TRATION.—In the case of direct certification under  
11 paragraph (5) or (12)(A) of a child who receives  
12 supplemental security income payments under title  
13 XVI of the Social Security Act (42 U.S.C. 1381 et  
14 seq.), the Commissioner of Social Security shall pro-  
15 vide a local educational agency with the data nec-  
16 essary to certify the child in accordance with a data-  
17 sharing agreement between the Commissioner and  
18 the State in which the local educational agency is lo-  
19 cated.”.

20 **SEC. 7. DIRECT CERTIFICATION IMPROVEMENT GRANTS**  
21 **AND TECHNICAL ASSISTANCE.**

22 Section 9(b) of the Richard B. Russell National  
23 School Lunch Act (42 U.S.C. 1758(b)) (as amended by  
24 section 6) is amended by adding at the end the following:

1           “(17) DIRECT CERTIFICATION IMPROVEMENT  
2           GRANTS AND TECHNICAL ASSISTANCE.—

3           “(A) DEFINITIONS.—In this paragraph:

4                   “(i) ELIGIBLE ENTITY.—The term ‘el-  
5                   igible entity’ means—

6                           “(I) a State agency; and

7                           “(II) a Tribal organization.

8                   “(ii) INDIAN TRIBE.—The term ‘In-  
9                   dian Tribe’ has the meaning given the  
10                  term in section 4 of the Indian Self-Deter-  
11                  mination and Education Assistance Act  
12                  (25 U.S.C. 5304).

13                  “(iii) RATE OF DIRECT CERTIFI-  
14                  CATION.—The term ‘rate of direct certifi-  
15                  cation’ means the percentage of children  
16                  eligible for direct certification under para-  
17                  graphs (4) and (5) for a school year that  
18                  were directly certified under those para-  
19                  graphs for that school year.

20                  “(iv) TRIBAL ORGANIZATION.—The  
21                  term ‘Tribal organization’ has the meaning  
22                  given the term in section 4 of the Indian  
23                  Self-Determination and Education Assist-  
24                  ance Act (25 U.S.C. 5304).

25           “(B) GRANTS.—

1           “(i) IN GENERAL.—The Secretary  
2           shall provide grants to eligible entities that  
3           administer the school lunch program under  
4           this Act to improve the rate of direct cer-  
5           tification in the State or Indian Tribe in  
6           which the eligible entity is located.

7           “(ii) PRIORITY.—In providing grants  
8           under clause (i), the Secretary shall give  
9           priority to States and Tribal organizations  
10          with the lowest rates of direct certification.

11          “(iii) USE OF FUNDS.—An eligible en-  
12          tity that receives a grant under clause (i)  
13          shall use the grant funds to pay costs re-  
14          lating to improving the rate of direct cer-  
15          tification in the State or Indian Tribe, as  
16          applicable, including the cost of—

17               “(I) improving technology relat-  
18               ing to direct certification;

19               “(II) providing technical assist-  
20               ance to local educational agencies;

21               “(III) newly implementing or re-  
22               vising a direct certification system or  
23               process in the State (including at local  
24               educational agencies in the State) or

1 Indian Tribe, including the cost of  
2 equipment; and

3 “(IV) coordinating with multiple  
4 public benefits programs to increase  
5 the rate of direct certification, includ-  
6 ing by conducting feasibility studies  
7 and demonstration projects under sec-  
8 tion 18(c).

9 “(C) FOOD DISTRIBUTION PROGRAM ON  
10 INDIAN RESERVATIONS.—

11 “(i) IN GENERAL.—The Secretary  
12 shall provide grants to States and Tribal  
13 organizations administering the food dis-  
14 tribution program on Indian reservations  
15 under section 4(b) of the Food and Nutri-  
16 tion Act of 2008 (7 U.S.C. 2013(b))—

17 “(I) in the case of a Tribal orga-  
18 nization, if applicable, to establish a  
19 rate of direct certification of children  
20 that are members of households re-  
21 ceiving assistance under that pro-  
22 gram; or

23 “(II) to improve the rate of di-  
24 rect certification of children that are

## 21

1 members of households receiving as-  
2 sistance under that program.

3 “(ii) USE OF FUNDS.—A State or  
4 Tribal organization receiving a grant under  
5 this subparagraph shall use the funds to  
6 pay the costs described in subparagraph  
7 (B)(iii).

8 “(D) TECHNICAL ASSISTANCE.—The Sec-  
9 retary shall provide technical assistance to as-  
10 sist the recipients of grants under subpara-  
11 graphs (B) and (C), and other eligible entities,  
12 as appropriate, in improving the rates of direct  
13 certification.

14 “(E) FUNDING.—

15 “(i) IN GENERAL.—On October 1,  
16 2025, out of any funds in the Treasury not  
17 otherwise appropriated, the Secretary of  
18 the Treasury shall transfer to the Sec-  
19 retary to carry out this paragraph  
20 \$28,000,000, to remain available until ex-  
21 pended.

22 “(ii) FOOD DISTRIBUTION PROGRAM  
23 ON INDIAN RESERVATIONS.—Of the funds  
24 transferred to the Secretary under clause

1 (i), the Secretary shall use not less than  
2 \$2,000,000 to carry out subparagraph (C).

3 “(iii) TECHNICAL ASSISTANCE.—Of  
4 the funds transferred to the Secretary  
5 under clause (i), the Secretary shall use  
6 not more than \$3,000,000 to carry out  
7 subparagraph (D).

8 “(iv) RECEIPT AND ACCEPTANCE.—  
9 The Secretary shall be entitled to receive,  
10 shall accept, and shall use to carry out this  
11 paragraph the funds transferred under  
12 clause (i), without further appropriation.”.

13 **SEC. 8. ENHANCING THE COMMUNITY ELIGIBILITY OPTION.**

14 (a) IN GENERAL.—Section 11(a)(1)(F) of the Rich-  
15 ard B. Russell National School Lunch Act (42 U.S.C.  
16 1759a(a)(1)(F)) is amended—

17 (1) in clause (iv)—

18 (A) in subclause (I)(bb)—

19 (i) by striking “as of April 1 of the  
20 prior school year” and inserting “during  
21 the period beginning on April 1 of the  
22 prior school year and ending on the last  
23 day of that school year”; and

24 (ii) by striking “as of April 1 of the  
25 school year prior” and all that follows

1 through “subparagraph” and inserting  
2 “during the period beginning on April 1 of  
3 the covered school year and ending on the  
4 last day of the covered school year”; and  
5 (B) by adding at the end the following:

6 “(III) DEFINITION OF COVERED  
7 SCHOOL YEAR.—In this clause, the  
8 term ‘covered school year’ means the  
9 school year prior to the first school  
10 year that a school or local educational  
11 agency elected to receive special as-  
12 sistance payments under this subpara-  
13 graph.”;

14 (2) by striking clause (vii) and inserting the fol-  
15 lowing:

16 “(vii) MULTIPLIER.—For each school  
17 year beginning on or after July 1, 2025,  
18 the multiplier shall be 2.5.”; and

19 (3) in clause (x)—

20 (A) in subclause (I), by striking “for the  
21 next school year if, not later than June 30 of  
22 the current school year,” and inserting “if”;

23 (B) in subclause (II)(aa), by inserting “,  
24 based on counts conducted by schools of identi-

1       fied students beginning on or after April 1 of  
2       that school year,” after “clause (viii)”; and

3 (C) in subclause (IV)(aa), by inserting “,  
4 based on counts conducted by schools of identi-  
5 fied students beginning on or after April 1 of  
6 that school year,” after “clause (viii)”.

(b) CONFORMING AMENDMENT.—Section 11(a)(1)(F)(xi) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(xi)) is amended by striking subclause (III).

11 SEC. 9. STATEWIDE FREE UNIVERSAL SCHOOL MEALS DEM-  
12 ONSTRATION PROJECTS.

Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by adding at the end the following:

16 “(G) STATEWIDE FREE UNIVERSAL  
17 SCHOOL MEALS DEMONSTRATION PROJECTS.—

18 “(i) DEFINITIONS.—In this subpara-  
19 graph:

20 “(I) DEMONSTRATION  
21 PROJECT.—The term ‘demonstration  
22 project’ means a demonstration  
23 project carried out under clause (ii).

24 “(II) ELIGIBLE SCHOOL.—



1                   “(aa) IN GENERAL.—The  
2                   term ‘eligible school’ means a  
3                   school that participates in the  
4                   school lunch program under this  
5                   Act and the school breakfast pro-  
6                   gram under section 4 of the  
7                   Child Nutrition Act of 1966 (42  
8                   U.S.C. 1773).

9                   “(bb) EXCLUSION.—The  
10                  term ‘eligible school’ does not in-  
11                  clude residential child care insti-  
12                  tutions (as defined in section  
13                  210.2 of title 7, Code of Federal  
14                  Regulations (or successor regula-  
15                  tions)).

16                  “(III) IDENTIFIED STUDENTS.—  
17                  The term ‘identified students’ has the  
18                  meaning given the term in subpara-  
19                  graph (F)(i).

20                  “(IV) SELECTED STATE.—The  
21                  term ‘selected State’ means a State  
22                  selected to carry out a demonstration  
23                  project under clause (iii)(I).

24                  “(ii) ESTABLISHMENT.—Not later  
25                  than July 1, 2026, the Secretary shall

1 carry out demonstration projects in se-  
2 lected States under which school meals are  
3 provided at no charge to every student at  
4 an eligible school in the selected State.

5 “(iii) STATE SELECTION.—

6 “(I) IN GENERAL.—The Sec-  
7 retary shall select not more than 5  
8 States to each carry out a demonstra-  
9 tion project.

10 “(II) APPLICATIONS.—A State  
11 seeking to carry out a demonstration  
12 project shall submit to the Secretary  
13 an application at such time, in such  
14 manner, and containing such informa-  
15 tion as the Secretary may require.

16 “(III) PRIORITY.—In carrying  
17 out subclause (I), the Secretary shall  
18 give priority to a State based on—

19 “(aa) the level of childhood  
20 poverty in the State;

21 “(bb) the extent to which  
22 the State has implemented sub-  
23 paragraph (F);

24 “(cc) the extent to which the  
25 direct certification rate of the

1 State meets the required percent-  
2 age (as defined in section  
3 9(b)(4)(F)(i));

4 “(dd) the extent to which  
5 the State demonstrates a com-  
6 mitment to providing technical  
7 assistance to local educational  
8 agencies that will implement the  
9 demonstration project in the  
10 State; and

11 “(ee) the extent to which the  
12 State demonstrates a commit-  
13 ment to providing non-Federal  
14 funding under clause (vi)(III).

15 “(iv) START DATE.—A demonstration  
16 project shall begin in a selected State on  
17 the first day of the school year in that  
18 State.

19 “(v) SPECIAL ASSISTANCE PAY-  
20 MENTS.—

21 “(I) FIRST YEAR.—For each  
22 month of the first school year during  
23 which a demonstration project is car-  
24 ried out, a selected State shall receive  
25 special assistance payments at the

1 rate for free meals for a percentage of  
2 all reimbursable meals served in eligi-  
3 ble schools in the State in an amount  
4 equal to the product obtained by mul-  
5 tiplying—

6 “(aa) 1.9; and

7 “(bb) the percentage of  
8 identified students in eligible  
9 schools in the State as of the last  
10 day of the prior school year, up  
11 to a maximum of 100 percent.

12 “(II) SUBSEQUENT YEARS.—For  
13 each month of the second school year  
14 and each subsequent school year dur-  
15 ing which a demonstration project is  
16 carried out, a selected State shall re-  
17 ceive special assistance payments at  
18 the rate for free meals for a percent-  
19 age of all reimbursable meals served  
20 in eligible schools in the State in an  
21 amount equal to the product obtained  
22 by multiplying—

23 “(aa) 1.9; and

24 “(bb) the higher of—

1 “(AA) the percentage  
2 of identified students in eli-  
3 gible schools as of the last  
4 day of the prior school year;  
5 and

6 “(BB) the percentage  
7 of identified students in eli-  
8 gible schools as of the last  
9 day of the school year prior  
10 to the first school year dur-  
11 ing which a demonstration  
12 project is carried out, up to  
13 a maximum of 100 percent.

14 “(III) PAYMENT FOR OTHER  
15 MEALS.—With respect to the reim-  
16 bursable meals described in subclauses  
17 (I) and (II) for which a selected State  
18 is not receiving special assistance pay-  
19 ments under this clause, the reim-  
20 bursement rate shall be the rate pro-  
21 vided under section 4.

22 “(IV) PAYMENTS IN LIEU OF.—A  
23 special assistance payment made  
24 under this clause shall be in lieu of

1 any other special assistance payment  
2 made under this paragraph.

3 “(vi) STATE IMPLEMENTATION.—

4 “(I) PRELIMINARY ACTIVITIES.—

5 Each selected State shall, in the  
6 school year preceding the first school  
7 year during which the demonstration  
8 project shall be carried out in the  
9 State—

10 “(aa) identify each eligible  
11 school in the State;

12 “(bb) in consultation with  
13 the Secretary, combine the per-  
14 centage of identified students  
15 across eligible schools for the  
16 purpose of calculating the max-  
17 imum reimbursement rate to en-  
18 sure that the special assistance  
19 payments received under clause  
20 (v) are for the maximum amount;

21 “(cc) inform local edu-  
22 cational agencies of the dem-  
23 onstration project; and

24 “(dd) coordinate with local  
25 educational agencies to provide

1 information about the demonstra-  
2 tion project to parents or guard-  
3 ians of students attending eligible  
4 schools.

5 “(II) MEAL SERVICE.—As part  
6 of a demonstration project, an eligible  
7 school in a selected State—

8 “(aa) shall not collect appli-  
9 cations for free and reduced price  
10 lunches under this Act; and

11 “(bb) shall make school  
12 meals available to all children at  
13 the school at no charge.

14 “(III) NON-FEDERAL FUND-  
15 ING.—

16 “(aa) IN GENERAL.—Each  
17 selected State may support the  
18 demonstration project using—

19 “(AA) funds from State  
20 and local sources that are  
21 used for the maintenance of  
22 the free lunch program  
23 under this Act and the free  
24 breakfast program under  
25 section 4 of the Child Nutri-

1                   tion Act of 1966 (42 U.S.C.  
2                   1773); and

3                   “(BB) State revenues  
4                   appropriated or used for  
5                   program purposes under sec-  
6                   tion 7.

7                   “(bb) NON-FEDERAL CON-  
8                   TRIBUTIONS.—In addition to the  
9                   funding received under this Act  
10                  and the Child Nutrition Act of  
11                  1966 (42 U.S.C. 1771 et seq.),  
12                  each selected State shall provide  
13                  funding from non-Federal  
14                  sources to ensure that local edu-  
15                  cational agencies in the State re-  
16                  ceive the free reimbursement rate  
17                  for not less than 90 percent of  
18                  the meals served at eligible  
19                  schools.

20                  “(cc) CONTINUATION OF  
21                  FREE RATE.—A selected State  
22                  that receives special assistance  
23                  payments at the free reimburse-  
24                  ment rate under subparagraph  
25                  (F) for more than 90 percent of



1 the meals served at eligible  
2 schools during the school year  
3 preceding the first school year  
4 during which a demonstration  
5 project is carried out shall con-  
6 tinue to receive the free reim-  
7 bursement rate for not less than  
8 the same percentage of meals in  
9 each school year during which a  
10 demonstration project is carried  
11 out.

12 “(vii) REPORT.—

13 “(I) IN GENERAL.—Not later  
14 than September 30, 2030, the Sec-  
15 retary, acting through the Adminis-  
16 trator of the Food and Nutrition  
17 Service, shall submit to the Com-  
18 mittee on Agriculture, Nutrition, and  
19 Forestry of the Senate and the Com-  
20 mittees on Agriculture and Education  
21 and Labor of the House of Represent-  
22 atives a report that evaluates the im-  
23 pact of each demonstration project in  
24 a selected State with respect to—

1                   “(aa) academic achievement,  
2                   absenteeism, tardiness, the school  
3                   environment, child food insecurity  
4                   in the selected State, and  
5                   other key factors identified in  
6                   consultation with the Secretary  
7                   of Education;

8                   “(bb) the rate of partici-  
9                   pation in the free lunch program  
10                  under this Act and the free  
11                  breakfast program under section  
12                  4 of the Child Nutrition Act of  
13                  1966 (42 U.S.C. 1773) among  
14                  identified students and other stu-  
15                  dents;

16                  “(cc) school meal services,  
17                  finances, and operations in the  
18                  selected State;

19                  “(dd) administrative costs to  
20                  the selected State and the school  
21                  food authorities participating in  
22                  the demonstration project; and

23                  “(ee) the integrity of the op-  
24                  eration of the free lunch program

1 under this Act in the selected  
2 State.

3 “(II) FUNDING.—

4 “(aa) IN GENERAL.—On Oc-  
5 tober 1, 2026, out of any funds  
6 in the Treasury not otherwise ap-  
7 propriated, the Secretary of the  
8 Treasury shall transfer to the  
9 Secretary to carry out this clause  
10 \$3,000,000, to remain available  
11 until September 30, 2030.

12 “(bb) RECEIPT AND AC-  
13 CEPTANCE.—The Secretary shall  
14 be entitled to receive, shall ac-  
15 cept, and shall use to carry out  
16 this clause the funds transferred  
17 under item (aa), without further  
18 appropriation.”.

19 **SEC. 10. STATE PERFORMANCE ON ENROLLING CHILDREN**  
20 **RECEIVING PROGRAM BENEFITS FOR FREE**  
21 **SCHOOL MEALS.**

22 Section 4301(b) of the Food, Conservation, and En-  
23 ergy Act of 2008 (42 U.S.C. 1758a(b)) is amended—

24 (1) in paragraph (2), by striking “and” at the  
25 end;

1           (2) in paragraph (3), by striking the period at  
2           the end and inserting “; and”; and

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

4           “(4) in the case of a State identified under  
5           clause (ii)(I) of section 9(b)(4)(F) of the Richard B.  
6           Russell National School Lunch Act (42 U.S.C.  
7           1758(b)(4)(F)), a description of—

8           “(A) the technical assistance provided to  
9           the State; and

10          “(B) the progress made by the State in  
11          implementing the measures and meeting the  
12          goals described in items (aa) through (cc) of  
13          clause (iii)(II) of that section.”.